



# MARIN COUNTY

## COMMUNITY DEVELOPMENT AGENCY

ALEX HINDS, DIRECTOR

**STAFF REPORT TO THE PLANNING COMMISSION  
BRAUN APPEAL OF THE COMMUNITY DEVELOPMENT AGENCY'S  
CONDITIONAL APPROVAL OF THE MORAN DESIGN REVIEW**

Item No:	6	Application No:	DM 04-11
Applicants:	Richard and Karen Moran	Appellant:	Aaron Braun
Property Address:	21 N. Ridgewood Rd, Kentfield	Assessor's Parcel:	074-241-01
Hearing Date:	October 11, 2004	Planner:	Megan Basinger

<b>RECOMMENDATION:</b>	<b>Deny the Braun Appeal and Sustain the Community Development Agency's Conditional Approval of the Moran Design Review Application</b>
<b>APPEAL PERIOD:</b>	<b>Ten calendar days to the Marin County Board of Supervisors</b>
<b>LAST DATE FOR ACTION:</b>	<b>October 11, 2004</b>

### SUMMARY RECOMMENDATION:

Staff recommends that the Planning Commission deny the Braun appeal and sustain the Community Development Agency's (CDA) conditional approval of the Moran Design Review with revisions made by the applicant s in response to the issues raised at the July 26, 2004 Planning Commission hearing for the project.

### REVISED PROJECT DESCRIPTION:

At the July 26, 2004 hearing, the Planning Commission requested the applicants to consider project modifications that would reduce the extent of encroachments into the Stream Conservation Area, modify the roof profile for the garage, and include a detailed landscape plan for plantings within the Stream Conservation Area. In response to this, the applicants revised the project by proposing to: 1) replace the existing, 545 square foot attached garage/workshop/greenhouse with a bedroom suite that will not expand the existing footprint, 2) construct an approximately 174 square foot addition to the eastern side of the residence, and 3) construct a 792 square foot detached garage that is smaller than the originally-proposed size of 822 square feet. The detached garage has been shifted 4 feet farther to the north, further from the top of bank of the un-named ephemeral stream along the southwesterly rear property line. As modified, the residence will be increased in size from 2,218 square feet to 3,032 square feet, will have a maximum height of 18.5 feet above grade, and will maintain the following setbacks: 36 feet from the eastern side property line, 33 feet from the northern front property line, and 33 feet from the top of bank of the stream. The 792 square foot, detached garage will attain a height of 19 feet above grade and will maintain the following setbacks: 37.5 feet from the northern front property line, 30 feet from the western side property line, and 25 feet from the top of bank of the stream. The applicants also submitted a detailed stream revegetation plan that includes proposed plantings of trees (including alders), shrubs (including wax myrtles, toyons, and ceanothus), and groundcovers along the stream. (See attachments 7-11)

## PREVIOUS PROJECT DESCRIPTION

The applicants originally requested Design Review approval to replace the existing attached garage and workshop/greenhouse with a new 1,071 square foot master bedroom suite and construct a new detached, 822 square foot three-car garage and storage room. As modified by the CDA's administrative approval, the addition would have resulted in an approximately 3,289 square foot residence and an 822 square foot detached garage and storage area with an approximate height of 19 feet above grade and maintains the following setbacks: 27 feet from the eastern side property line, 63 feet from the southern rear property line, 34 feet from the northern front property line, and 27 feet from the un-named ephemeral stream. The proposed garage that was originally approved would have attained a maximum height of 20 feet above grade and maintained the following setbacks to the nearest corresponding property lines: 57 feet from the northern front property line, 36 feet from the western side property line, 21 feet from the southern rear property line, and 27 feet from the un-named ephemeral stream to the south. Table 1, below, provides a comparison of the two projects.

