

Marin County Community Development Agency

Alex Hinds, Director

STAFF REPORT TO THE PLANNING COMMISSION MURRAY DESIGN REVIEW 04-34

Item No:	8.	Application No:	DR 04-34
Applicant:	Matthew Murray	Owner:	Matthew Murray
Property Address:	192 Redwood Drive, Woodacre	Assessor's Parcel:	172-151-39
Hearing Date:	June 21, 2004	Planner:	Curtis Havel

RECOMMENDATION:	Deny
APPEAL PERIOD:	10 calendar days to the Board of Supervisors
LAST DATE FOR ACTION:	June 21, 2004

SUMMARY RECOMMENDATION:

Staff is recommending denial of the Murray Design Review application due to the inability to make the findings for Design Review contained in Marin County Code Section 22.42.060. Although the project is consistent with the development standards of the governing R-1:B-3 zoning district, the project is inconsistent with Countywide Plan policies regarding the Stream Conservation Area (SCA) and visual qualities.

PROJECT DESCRIPTION:

Scott Whitney, on behalf of the property owner, Matthew Murray, has made an application for Design Review proposing to construct a two-story, 1,899 square foot single-family residence and a 480 square foot detached garage on an approximately 19,400 square foot, vacant parcel in Woodacre. As proposed, the dwelling would have a maximum height of 33 feet and the detached garage would have a maximum height of 15 feet. The dwelling would maintain the following minimum setbacks from corresponding property lines: 39 feet from the northeasterly front property line (along Redwood Drive); 31 feet from the northwesterly side property line; 42 feet from the southeasterly side property line; and 62 feet from the southwesterly property line. The detached garage would maintain setbacks of 3 feet from the northeasterly front property line, 46 feet from the northwesterly side property line, 58 feet from the southeasterly side property line, 11 feet from the east elevation of the proposed dwelling, and 62 feet from the top of bank of a tributary creek across Redwood Drive to the northeast. Proposed building materials include dark gray/green composition shingle roofing and natural weathering wood shingle siding. Also proposed is construction of a new on-site sewage disposal system to serve the new residence. Design Review is required because: (1) the proposed residence exceeds 30 feet in height (Marin County Code Section 22.20.060.E.2); (2) the property is vacant and is partially located within the Countywide Plan's Stream Conservation Area (Marin County Code Section 22.42.045); and (3) the lot contains less than one half of the minimum lot area required by the lot-slope ordinance (Marin County Code Section 22.42.030).

GENERAL INFORMATION:

Countywide Plan: SF4 (Single Family, 1 to 2 units per acre allowable density)
Zoning: R-1:B-3 (Residential, Single Family, 20,000 square feet minimum lot area)
Lot size: Approximately 19,400 square feet
Adjacent Land Uses: Single-family residential
Vegetation: Native woodland habitat
Topography and Slope: Approximately 40% upslope from northeast to southwest
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 pursuant to Section 15270 because CEQA does not apply to project which a public agency rejects or disapproves.

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. To date, staff has not received any correspondence in response to the public notice.

SETTING:

The 19,400 square foot vacant property is located along the southwesterly side of Redwood Drive in Woodacre approximately 1,400 feet southeast of Park Street. The top of bank of a tributary of San Geronimo Creek, an important anadromous fish creek, is located across Redwood Drive approximately 59 feet from the northeasterly front property line. The subject property is accessed via Redwood Drive and can be considered an infill lot as the neighborhood is governed by a conventional zoning district and exhibits relatively uniform single-family residential development along both sides of Redwood Drive. Vegetation on the site consists of an oak/bay/madrone woodland, and the property slopes upward from Redwood Drive with an approximately 40% slope.

COUNTYWIDE PLAN CONSISTENCY:

The proposed development is consistent with the Countywide Plan's Residential land use designation (SF4 - Single Family, 1 to 2 units per acre allowable density) for the property (Policy CD-8.4 – Single Family Land Use Categories and Densities), and would result in a conforming residential density of one unit per approximately 0.5 acres. However, the project is inconsistent with Countywide Plan policies related to streamside setbacks (EQ-2.3 Definition of Stream Conservation Areas), and visual impacts due to building massing (EQ-3.8 Built Environment, and EQ-3.11 Visual Qualities and Views) as set forth below.

