



MARIN COUNTY

COMMUNITY DEVELOPMENT AGENCY

ALEX HINDS, DIRECTOR

STAFF REPORT TO THE PLANNING COMMISSION

KENT WOODLANDS PROPERTY OWNERS ASSOCIATION'S APPEAL OF THE COMMUNITY DEVELOPMENT AGENCY'S CONDITIONAL APPROVAL OF THE LAMAR DESIGN REVIEW

Item No:	9	Application No:	DR 04-38
Applicants:	Steven and Lisa Lamar	Appellant:	Kent Woodlands Property Owners Association
Property Address:	25 Westwood Drive, Kentfield	Assessor's Parcel:	075-062-05
Hearing Date:	September 27, 2004	Planner:	Megan Basinger

RECOMMENDATION:	Deny the Kent Woodlands Property Owners Association's Appeal and Sustain the Community Development Agency's Conditional Approval of the Lamar Design Review Application
APPEAL PERIOD:	Ten calendar days to the Marin County Board of Supervisors
LAST DATE FOR ACTION:	September 27, 2004

SUMMARY RECOMMENDATION:

Staff recommends that the Planning Commission deny the Kent Woodlands Property Owners Association (KWPOA) appeal and sustain the Community Development Agency's (CDA) conditional approval of the Lamar Design Review allowing the demolition of the existing, 2,473 square foot residence and the construction of a new, 4,187 square foot single family residence.

PROJECT DESCRIPTION:

The applicant is requesting Design Review approval to demolish the existing, 2,473 square foot residence and construct a 4,187 square foot residence with a 562 square foot attached garage that has a maximum height of 28 feet above grade and maintains the following setbacks from the nearest corresponding property lines: 11.5 feet from the western front property line, 31 feet from the southern side property line, over 100 feet from the eastern rear property line, and 15 feet from the northern side property line. Included in the proposal is the construction of a new outdoor barbecue that is directly adjacent to the western front property line, a new spa located 19 feet to the southeast of the residence, and new retaining walls up to 5.5 feet in height in the northern side yard. The residence is proposed to be finished in a stone veneer and painted shingle siding.

SUMMARY OF THE KWPOA APPEAL

On July 29, 2004, the CDA granted a conditional approval of the Lamar Design Review for the demolition of the existing residence and the construction of a new, 4,187 square foot residence with a 562 square foot attached garage. The conditions of project approval required the applicant to reduce the height of the residence from 28 feet above grade to a maximum of 25 feet above grade, either by reducing the height or by modifying the roof pitch from 5:12 to 4:12 or an alternative means. On August 9, 2004, the KWPOA

filed a timely appeal of the CDA's conditional approval of the Lamar Design Review asserting the following issues: 1) the new residence will result in visual impacts to neighboring properties due to the increased size, change in siting, and reduced setbacks; 2) adequate guest parking is not provided on the site; and 3) the change in topography due to the fill is not appropriate for the area.

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: 36,830 square feet
Adjacent Land Uses: Single-family residential
Vegetation: Introduced landscaping consisting of trees and shrubs
Topography and Slope: Flat building pad, steeply sloped hillside
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 15303, Class 3 of the CEQA Guidelines because the demolition of the existing residence and construction of a new single family residence will not result in potentially significant impacts on the environment.

PUBLIC NOTICE:

The Community Development Agency has provided public notice of the appeal hearing identifying the applicant and appellant, 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.

PLAN CONSISTENCY:

The proposed project is generally consistent with the goals and policies of the Marin Countywide Plan and the Kent Woodlands Land Use Policy Report. Please refer to the plan consistency findings contained in the attached resolution. Comments were received from the KWPOA in response to the project and are included as attachments.

PROJECT ANALYSIS:

The subject property consists of an approximately 23,356 square foot, irregularly shaped, narrow lot located in the Kent Woodlands subdivision of Kentfield. The property is currently developed with a 2,473 square foot, two-story residence with an attached 902 square foot, two-car garage, and a swimming pool. The applicant is proposing to demolish the existing residence and construct a new, two-story residence with an attached two-car garage.