Table 1: Comparison of Project Characteristics

	Existing	Original Submittal	Conditional Approval	Revised Proposal
Residence Size	2,218 square feet	3,289 square feet	3,289 square feet	3,032 square feet
Garage Size	577 square feet	990 square feet	822 square feet	792 square feet
Height	15 feet	19 feet (residence) 20 feet (garage)	19 feet (residence) 20 feet (garage)	18.5 feet (residence) 19 feet (garage)
Residence Setbacks	36 feet front (north) 42 feet side (east) 81 feet side (west) 27 feet rear *	34 feet front (north) 27 feet side (east) 36 feet side (west) 27 feet rear *	34 feet front (north) 27 feet side (east) 36 feet side (west) 27 feet rear *	33 feet front (north) 36 feet side (east) 76 feet side (west) 33 feet rear *
Garage Setbacks	N/a	57 feet front (north) 36 feet side (west) 23 feet SCA	57 feet front (north) 36 feet side (west) 21 feet rear *	37.5 feet front (north) 30 feet side (west) 25 feet rear *
Square footage in SCA	460 square feet (residence)	1,000 square feet (residence) 902 square feet (garage)	1,000 square feet (residence) 734 square feet (garage)	460 square feet (residence) 506 square feet (garage)

\*Setback as measured from top of stream bank

## SUMMARY OF THE BRAUN APPEAL

On April 22, 2004, the CDA granted a conditional approval of the Moran Design Review permitting the replacement of the existing garage and workshop/greenhouse with a master bedroom suite and the construction of a new, detached, 822 square foot accessory structure that includes a new garage and storage space. Because a portion of the proposed improvements would be located within the Countywide Plan's 50-foot wide Stream Conservation Area, the approval required the applicant to retain a qualified biologist to prepare a restoration and enhancement plan for the stream and to work with the Department of Public Works to evaluate and upgrade the drainage culvert located on N. Ridgewood Road. On May 3, 2004, Aaron Braun, previous owner of the adjoining property located at 314 Woodland Road, Kentfield, filed a timely appeal of the CDA's conditional approval of the Moran Design Review asserting the following issues: 1) the new construction and landscaping will result in visual impacts to the property located at 314 Woodland Road; 2) the project's encroachment into the Stream Conservation Area would create detrimental effects to the stream; and 3) the exterior color of the stucco and trim is inappropriate for the site. On July 26, 2004 the Planning Commission held a public hearing to consider the merits of the project and appeal,

and hear testimony in favor of, and in opposition to, the project. The applicant and appellant agreed to a continuance of the hearing to allow for revisions to the proposal.

### **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 15301, Class 1 of the CEQA Guidelines because it entails conversion of the existing garage into living space and the construction of an accessory structure on a developed property that 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 applicants and appellants, 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:**

In general, the revised project is consistent with the goals and policies of the Marin Countywide Plan and the Kent Woodlands Land Use Policy Report. The Kent Woodlands Property Owners Association (KWPOA) has reviewed and recommended approval of the project (Attachment #15). Please refer to the plan consistency findings contained in the attached resolution.

### **PROJECT ANALYSIS:**

#### *Background*

The subject property is comprised of Lot 106 of the Kent Woodlands subdivision. The 0.85-acre property slopes steeply downhill from N. Ridgewood Road to a centrally located building pad before descending steeply to the un-named ephemeral stream located along the southwesterly rear property line. The property is currently developed with a 2,218 square foot residence, a 577 square foot, attached two-car garage with a 374 square foot workshop/storage building. Accessory structures include a 120 square foot storage shed, a 40 square foot storage shed, a swimming pool, and hot tub.

The property features a level building pad where the existing residence, driveway, and yard improvements are located. A portion of the existing residence and associated site improvements including the pool and the 120 square foot storage structure are located within the Countywide Plan's 50-foot wide SCA for the un-named ephemeral stream along the rear property line. Although the existing building pad provides adequate area to construct the proposed accessory structure and meet the turnaround requirements of the Department

of Public Works and Kentfield Fire Protection District, a portion of the addition would be located within the SCA. Moving the addition out of the 50-foot SCA would place it on the steeply sloped northeastern portion of the property, where the slope ranges from 20% to over 50%, could require extensive grading and retaining wall construction, and could potentially result in increased visibility of the structure from N. Ridgewood Road.

Revised Proposal

At the July 26, 2004 Planning Commission hearing for the project, the Planning Commission directed the applicants to consider the following modifications to their proposal: 1) reduce the extent of encroachments into the SCA; 2) reduce the size of the proposed expansion of the existing garage; 3) revise the roof plan for the detached garage to minimize its visual profile, and 4) provide a detailed creek landscape plan for the unnamed ephemeral stream.