- EQ-2.3 (Definition of Stream Conservation Areas): The project is inconsistent with this policy because the detached garage and driveway improvements would be located within the 100-foot Stream Conservation Area. Policy EQ-2.3 of the Countywide Plan requires that a Stream Conservation Area (SCA) be designated along all natural watercourses shown as a solid or dashed blue line on the most recent appropriate USGS quad sheet. The creek located across Redwood Drive is a tributary to San Geronimo Creek and is shown as a blue line creek on USGS quad sheets. The garage is set back approximately 61 feet from the top of bank.

Development may occur within the SCA only if the property is located entirely within the SCA or it can be conclusively demonstrated that development on any other portion of the parcel (outside of the SCA) would

have greater impacts on water quality. Development on the property will unavoidably encroach into the SCA because the northeasterly front portion of the property along Redwood Drive is located entirely within the SCA. However, it appears that project alternatives may exist that would reduce and possibly eliminate the SCA encroachment by relocating the garage farther away from the top of creek bank and minimize construction of impervious surfaces through use of best management practices such as vegetated swales to filter runoff, permeable surfaces to minimize runoff, and hardscape design features to collect and disperse runoff over time thereby preventing culverted drainage points into the creek. Based on application materials submitted by the applicant, staff cannot make the finding that development elsewhere on the property would result in greater impacts to water quality.

The project does not sufficiently demonstrate how the current location of the garage and driveway would be preferred to other alternatives. Staff acknowledges that the footprint of the proposed single-family dwelling has been designed to minimize the amount of new impervious surfaces introduced on the property. Furthermore, staff recognizes that development on the site is constrained by the location of the septic system in the southerly corner of the lot, and steep, wooded slopes in the southwesterly portion of the property (please refer to Attachment 5 for a graphical representation of the site constraints). However, there may be alternative siting locations for the single-family residence and garage that would comply with the SCA. These alternatives are discussed further below in the Alternatives section.

- EQ-3.8 (Built Environments), and EQ-3.11 (Visual Qualities and Views): These policies require that projects be of good design both functionally and aesthetically, and that visual qualities of the natural and built environments be considered in any project. In hillside areas, there are a number of design techniques and practices that can further these policy objectives. For example, development proposed on steep hillsides should utilize the surrounding natural features to better blend in with the hillside environment. General building forms should include low profiles that are stepped down hillsides to conform to the surrounding natural terrain. Roofs should be pitched and oriented to reflect the slope and direction of the surrounding natural terrain, and roof forms and rooflines should be broken into a series of smaller building components. The dwelling as viewed from downhill locations, should, to the extent feasible, present a low-slung horizontal silhouette by integrating deck and foundation design into the shape of the building and site topography. Furthermore, the overall design of a hillside design should utilize a split-level design which utilizes building articulation to minimize apparent mass and bulk. Exterior walls should be composed of a series of smaller horizontal and vertical planes to break up the visual bulk and massing of the improvements and reflect the irregular terrain found in hillside settings.

The project reflects some of the above design features such as a compatible roof pitch and the use of natural building materials and colors. However, the project departs from these policies because the more prominent building forms have not been designed to blend into the hillside environment. The design of the proposed single family dwelling includes a 10-foot tall understory area and a large cathedral ceiling space above the dining and living area that contributes to the mass, bulk, and visual prominence of the structure. The project, as it is designed, consists of a uniform rectangular shape that does not provide sufficient articulation of vertical planes, does not step down the hillside, and creates an excessive understory area that adds mass and bulk to the structure. Staff acknowledges opportunities to excavate and lower the house into the hillside are limited by the dwelling's proximity to the septic system (the structure must maintain a setback of at least 25 feet from the leachfield and no cuts greater than 24 inches deep are allowed with 50 feet of the leachfield). However, opportunities exist to shift the location of the residence to the northwest which would enable the understory of the dwelling to be utilized as living area or an area for the garage. These alternatives are discussed further below in the Alternatives section.