The applicant initially submitted an application to the KWPOA in the summer of 2003. The proposal included the construction of a 5,064 square foot residence and a 648 square foot, two-car garage. The residence was proposed to be finished in a stucco exterior with a tile roof. In response to KWPOA's denial of the project, the applicant revised the project by reducing the size of the residence to 4,196 square feet with a 633 square foot garage. This proposal was submitted to the Planning Division through a Design Review application on December 11, 2003. In response to concerns raised by CDA staff and additional comments from the KWPOA, identifying the reduced setbacks found in the KWLUPR policies, the

applicant made additional revisions to the project to reduce the residence to 4,187 square feet and the garage to 562 square feet. This revision was rejected by the KWPOA based on the following factors: 1) massing of the residence; 2) extent of tree removal; and 3) encroachment into the setbacks required by the Kent Woodlands Land Use Policy Report (KWLUPR). (Please refer to Table 1, which compares the evolution of the project's size.)

Table 1: Comparison of Project Characteristics

	1 st Submittal (to KWPOA)	2 nd Submittal (to County & KWPOA)	3 rd Submittal (to County & KWPOA)
House Size	5,064 square feet	4,196 square feet	4,187 square feet
Garage Size	648 square feet	633 square feet	562 square feet
Height	29.5 feet (approximate)	29 feet	25 feet (per conditions of approval)
Setbacks	Can't be determined through reduced plans	9.5 feet (western front) 14 feet (northern side) 33 feet (southern side) 100 + feet (eastern rear)	11.5 feet (western front) 15 feet (northern side) 31 feet (southern side) 100+ feet (eastern rear)

While the proposed project represents an increase in building square footage, width, and height when compared to the existing residence, staff does not find the proposal to be incompatible with the prevailing character of the Kent Woodlands community. Table 2, below, provides a comparison of the proposed house size and FAR in relation to surrounding properties. The residence has been increased in width by 19 feet and depth by 13 feet. The increase in size does not significantly expand the existing building pad and a large portion of the expanded footprint is located over the existing driveway, an area that is relatively level and presently developed.

The existing and proposed residences, which maintain a 16-foot and 11.5 foot front yard setback respectively, do not meet the KWLUPR recommended front yard setback of 30 feet, but do maintain an adequate distance, 32 feet from the Westwood Drive. The KWLUPR Policy 1.5 states that size, height, and setbacks shall be carefully regulated to maintain community compatibility. The policy is implemented through the application of the following setbacks: 1) 30 feet for front yard; 2) 15 feet for side yards; and 3) 20% of lot depth up to 25 feet for the rear yard. The KWLUPR states that these setbacks may be relaxed through the design review process where the County finds that it is necessary for the reasonable use of the site. In approving the project, staff found the 4.5 foot reduction in the front yard setback to be appropriate for the site because of the setback that is maintained from Westwood Drive, 32 feet, the amount of existing and proposed vegetation in the front yard, the topography, and the configuration of the lot. Review of Design Review approvals that have been granted in the area indicate that the proposed deviations from the recommended setbacks are compatible with the existing development pattern. The KWPOA has stated that a reduction in the setbacks will burden neighboring properties. As has been stated above, the residence, which already has a reduced front yard setback, will not result in further detriment to the community because it is set back from Westwood Drive and will maintain the recommended side and rear yard setbacks of the KWLUPR.

The height of the residence is proposed to be increased 10 feet from the existing height of approximately 18 feet to the proposed height of 28 feet above grade. In order to minimize the mass associated with the design, staff required the height of the residence to be reduced by 3 feet by changing the roof pitch from a 5:12 to 4:12 or by reducing the height through an alternative mean, such as reducing interior ceiling heights.

Table 2: Square Footage and FAR Comparisons

Assessor's Parcel Number	Address	Building Area (in sq. ft. including garage)	Parcel Size (in sq ft.)	FAR (Building Area into Parcel Size)
075-062-05	25 Westwood	4,749	23,086	20.5%
075-062-04	35 Westwood	4,027	23,400	17.2%
075-062-03	45 Westwood	3,917	21,000	19.0%
075-062-02	55 Westwood	2,244	29,610	8.0%
075-062-01	75 Westwood	3,884	29,700	13.0%
075-062-24	95 Westwood	4,196	41,000	10.0%
075-062-16	100 Westwood	2,839	24,000	12.0%
075-062-15	90 Westwood	3,175	23,800	13.0%
075-062-14	80 Westwood	2,198	33,485	13.0%
075-061-05	60 Westwood	2,098	21,924	9.5%
075-061-10	50 Westwood	1,898	22,080	8.5%
075-061-03	40 Westwood	2,368	26,215	9.0%
075-061-01	30 Westwood	3,549	21,000	16.9%
	Median	3,175	23,800	13.0%
	Average	3,165	26,176	13.05%

Source: Marin County Assessor's Records

In terms of the existing and proposed landscaping on the property, five trees will be removed from the site, but will be replaced with over 25 new trees, plus shrubbery to screen the property. The existing and proposed landscaping will provide screening and will enhance the site when viewed from off-site locations.