In response to the Planning Commission’s direction, the applicants revised their plans to reduce the amount of encroachments into the SCA and to reduce the overall amount of development on the site. The relocation of the garage toward N. Ridgewood Road will result in approximately 17 cubic yards of cut. The existing garage will be converted into a bedroom suite and utility area and an approximately 168 square foot addition will be constructed on the eastern side of the residence to enlarge the existing master bedroom. The revisions have also increased the distance between the residence and the garage from the 13 feet that was proposed to 27 feet.

The proposed size of the residence, as modified, is consistent with the prevailing character of the neighborhood in terms of square footage and architectural design. Table 2, below, provides a comparison of the proposed house size and FAR in relation to surrounding properties.

Table 2: Square Footage Comparisons

Assessor's Parcel	Address	Building Area (including garage)	Parcel Size	FAR (Building Area into Parcel Size)
<b>074-241-01</b>	<b>21 N. Ridgewood</b>	<b>3,824</b>	<b>31,680</b>	<b>12.1%</b>
074-241-03	9 N. Ridgewood	3,447	45,675	7.5%
074-241-02	15 N. Ridgewood	3,394	30,000	11.3%
074-241-04	310 Woodland	2,637	32,900	8.0%
074-241-05	314 Woodland	4,595	41,418	11.1%
074-241-01	21 N. Ridgewood	3,824	31,680	9.5%
074-241-06	320 Woodland	2,602	27,531	5.1%
074-241-07	10 Acorn	3,744	73,170	7.6%
074-241-09	26 Acorn	3,127	41,065	10.6%
074-242-02	2 N. Ridgewood	3,550	33,462	17.4%
074-242-01	224 Woodland	6,729	38,740	4.7%
074-242-03	10 N. Ridgewood	2,496	52,640	11.8%
074-242-04	10 Diablo	2,530	21,420	10.4%
074-211-09	30 Acorn	4,818	46,260	13.4%
074-211-11	33 Acorn	4,626	34,440	5.0%
074-211-15	31 N. Ridgewood	1,838	37,000	5.5%
074-212-03	36 N. Ridgewood	4,203	76,570	15.6%
074-212-04	30 N. Ridgewood	3,829	24,480	12.1%
<b>Median Size (in sq. ft.)=</b>		<b>3,550</b>	<b>37,000</b>	<b>10.4%</b>
<b>Average Size (in sq. ft.)=</b>		<b>3,646</b>	<b>40,497</b>	<b>9.8%</b>

The applicants submitted a landscape plan for the rear yard of the residence that re-vegetates the un-named ephemeral stream. The proposed landscape plan incorporates trees, shrubs, and groundcovers along the bank of the un-named ephemeral stream. The 31 proposed trees consist of alders, which thrive along stream banks, wax myrtles, toyons, and California lilacs.

#### **ANALYSIS OF APPEAL:**

Aaron Braun submitted a Petition of Appeal on May 3, 2004 identifying three bases appeal of staff's administrative approval of the Design Review including: (1) off-site visual impacts; (2) creek impacts from the SCA encroachments; and (3) inappropriate exterior colors. Below is staff's response to the issues raised by the appellant:

*There is a visual impact on the residence located at 314 Woodland Road (formerly Mr. Braun's property) due to the new construction and landscaping.*

#### Response to Appeal:

The location of the residential addition and new accessory structure would not create a visual impact on the residence at 314 Woodland Road because the residence will be adequately screened from downhill locations by existing and proposed landscaping. The modified design lowers the height of the improved residence from 19 feet above grade to 18.5 feet above grade, lowers the height of the detached garage from 20 feet above grade to 19 feet above grade, reduces the amount of additional floor area by 257 square feet, and shifts the detached garage 4 feet farther from the SCA and toward the front property line. The reductions to the residence, combined with the detailed landscape plan, that includes 24 inch box sized trees, shrubs and groundcovers along the banks of the un-named ephemeral stream, will eliminate any visual impacts that the residence may have on the residence located at 314 Woodland Road. Finally, the project would maintain a building setback of approximately 130 feet to the residence at 314 Woodland Road.