Staff acknowledges that homes constructed to either side of the subject property are similar in mass and bulk to the proposed project and do not reflect hillside designs. However, those projects were not subject to discretionary review at the time they were constructed and reflect an example of development that is generally discouraged in a hillside setting under contemporary standards and policies. Staff would recommend that the project be redesigned to utilize the understory space as living area, to eliminate the

cathedral ceiling space above the living and dining area, and to incorporate a roof deck off of the master bedroom in this area.

ZONING CONSISTENCY:

The proposed single-family dwelling and detached garage currently meet the development standards established by the R-1:B-3 zoning district with respect to setbacks and floor area ratio. Marin County Code Section 22.42.030 (Substandard Building Sites) states that when a vacant legal parcel is proposed for single-family residential development, and when the parcel is at least 50 percent smaller in total area than required for new parcels under applicable zoning district or slope regulations, the proposed development shall be subject to Design Review. In these instances, setback requirements shall be waived, but applied where appropriate. The location of the garage is consistent with the zoning because Marin County Code Section 22.32.130.B.2 states that where the slope of the front one-half of the parcel is 20 percent or more, a garage may be built to within 3 feet of the front and side property lines, as is the case here.

The proposed single-family dwelling has a proposed height of 33 feet and as such exceeds the 30-foot height limit established by the R-1:B-3 zoning district. However, pursuant to Marin County Code Section 22.20.060.E.2, single-family dwellings *may* be increased in height to a maximum of 10 feet (from 30 feet to 40 feet) when side setbacks of 15 feet or greater are provided *subject to Design Review approval*. Although the proposed dwelling maintains setbacks of 15 feet or greater to the side property lines, the design of the proposed residence does not minimize mass and bulk conditions or reflect a design that is sensitive to the hillside setting. Therefore, staff maintains that a height exceeding 30 feet is not warranted because it unnecessarily contributes to excessive mass and bulk conditions on this project.

While the project is generally consistent with the R-1:B-3 zoning district, staff cannot support the proposed height of 33 feet because siting and design alternatives are available that would minimize building mass and bulk, thereby reducing the visual prominence of the structure on the property. Staff would be more inclined to support the variation in height if the project was designed to utilize understory spaces as living areas, and articulate upper floors to prevent the extent of unbroken vertical planes that unnecessarily add to the mass and bulk of the structure. Please refer to alternatives discussed further below in the Alternatives section.

DESIGN REVIEW ANALYSIS:

Design Review is required because: (1) the proposed residence exceeds 30 feet in height (Marin County Code Section 22.20.060.E.2); (2) the property is partially located within the Countywide Plan's Stream Conservation Area (Marin County Code Section 22.42.045); and, (3) the lot contains less than one half of the minimum lot area necessary pursuant to the lot-slope ordinance (Marin County Code Section 22.42.030).

Staff is unable to affirmatively make Design Review findings required by Marin County Code Section 22.42.060 for the following reasons: (1) the project is inconsistent with Policies in the Countywide Plan related to the Stream Conservation Area (Policy EQ-2.3) and Visual Quality (Policies EQ-8 and EQ-11) as discussed above in the Countywide Plan Consistency section; and (2) the project design would result in a development of overall bulk and mass that would adversely contrast with the surrounding natural hillside environment (as opposed to blending in with the surrounding natural environment).

Compatibility with Surrounding Environments

The project is incompatible with the surrounding natural environment because the height and building forms of the proposed single-family dwelling would not blend into the hillside environment and result in development that would be visually obtrusive. The northeasterly elevation consists of a 27-foot tall vertical surface that result in a height of 33 feet as measured from the highest roof ridge to the finished grade. The understory area as viewed from the northeasterly elevation has a height of 10 feet, which makes the building take on the appearance of a 3-story structure.

Design Review findings state that a proposed project must satisfy its functional requirements without being unsightly or creating incompatibility with its locale and surrounding neighborhood. Additionally, the proposed project should minimize or eliminate adverse physical or visual effects which might otherwise result from unplanned or inappropriate development, design, or placement.

The proposed project does not adequately articulate the building form and as a result would create a structure that would appear more massive than its actual size. As discussed earlier, the understory area and the cathedral ceiling space above the dining and living area do not consist of functional living area but contribute to the excessive mass and bulk of the dwelling.