The KWPOA objects to the uncovered guest parking being located within the northern side yard setback recommended by the KWLUPR. The Planning Division does not apply setbacks to driveways and uncovered parking areas. The site plan identifies four on-site parking spaces, two located in the garage and two located in the driveway, all of which are independently accessible. The Department of Public Works requires four on-site parking spaces within the property boundaries. The ability to accommodate the parking requirements is limited by the location of the existing and proposed building pad, the configuration of the lot, and the slope of the driveway, which necessitates that retaining walls that are discussed above.

As noted in the letter from the KWPOA to the Planning Division, it is noted that the existing residence is visible from Westwood Drive and the proposed residence, which will increase in height, width, and depth, will be more visible from off-site locations. Staff finds that the proposed residence is sited adequate distances from all property lines given the shape and topography of the property. The KWPOA identifies Policy CD 1.7a(1), which encourages the stepping of the residence down the hillside. Staff did not advocate for this revision because stepping the residence would in turn reduce the northern side yard setback as the residence is following the grade. Instead, this area has been retained as landscaped yard area that provides a vegetated buffer between the subject property and the neighboring residences located at 99 Upland Road (Assessor's Parcel 075-013-01) and 75 Upland Road (AP 075-013-02).

KWPOA has identified the placement of fill at the eastern corner of the residence as an item that is incompatible with the KWPOA Policy EQ 7.1, which requires the natural topography to be retained by creating a design that is compatible with the topography. The fill is being proposed to level off the eastern corner of the residence and to create a terraced area in the rear yard. Review of the area where fill will be introduced to the site was found to be acceptable due to the fact that the existing building pad will be used,

which will not result in substantial grading. The area of fill is currently developed with a deck that is elevated approximately 10 feet above grade.

ANALYSIS OF APPEAL:

The KWPOA submitted a Petition of Appeal on August 9, 2004 identifying objections to the administrative approval, including: 1) the new residence will result in visual impacts to neighboring properties due to the increased size, change in siting, and reduced setbacks; 2) adequate guest parking is not provided on the site; and 3) the change in topography due to the fill is not appropriate for the area. Summarized in italics are the points raised by the appellant followed by staff's responses.

Appeal: *The new residence will result in visual impacts to neighboring properties due to its increased size, the change in siting, and the reduction of setbacks from the KWLUPR standards.*

Response to Appeal:

The siting and height of the new residence would not create a substantial visual impact on neighboring properties. The existing and proposed residences, as depicted by the story poles and the photos that have been enhanced and included in the KWPOA appeal, are visible from 35 Westwood Drive and 75 Upland Road. The new residence will result in a building that is more visible than the existing smaller residence located on the property, but would be substantially screened from off-site locations by existing and proposed vegetation. The footprint of the residence is being expanded 5 feet to the northwest, toward the driveway and will extend 22 feet further than the current residence; it will also extend 13 feet toward the northeastern side property line. KWLUPR Policy 1.5 states that size, height, and setbacks shall be carefully regulated to maintain community compatibility. The policy is implemented through the application of the R-1: B-3 zoning district that requires the following setbacks: 1) 30 feet for front yard; 2) 15 feet for side yards; and 3) 20% of lot depth up to 25 feet for the rear yard. The KWLUPR states that these setbacks may be relaxed through the design review process where the County finds that it is necessary for the reasonable use of the site. The residence will maintain an 11.5 foot front yard setback, where 30 is recommended in the KWLUPR, however, the proposed setback is appropriate given the irregular shape of the existing lot and the opportunity to use much of the existing developed area of the property to construct the residence and still maintain an effective setback of over 32 feet from the edge of pavement on Westwood Drive (due to the setback of 21 feet from the front property line and the edge of pavement). Furthermore, the residence will maintain adequate setbacks to the neighboring residences. The conditions of project approval require the applicant to reduce the height of the residence by 3 feet, which should serve to further minimize the visual effects of the project. The reduction could be accomplished by either reducing the height or by changing the roof pitch, reducing the potential visibility of the residence.