*The construction within the Stream Conservation Area of the un-named ephemeral stream would be detrimental to the stream.*

#### Response to Appeal:

Although the project would result in the construction of a 792 square foot, detached accessory structure within the 50 foot SCA for the un-named ephemeral stream, review of the constraints on the property determined that the proposed placement of the structure with a reduced size would meet the intent of the SCA policies, which state that development may be located within the SCA if a location outside of the SCA would have a greater impact on water quality. The modified design removes approximately 768 square feet of development from the SCA and shifts the detached garage 4 feet further from the top of the stream bank. The detailed landscape plan that has been submitted incorporates vegetation that will enhance the stream, which is presently denuded of vegetation. While the appellant has raised concerns relative to the addition's impact to the stream, he has not provided substantial evidence that supports the basis that the construction would be detrimental to the stream.

*The colors of the residence are not appropriate for the setting.*

#### Response to Appeal:

The approved colors and materials for the residence consists of a "fieldstone" stain for the shingled body of the residence and a "cream" colored stucco for the retaining wall on the northern elevation of the accessory structure, which staff determined would blend into the surrounding natural and built environment. At the July 26, 2004 hearing, the cream colored stucco and white trim were discussed relevant to their visual impacts. A

modification to the approved colors and materials will require a dark trim and stucco color. The conditions of approval will require the applicant to submit a color sample of the trim and stucco prior to issuance of a building permit.

**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 Braun Appeal; and (2) granting conditional approval of the modified project. Alternatively, if the Planning Commission determines that the project modifications are not sufficiently responsive to the Planning Commission's prior direction, the Planning Commission should consider providing further direction regarding revisions to the project.

- Attachments:
1. Proposed Resolution Denying the Braun Appeal and Granting conditional approval of the Moran Design Review
  2. Braun Petition for Appeal, received 5/3/04
  3. Moran Design Review Notice of Decision
  4. Categorical Exemption
  5. Location Map
  6. Assessor's Parcel Map
  7. Revised Site Plan
  8. Revised Floor Plans
  9. Revised Residence Elevations
  10. Revised Garage Elevations
  11. Landscape Plan
  12. Department of Public Works, 10/22/04
  13. Marin Municipal Water District, 8/22/03
  14. Ross Valley Sanitary District, 8/19/03
  15. Kent Woodlands Property Owners Association, 7/9/03

MARIN COUNTY PLANNING COMMISSION

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION DENYING THE BRAUN APPEAL AND GRANTING  
CONDITIONAL APPROVAL OF THE MORAN DESIGN REVIEW  
21 N. RIDGEWOOD ROAD, KENTFIELD  
ASSESSOR'S PARCEL 074-241-01

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**SECTION I: FINDINGS**

- I. WHEREAS Richard and Karen Moran have requested Design Review approval to replace an existing attached garage and workshop/greenhouse on a single-family residential lot into a new 1,071 square foot master bedroom suite and construct a new detached, 822 square foot three-car garage and storage room. As modified by the CDA's administrative approval, the addition will result in an approximately 3,289 square foot residence with an 822 square foot detached garage and storage area that attains an approximate height of 19 feet above grade and maintains the following setbacks from the nearest corresponding property lines: 34 feet from the northern front property line, 27 feet from the eastern side property line, 36 feet from the western side property line, and 27 feet from the top of bank of the un-named ephemeral stream. The proposed garage will attain a height of 20 feet above grade and will maintain the following setbacks to the nearest corresponding property lines: 57 feet from the northern front property line, 36 from the western side property line, and 23 feet from the top of bank of the un-named ephemeral stream. The subject property is located at 21 N. Ridgewood Road, Kentfield and is further identified as Assessor's Parcel 074-241-01.
- II. WHEREAS on April 22, 2004, the Community Development Agency issued a conditional approval of the Moran Design Review granting authorization for the replacement of the existing garage with a master bedroom suite and the construction of a new, detached, 822 square foot accessory structure that includes garage and storage space and required the applicant to retain a qualified biologist to prepare a restoration and enhancement plan for the stream and to work with the Department of Public Works to improve the drainage culvert on N. Ridgewood Road to reduce and redirect water run-off.
- III. WHEREAS, a timely appeal of the Community Development Agency's approval of the Moran Design Review has been filed by Aaron Braun asserting the following issues: 1) the new construction and landscaping will result in visual impacts to the property located at 314 Woodland Road; 2) the project's encroachment into the Stream Conservation Area would create detrimental effects to the stream; and 3) the exterior color of the stucco and trim is inappropriate for the site.
- IV. WHEREAS the Marin County Planning Commission held a duly noticed public hearing on July 26, 2004 and October 11, 2004, to consider the merits of the project and appeal, and hear testimony in favor of, and in opposition to, the project.
- V. WHEREAS Richard and Karen Moran submitted a modified proposal to address concerns that were identified at the July 26, 2004 Planning Commission hearing. The revised proposal includes the following: 1) replace the existing, 545 square foot attached garage/workshop/greenhouse with a bedroom suite that will not expand the existing footprint, 2) construct an approximately 174 square foot addition to the eastern side of the residence, and 3) construct a 792 square foot detached garage. The detached garage has been shifted 4 feet to the north, further from the top bank of the un-named ephemeral stream along the southwesterly rear property line. As modified, the residence will be increased in size from 2,218 square feet to 3,032 square feet, will have a maximum height of 18.5 feet above grade, and will maintain the following setbacks: 36 feet from the eastern side property line, 33 feet from the northern front property line, and 33 feet from the top bank of the stream. The 792 square foot, detached garage will have a maximum height of 19 feet above