The applicant has proposed decking and landscaping to soften the vertical elevation in response to issues raised by staff (please refer to Attachment 10). It was also pointed out that the location of the garage on the property would provide some visual relief by partially obstructing the full vertical view of the residence. While this aspect of the site design does hold merit, the design of the proposed residence would still be incompatible with the hillside environment and would not address the encroachment of the garage into the SCA. Furthermore, the project as currently proposed does not incorporate general building forms with low profiles that are stepped down hillsides to conform to the surrounding natural terrain, and the dwelling, as viewed from downhill locations, would not present a low-slung horizontal silhouette by integrating deck and foundation design into the shape of the building and site topography. Finally, hillside design features that are sensitive to hillside environments look to minimize vertical and horizontal planes by utilizing a simple, split level design which relies upon building articulation to minimize apparent mass and bulk (as opposed to landscaping).

Project alternatives are discussed further below that would address design issues, and potentially reduce or eliminate the projects inconsistency with the SCA policy.

Project Alternatives

Should the Planning Commission concur regarding the merits of the project as set forth above, staff recommends that you direct the applicant to consider incorporation of the following modifications with a subsequent application submittal: (1) revised siting of the dwelling and garage; and (2) redesign of the structures to minimize mass, bulk and be more compatible with the hillside environment.

1. The structure is required to maintain a setback of at least 25 feet from the septic system's leachfield. Additionally, no excavation deeper than 24 inches is allowed within 50 feet of the septic system's leachfield. The location of the SCA prevents the dwelling from being shifted in a northeasterly direction. However, there is ability to shift the dwelling in a northwesterly direction, so that a larger portion is outside of the 50-foot setback radius from the septic system's leachfield, and still outside of the SCA. This shift in siting would provide opportunities to incorporate living area into the graded hillside, thereby reducing the overall height and massing on the upper floor. In addition, elimination of the cathedral ceiling space above the living and dining area would enable the upper floor to step back in the northeasterly elevation. Finally, these modifications would provide the opportunity for the applicant to incorporate outdoor living areas into the design of the project through such features as a roof deck off the master bedroom.
2. The garage could be resited partially or entirely outside of the SCA by integrating it into the understory of the single-family dwelling or further excavated into the hillside as a separate structure. A garage bunkered into the hillside, either under the house or nearby could reduce the amount of driveway required for ingress and egress. It should also be mentioned that a covered garage would likely be preferable to an uncovered parking area in an effort to prevent petrochemical runoff from vehicles parked on the property. In either case, staff would recommend incorporation of best management practices into the site design to filter pollutants and minimize site runoff draining into the creek.

CONCLUSION:

The proposed project is inconsistent with policies in the Marin Countywide Plan relating to stream conservation areas and compatibility with the natural environment. Additionally, the project as proposed is inconsistent with the findings for Design Review because the design of the residence does not minimize the apparent bulk and mass of the structure and is not compatible with the hillside environment.

Alternatives to the currently proposed project, as discussed above, should be explored to reduce the encroachment of the garage into the SCA, and to minimize the apparent bulk and mass of the structure. An alternative site design that accounts for the SCA, septic design, steep slopes and vegetative constraints is possible. It is probable that a combination of design alterations, as discussed previously, with consideration and more detailed analyses of alternative relocated building sites documenting the most preferable alternative to minimize impermeable surfaces and runoff, could result in a revised project that would be more supportable by staff.

RECOMMENDATION:

Staff recommends that the Planning Commission review the administrative record, conduct a public hearing, and adopt the attached resolution denying the Murray Design Review 04-34.

- Attachments:
1. Proposed Resolution recommending denial of the Murray Design Review 04-34
 2. CEQA Exemption
 3. Location Map
 4. Site Plan
 5. Constraints Map
 6. Floor Plan
 7. Building Sections
 8. Elevations
 9. Depiction of Stream Conservation Areas (provided by applicant)
 10. Revised Elevations depicting additional decking and landscaping
 11. Department of Public Works, Land Use and Water Resources Memorandum, 4/14/04
 12. Marin County Environmental Health Services Transmittal, 4/6/04
 13. Letter from the Salmon Protection and Watershed Network, 4/5/04
 14. Letter from Barry Greer, 2/18/04
 15. Letter from Wendy Greer, 2/18/04
 16. Letter from Pipan Cavagnaro, 1/28/04
 17. Letter from Marla Dell, 1/28/04
 18. Letter from the Marin Municipal Water District, 12/31/03
 19. Arborist Report, received and date stamped, 11/25/03
 20. Letter from Arthur Knutson, Civil Engineer, 10/2/03