Appeal: *Adequate on-site guest parking is not provided on the property.*

Response to Appeal:

The Planning Division does not apply setbacks to driveways and uncovered parking areas. The new residence extends 22 feet into the existing driveway, but still provides adequate space for on-site parking and turnaround as determined by the Department of Public Works. Four on-site parking spaces, two of which must be independently accessible are required; the plans that have been reviewed and accepted by the Department of Public Works identify four independently accessible on-site parking spaces. In order to accommodate the modified driveway and parking plan, retaining walls, with a maximum height of 5.5 feet above grade, will be constructed 4.5 feet from the northern side property line and will be landscaped with screening shrubs that will fill in the existing Oleander shrubs. The existing retaining walls that are located on the site range from a maximum height of 3 feet above grade to 5 feet above grade and are constructed from wood and concrete. Several rock landscape walls are also located on the site.

Appeal: *The change in topography, raising the grade by 7 feet at the southerly end of the residence, is inappropriate.*

Response to Appeal:

The residence will be sited at the same elevation as the existing residence that will be demolished. The landscape improvements, which consist of a patio and lawn area, will require approximately 150 cubic yards of fill to create a level area. The location of the proposed improvements is currently developed with decking and terraced areas. The new improvements will be sited in the same location as the existing decking and terraced areas, and at approximately the same elevation. Due to the configuration and slope of the lot, the residence has been sited in a location that takes advantage of the existing building pad and landscape improvements and does not require extensive site disturbance.

CONCLUSION:

Based on the reasons provided in staff's response to the appeal and the attached resolution, staff is recommending denial of the appeal because it has not established a sufficient basis for denial of the project according to the mandatory findings for Design Review.

RECOMMENDATION:

Staff recommends that the Planning Commission review the administrative record, conduct a public hearing, and move to adopt the attached resolution: (1) denying the KWPOA Appeal; and (2) sustaining the Community Development Agency's conditional approval of the Lamar Design Review.

- Attachments:
1. Proposed Resolution Denying the KWPOA Appeal and Sustaining the Community Development Agency's conditional approval of the Lamar Design Review
 2. KWPOA Petition for Appeal and attachments, received 8/9/04
 3. Lamar Design Review Corrected Notice of Decision
 4. Categorical Exemption
 5. Location Map
 6. Assessor's Parcel Map
 7. Existing Site Plan
 8. Proposed Site Plan
 9. Landscape Plan
 10. Floor Plans
 11. Elevations
 12. Cross Section
 13. Kent Woodlands Property Owners Association letters
 - a. Letter, 5/27/04
 - b. Letter 1/5/04
 14. Department of Public Works, 5/19/04
 15. Kentfield Fire Protection District, 3/30/04
 16. Marin Municipal Water District, 12/31/03
 17. Ross Valley Sanitary District, 12/19/03

MARIN COUNTY PLANNING COMMISSION

RESOLUTION NO. _____

A RESOLUTION DENYING THE KWPOA APPEAL AND SUSTAINING THE
COMMUNITY DEVELOPMENT AGENCY'S APPROVAL OF THE LAMAR DESIGN REVIEW
25 WESTWOOD DRIVE, KENTFIELD
ASSESSOR'S PARCEL 075-062-05