MARIN COUNTY PLANNING COMMISSION

RESOLUTION _____

A RESOLUTION DENYING THE MURRAY DESIGN REVIEW 04-34
ASSESSOR'S PARCEL 172-151-39
192 REDWOOD DRIVE, WOODACRE

SECTION I: FINDINGS

- I. WHEREAS Scott Whitney, on behalf of the property owner, Matthew Murray, has submitted an application for Design Review proposing to construct a two-story, 1,899 square foot single-family residence and a 480 square foot detached garage on an approximately 19,400 square foot, vacant parcel in Woodacre. As proposed, the dwelling would have a maximum height of 33 feet and the detached garage would have a maximum height of 15 feet. The dwelling would maintain the following minimum setbacks from corresponding property lines: 39 feet from the northeasterly front property line (along Redwood Drive); 31 feet from the northwesterly side property line; 42 feet from the southeasterly side property line; and 62 feet from the southwesterly property line. The detached garage would maintain setbacks of 3 feet from the northeasterly front property line, 46 feet from the northwesterly property line, 58 feet from the southeast property line, 11 feet from the east elevation of the proposed dwelling, and 68.2 feet from the top of bank of a tributary creek across Redwood Drive. Proposed building materials include dark gray/green composition shingle roofing and natural weathering wood shingle siding. Also proposed is construction of a new on-site sewage disposal system to serve the new residence. The subject property is located at **192 Redwood Drive, Woodacre** , and is further identified as Assessor's Parcel **172-151-39**.
- II. WHEREAS the Marin County Planning Commission held a duly noticed public hearing on June 21, 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 the proposed project is Categorically Exempt from the requirements of the California Environmental Quality Act, per Section 15270 because CEQA does not apply to project which a public agency rejects or disapproves.
- IV. WHEREAS the Marin County Planning Commission finds that the proposed project is inconsistent with the Marin Countywide Plan for the following reasons:
 - A. EQ-2.3 (Definition of Stream Conservation Areas): The project is inconsistent with this policy because the detached garage and driveway improvements would be located approximately 61 feet from the top of creek bank (within the 100-foot streamside conservation area). Based on application materials submitted by the applicant, it cannot be conclusively determined whether development elsewhere on the property would result in greater impacts to water quality.
 - B. EQ-3.8 (Built Environments), and EQ-3.11 (Visual Qualities and Views): These policies require that projects be of good design both functionally and aesthetically, and that visual qualities of the natural and built environments be considered in any project. The project departs from these policies because the more prominent building forms have not been designed to blend into the hillside environment. The design of the proposed single family dwelling includes a 10-foot tall understory area and a large cathedral ceiling space above the dining and living area that contributes to the mass, bulk, and visual prominence of the structure. The project, as it is designed, consists of a uniform rectangular shape that does not provide sufficient articulation of vertical planes, does not step down the hillside, and creates an excessive understory area that adds mass and bulk to the structure.

V. WHEREAS the Marin County Planning Commission finds that the proposed project is inconsistent with the mandatory Design Review findings 1, 5, 6a, 7, and 8 below (Section 22.42.060 of the Marin County Code).

- 1. 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.**

The proposed single-family dwelling, driveway, and garage would not satisfy their functional requirements without being unsightly or creating substantial disharmony with its locale and surroundings. The project is incompatible with the surrounding natural environment because the height and building forms of the proposed single-family dwelling would not blend into the hillside environment and result in development that would be visually obtrusive. The northeasterly elevation consists of a 27-foot tall vertical surface that result in a height of 33 feet as measured from the highest roof ridge to the finished grade. The understory area as viewed from the northeasterly elevation has a height of 10 feet, which makes the building take on the appearance of a 3-story structure. The overall size and profile of the dwelling would adversely contrast with the surrounding natural hillside environment as opposed to blending in with the hillside setting and natural environment.

- 2. 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.**

The project 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 because the project would result in a the construction of a single-family residence on an infill lot.

- 3. 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.**

The project would not directly, or cumulatively, impair, inhibit, or limit further investment or improvements in the vicinity, on the same or other properties, including public lands and rights-of-way because the project consists of the construction of a single-family dwelling on an infill lot and would be a use that is consistent with the governing zoning district. Furthermore, the proposed improvements would take place entirely within the subject property and would not interfere with projects on other properties.

- 4. 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.**

The proposed project would not involve the removal of any significant trees. Furthermore, the project incorporates a number of trees specimens strategically placed around the dwelling that would eventually mature and fill in to partially soften and screen views of the structure from off-site locations.

5. 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 single-family dwelling will not comply with the design characteristics listed in Chapter 22.16 with respect to height because the height of the structure would be 33 feet where 30 feet would otherwise be allowed by the R-1:B-3 zoning district.

6. 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:

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

The project would not minimize or eliminate adverse physical or visual effects and would be incompatible with the surrounding natural environment because the project would result in a development of overall bulk and mass that would create a stark contrast with the surrounding natural hillside environment (as opposed to blending in with the surrounding natural environment). The project as currently proposed does not incorporate general building forms with low profiles that are stepped down hillsides to conform to the surrounding natural terrain, and the dwelling, as viewed from downhill locations, would not present a low-slung horizontal silhouette by integrating deck and foundation design into the shape of the building and site topography. Finally, hillside design features that are sensitive to hillside environments look to minimize vertical and horizontal planes by utilizing a simple, split level design which relies upon building articulation to minimize apparent mass and bulk (as opposed to landscaping). Based on the reasons stated above, this finding cannot be made.

b. Drainage systems and appurtenant structures;

The drainage system for the project has been reviewed and accepted by the Department of Public Works. As part of the Building Permit review, the Department of Public Works will review the grading and drainage plans to ensure that the project incorporates suitable drainage systems that would adequately collect, convey, distribute surface run-off into appropriate drainage systems.

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

The primary grading to occur on the site is within the proposed building footprint and for the proposed driveway and garage. The overall amounts of grading proposed are not excessive for a single-family residential development. General site disturbance will be limited to within the building footprint, area of driveway and garage improvements, and septic system.

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

The development on the property will not interfere with the containment, movement, or circulation of animals, conveyances, or persons.

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

The siting of the residence will not eliminate the sun and/or light exposure on adjacent properties, or result in the elimination of views, vistas, or privacy.

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

The project does not incorporate features which foster and natural resource conservation. Alternatives to the project should incorporate energy-conserving design features. However, the project is on a north-facing slope and therefore will need to incorporate features other than solar to minimize energy and resource consumption.

- 8. **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.**

The project would involve the construction of a new single-family residence, which would comply with the SF4 (Single-family, 1 to 2 units per acre maximum density) land use designation, and is a principally-permitted use under the governing R-1:B-3 zoning district. The project would provide housing opportunities in the City Centered Corridor without adversely affecting agricultural areas or public open space in the project vicinity. The use of the land in a primarily residential capacity would be consistent with other land uses in the area and as such would not be a detriment to the public interest, health, safety, convenience, or welfare of the County.

However, as discussed in Finding IV above, the project would be inconsistent with Policies EQ-2.3, EQ-3.8, and EQ-3.11 of the Countywide Plan because the project would be partially located in the stream conservation area, and would result in the construction of a structure that is incompatible with the hillside environment due to the mass, bulk, and visual prominence of the building. Therefore, this finding cannot be made.

SECTION II: ACTION

NOW, THEREFORE BE IT RESOLVED that the Marin County Planning Commission denies the Murray Design Review application.

SECTION III: APPEAL RIGHTS

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 **July 1, 2004**.

SECTION IV: VOTE

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the County of Marin, State of California, on the 21st day of June, 2004, by the following vote to wit:

AYES:

NOES:

ABSENT:

ALLAN BERLAND, CHAIRPERSON
MARIN COUNTY PLANNING COMMISSION

Attest:

Alexandra Morales
Planning Secretary