SECTION I: FINDINGS

- I. WHEREAS Steve and Lisa Lamar are requesting Design Review approval to demolish the existing residence and construct a 4,187 square foot residence with a 562 square foot attached garage that has a maximum height of 28 feet above grade and maintains the following setbacks from the nearest corresponding property lines: 11.5 feet from the western front property line, 31 feet from the southern side property line, over 100 feet from the eastern rear property line, and 15 feet from to the northern side property line. Included in the proposal is the construction of a new outdoor barbecue that is directly adjacent to the western front property line, a new spa located 19 feet to the southeast of the residence, and new retaining walls in the northern side yard. The residence is proposed to be finished in a stone veneer and painted shingle siding. The subject property is located at 25 Westwood Drive, Kentfield and is further identified as Assessor's Parcel 075-062-05.
- II. WHEREAS on July 29, 2004, the Community Development Agency issued a conditional approval of the Lamar Design Review granting authorization for the demolition of the existing residence and the construction of a new, 4,187 square foot residence with a 562 square foot attached garage. The conditions of project approval require the applicant to revise the height of the residence to a maximum of 25 feet above grade, either by reducing the height of by modifying the roof pitch from 5:12 to 4:12 or an equivalent means.
- III. WHEREAS, a timely appeal of the Community Development Agency's approval of the Lamar Design Review has been filed by the Kent Woodlands Property Owners Association asserting the following issues: 1) the new residence will result in visual impacts to neighboring properties due to the increased size, change in siting, and reduced setbacks; 2) adequate guest parking is not provided on the site; and 3) the change in topography due to the fill is not appropriate for the area.
- IV. WHEREAS the Marin County Planning Commission held a duly noticed public hearing on September 27, 2004, to consider the merits of the project and appeal, and hear testimony in favor of, and in opposition to, the project.
- V. WHEREAS the Marin County Planning Commission finds that this project is Categorically Exempt from the requirements of the California Environmental Quality Act pursuant to Section 15303, Class 3 of the CEQA Guidelines because it entails demolition of the existing residence and construction of a new single family residence that will not result in potentially significant impacts on the environment.

VI. WHEREAS the Marin County Planning Commission finds that the proposed project is consistent with the Marin Countywide Plan for the following reasons:

- A. The project would be consistent with the SF3 (Single-family Residential, one unit per one to five acres maximum density) land use designation;
- B. The project would comply with Marin County standards for flood control, geotechnical engineering, and seismic safety, and include improvements to protect lives and property from hazard;
- C. The project would comply with governing development standards related to roadway construction, parking, grading, drainage, flood control and utility improvements as verified by the Department of Public Works;
- D. The project would not cause significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation, or other services; and
- E. The project would minimize soil disturbance and maximize retention of natural vegetation.

VII. WHEREAS the Marin County Planning Commission finds that the proposed project is consistent with the following Countywide Plan and Kent Woodlands Land Use and Policy Report policies.

- A. The size of the proposed residence is consistent 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.
- B. 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.

VIII. WHEREAS the Marin County Planning Commission finds that the proposed project, is consistent with all of the mandatory findings to approve the Lamar Design Review application (Section 22.42.060 of the Marin County Code) as specified below.

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

The residence has been sited so that it maintains a setback of 11.5 feet from the southwestern front property line, 31 feet from the southern side property line, over 100 feet to the eastern rear property line, and a 15-foot setback from the northern side property line and will be substantially screened from the street by existing and proposed vegetation. As proposed, the structure will: (1) conform with the Kent Woodlands Land Use Policy CD 1.5a for the northern side, southern side and southeastern rear setbacks, the proposed 11.5-foot southwestern front yard setback allows the property owners to construct the residence in a manner that is compatible with the development pattern of the existing residence and still maintain an effective setback of over 32 feet from the edge of pavement on Westwood Drive (due to the setback of 21 feet from the front property line and the edge of pavement). A relaxation of the minimum front yard setback that is recommended in the KWLUPR is appropriate given the irregular lot shape and configuration, furthermore, the residence will maintain adequate setbacks to the neighboring residences; (2) be compatible with the site and other properties in the vicinity with respect to siting; and (3) incorporate characteristics of scale, architectural design, and exterior color and building materials that are compatible with the surrounding area.

- B. The proposed development 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 development of the neighborhood as a whole, including public lands and rights-of-way;**

The project will not impact view, light, air, and privacy of surrounding residences or public areas due to the following reasons: (1) the existing and proposed landscaping on the subject property would provide adequate visual screening and privacy buffering between the residence and adjoining properties; (2) the residence height of 25 feet, as modified by the conditions of approval, does not exceed the 30-foot height limit for the governing RSP-1.0 zoning district; (3) the building height, bulk, and mass have been designed to preserve the use and enjoyment of surrounding properties and are reasonable and appropriate given the size, configuration, and topography of the subject property; and (4) the relaxation of the minimum setbacks along the front property line will preserve existing vegetation, and will not interfere with neighboring properties.

- C. The proposed development will 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;**

The discussion contained in Findings A and B are supportive of this finding.

- D. The proposed development 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 development includes the removal of 5 trees from the subject property. The applicant has provided a landscape plan that will add over 25 new trees to the site ranging in size from 24-inch box to 48-inch box at planting. The landscape plan also includes large shrubs that will provide screening in combination with the vegetation that will be retained.

- E. The proposed development will comply with applicable design and locational characteristics listed in Chapter 22.16 (Planned District Development Standards);**

The residence has been designed to be compatible with the site in regards to height, exterior color, and building materials. The location of the residence has been identified as an issue with the KWPOA because it does not meet the setbacks recommended in the KWLUPR for front and rear yard setbacks. As discussed in Finding A, the setbacks are appropriate given the size and configuration of the property and do not intrude on the privacy of the neighboring property to the north or increase visibility from Westwood Drive. Measures have been taken to allow the residence to blend into the natural environment by providing additional screening on all sides of the residence. As discussed in Findings A and B above, the proposal would not prevent the development, use, or enjoyment of other properties in the vicinity because no detriment with respect to light, air, privacy, height, and land use factors would result.

F. The proposed development 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 characteristics of the following:

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

The residence has been sited in a location that best meets the setback requirements recommended by the KWLUPR. The 4,187 square foot residence is compatible in terms of square footage with surrounding development and has been designed to reduce its impacts on neighboring properties. The maximum height of 25 feet above grade, as modified by conditions of approval, is consistent with the height limitations of the governing zoning district and the KWLUPR. The proposed materials of stained cedar shingle siding and stone veneer will have a natural appearance that will allow the residence to blend into the hillside.

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);

As proposed, the residence has been sited on the existing building pad and will require 10 cubic yards of cut and approximately 150 cubic yards of fill.

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.

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. The installation of the landscaping, will provide additional screening of the property when viewed from off-site locations.

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

The residence will be required to comply with the County's energy efficiency ordinance by incorporating energy efficient building materials and appliances.

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.

The proposal to construct a single-family residence and accessory structure is consistent with the Marin Countywide Plan designation of SF3, single-family residential, one unit per one to five acres and with the governing RSP-1.0 zoning district. The structures have been designed to be compatible with the natural environment and will not be detrimental to the surrounding properties.

IX. WHEREAS the Marin County Planning Commission finds that the bases for the KWPOA appeal cannot be sustained and that the Community Development Agency acted appropriately in issuing the Lamar Design Review due to the following factors:

Appeal: The new residence will result in visual impacts to neighboring properties due to its increased size, the change in siting, and the reduction of setbacks from the KWLUPR standards.

Response to Appeal:

The siting and height of the new residence would not create a substantial visual impact on neighboring properties. The existing and proposed residences, as depicted by the story poles and the photos that have been enhanced and included in the KWPOA appeal, are visible from 35 Westwood Drive and 75 Upland Road. The new residence will result in a building that is more visible than the existing smaller residence located on the property, but would be substantially screened from off-site locations by existing and proposed vegetation. The footprint of the residence is being expanded 5 feet to the northwest, toward the driveway and will extend 22 feet further than the current residence; it will also extend 13 feet toward the northeastern side property line. KWLUPR Policy 1.5 states that size, height, and setbacks shall be carefully regulated to maintain community compatibility. The policy is implemented through the application of the R-1: B-3 zoning district that requires the following setbacks: 1) 30 feet for front yard; 2) 15 feet for side yards; and 3) 20% of lot depth up to 25 feet for the rear yard. The KWLUPR states that these setbacks may be relaxed through the design review process where the County finds that it is necessary for the reasonable use of the site. The residence will maintain an 11.5 foot front yard setback, where 30 is recommended in the KWLUPR, however, the proposed setback is appropriate given the irregular shape of the existing lot and the opportunity to use much of the existing developed area of the property to construct the residence and still maintain an effective setback of over 32 feet from the edge of pavement on Westwood Drive (due to the setback of 21 feet from the front property line and the edge of pavement). Furthermore, the residence will maintain adequate setbacks to the neighboring residences. The conditions of project approval require the applicant to reduce the height of the residence by 3 feet, which should serve to further minimize the visual effects of the project. The reduction could be accomplished by either reducing the height or by changing the roof pitch, reducing the potential visibility of the residence.

Appeal: *Adequate on-site guest parking is not provided on the property.*

Response to Appeal:

The Planning Division does not apply setbacks to driveways and uncovered parking areas. The new residence extends 22 feet into the existing driveway, but still provides adequate space for on-site parking and turnaround as determined by the Department of Public Works. Four on-site parking spaces, two of which must be independently accessible are required; the plans that have been reviewed and accepted by the Department of Public Works identify four independently accessible on-site parking spaces. In order to accommodate the modified driveway and parking plan, retaining walls, with a maximum height of 5.5 feet above grade, will be constructed 4.5 feet from the northern side property line and will be landscaped with screening shrubs that will fill in the existing Oleander shrubs. The existing retaining walls that are located on the site range from a maximum height of 3 feet above grade to 5 feet above grade and are constructed from wood and concrete. Several rock landscape walls are also located on the site.

Appeal: *The change in topography, raising the grade by 7 feet at the southerly end of the residence, is inappropriate.*

Response to Appeal:

The residence will be sited at the same elevation as the existing residence that will be demolished. The landscape improvements, which consist of a patio and lawn area, will require approximately 150 cubic yards of fill to create a level area. The location of the proposed improvements is currently developed with decking and terraced areas. The new improvements will be sited in the same location as the existing decking and terraced areas, and at approximately the same elevation. Due to the configuration and slope of the lot, the residence has been sited in a location that takes advantage of the existing building pad and landscape improvements and does not require extensive site disturbance.

SECTION II: PROJECT APPROVAL

NOW, THEREFORE, BE IT RESOLVED that the Marin County Planning Commission hereby denies the KWPOA appeal and sustains the Community Development Agency's conditional approval of the Lamar Design Review subject to the following conditions:

Marin County Community Development Agency, Planning Division

1. Pursuant to Marin County Code Chapter 22.42, the Lamar Design Review is approved to demolish the existing residence and construct a 4,187 square foot residence with a 562 square foot attached garage that attains a height of 25 feet above grade and maintains the following setbacks from the nearest corresponding property lines: 11.5 feet from the western front property line, 31 feet from the southern side property line, over 100 feet to the eastern rear property line, and 15 feet to the northern side property line. Included in the approval is the construction of a new outdoor barbecue that is located 0 feet from the western front property line, a new spa located 19 feet to the southeast of the residence, and new retaining walls in the northern side yard. The subject property is located at 25 Westwood Drive, Kentfield, and is further identified as Assessor's Parcel 075-062-05.
2. Plans submitted for a building permit shall substantially conform to plans on file in the Community Development Agency-Planning Division and identified as "Exhibit A," entitled "Lamar Residence" consisting of: 1) five sheets prepared by Hunt Hale Jones Architects, dated March 5, 2004; 2) one sheet prepared by Pedersen Associates Landscape Architects received March 22, 2004; 3) one sheet prepared by the Marin

County Department of Public Works with parcel information provided by Hunt Hale Jones Architects; and 4) three sheets prepared by Lawrence P. Doyle, Land Surveyor/Civil Engineer dated March 5, 2004.

3. Exterior building colors and materials shall be in substantial conformance with the following colors and materials: (1) gray composition shingle roofing; (2) "dark gray" painted gutters and downspouts; (3) "gray" painted shingle siding; (4) "El Dorado" stone veneer; and (5) clad wood windows and doors, as depicted on "Exhibit B." All flashing, metal work, and trim shall be painted or coated with an appropriately subdued, nonreflective color. Deviations from the approved colors and materials shall be submitted for review and approval by the Community Development Director.
4. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall fulfill the following requirements:
 - a. The applicants 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.
 - b. The applicant shall revise the plans to depict the location and type of all exterior lighting for review and approval of the Community Development Director. Exterior lighting shall be permitted for safety purposes only, must consist of low-wattage fixtures, and must be directed downward and hooded. Cut sheets or details of all exterior lighting fixtures shall be included in the building permit plans.
 - c. The applicant shall revise the height of the residence to a maximum of 25 feet above grade. This can be accomplished by modifying the roof pitch from 5:12 to 4:12 or an equivalent means.
 - d. The applicant shall submit revised samples of exterior colors and materials for review and approval by the Community Development Director. In particular, the trim shall be a dark, earth-toned color. The shingle siding shall comply with the applicable fire rating standards as determined by the Kentfield Fire Protection District.
5. 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 activity shall be permitted Sunday or Holidays. At the applicant's request, the Director may administratively authorize minor modifications to these hours of construction.
6. 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.
7. All soils disturbed by development of the project shall be reseeded with native grasses or wildflowers to control erosion.
8. 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 number necessary.
9. BEFORE FINAL INSPECTION, the applicant shall fulfill the following requirements:
 - a. The applicant shall install all proposed and required landscaping and a drip irrigation system to serve it. The applicant shall call for a Community Development Agency staff inspection of the landscaping, irrigation at least five working days before the anticipated completion of the project. Failure to pass inspection will result in withholding of the occupancy certificate and imposition of hourly fees for subsequent reinspections.

10. 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.

Department of Public Works – Land Use and Water Resources

11. PRIOR TO ISSUANCE OF A BUILDING PERMIT, the applicant shall fulfill the following requirements:
 - a. A “Stability Report” must be submitted. The report shall be prepared by a Registered Civil Engineer with soils engineering expertise or a Registered Geotechnical Engineer and must attest to the suitability and geological feasibility of placing a building on the site, the suitability of excavating for the retaining walls, and identify any drainage or soils problems that the design of the project must accommodate.
 - b. The plans shall be reviewed and approved by a registered Soils Engineer. Certification shall be either by the engineer’s stamp and signature on the plans, or by stamp and signed letter.
 - c. A separate Building Permit is required for site/driveway retaining walls with a height more than 4 feet (or three feet when backfill area is sloped or has a surcharge).
 - d. Submit an Erosion and Siltation Control Plan if grading or site disturbance is to occur between October 15th and April 15th.
 - e. Note on the plans that the Design Engineer shall certify to the County in writing (include signature and stamp) that all grading, drainage work, and retaining wall excavation and construction was done in accordance with plans and field directions. Describe all field changes. Also note on the plans that prior to final inspection, the driveway, parking, frontage, and site improvements shall be inspected by a Department of Public Works engineer.
 - f. An encroachment permit is required for work within the road right-of-way including the installation of landscaping

Marin Municipal Water District

12. All landscape and irrigation plans must be designed in accordance with the most current District landscape requirements (Ordinance #385). Prior to providing water service for new landscape areas, or improved or modified landscaped areas, the District must review and approved the project’s working drawings fro planting and irrigation systems.

Ross Valley Sanitary District

13. 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.
14. If the existing sewer lateral is not used or replaced, it must be plugged off per District specifications.
15. 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.
16. All alterations to the sewer lateral must meet District specifications and be inspected by a District Inspector before it is covered.

Kentfield Fire Protection District

17. PRIOR TO FRAMING INSPECTION, the applicant shall upgrade the fire hydrant at Upland Road and Westwood Drive to Kentfield Fire Protection District specifications.
18. PRIOR TO FINAL INSPECTION, the applicant shall fulfill the following requirements:
- a. The applicant shall install a fire alarm system in compliance with Marin County and Fire District standards.
 - b. The applicant shall install a fire sprinkler system in accordance with NFPA 13R and Kentfield Fire District Ordinance 107.
 - c. Class "A" roofing is required on all new construction.
 - d. The driveway gate must have a minimum opening of 12 feet and have an entry access system for the Fire District at the gate. The gate shall be a minimum of 30 feet from Westwood Drive. The guest parking shall not interfere with emergency access to the residence.
 - e. Wire or non-combustible mesh spark arrestors with a maximum opening of ½ inch are required on all chimneys.
 - f. The address shall be clearly visible and legible from the street.

SECTION III: VESTING OF RIGHTS

The applicant must vest this Design Review approval by securing a Building Permit for all of the approved work and substantially completing all approved work by September 27, 2006, 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 to a total of not more than four (4) years may be granted for cause pursuant to Marin County Code Section 22.56.050.

SECTION IV: 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 \$700.00 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 **October 7, 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 27th day of September, 2004, by the following vote to wit:

AYES:

NOES:

ABSENT:

ALLAN BERLAND, CHAIR
MARIN COUNTY PLANNING COMMISSION

Attest:

Jessica Wood
Recording Secretary