grade and will maintain the following setbacks: 37.5 feet from the northern front property line, 30 feet from the western side property line, and 25 feet from the top bank of the stream.

- VI. WHEREAS the Marin County Planning Commission finds that this project is Categorical Exempt from the requirements of the California Environmental Quality Act pursuant to Section 15301, Class 1 of the CEQA Guidelines because it entails conversion of the existing garage into living space and the construction of an accessory structure on a developed property that will not result in potentially significant impacts on the environment.
- VII. WHEREAS the Marin County Planning Commission finds that the proposed and modified 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.
- VIII. WHEREAS the Marin County Planning Commission finds that the proposed and modified project is consistent with the following Countywide Plan and Kent Woodlands Land Use and Policy Report policies.
- A. The proposal is consistent with the stream conservation policies because moving the accessory structure out of the 50-foot SCA would place it on the steeply sloped northeastern portion of the property, where the slope ranges from 20% to over 50%, which could require extensive grading and retaining wall construction, and could potentially result in increased visibility of the structure from N. Ridgewood Road.
  - B. 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.
  - C. 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.



IX. WHEREAS the Marin County Planning Commission finds that the proposed and modified project, is consistent with all of the mandatory findings to approve the Moran 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 improved residence will be sited 36 feet from the eastern side property line, 33 feet from the northern front property line, and 33 feet from the top of bank of the stream. The detached garage will maintain the following setbacks to the nearest corresponding property lines: 37.5 feet from the northern front property line, 30 feet from the western side property line, and 25 feet from the top bank of the stream. As proposed, the structure will conform with property development standards applicable to the RSP zoning district including principally-permitted structures, uses, and building height conditions. Although the accessory structure will exceed the 15 foot height limit, the additional height will not result in incompatibility or disharmony because it will be compatible with the site and other properties in the vicinity with respect to setbacks from property lines, bulk and massing of the structure and screening. It will also incorporate characteristics of architectural design, and exterior color, as required by the conditions of approval, 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 conversion of the existing garage into living space and the construction of a new accessory structure that will be used as a garage will not interfere with development in the vicinity because these improvements are compatible with land uses and structures that are located on nearby 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 Finding IX A and B are supportive of this finding.

- D. The proposed development will be properly and adequately landscaped with maximum retention or trees and other natural features and will conserve non-renewable energy and natural resources;**

The improved residence and new accessory structure have been designed to be compatible with the site and to blend in with existing development on the hillside. To achieve this, the accessory structure has been sited in a location that is within 50 feet of the SCA for the un-named ephemeral stream. To address the concerns that were raised at the July 26, 2004 hearing, the applicant revised the plans for the residence and the detached garage to remove additions to the residence from the SCA, reduce the size of the garage by 30 square feet, and shift the detached garage 4 feet further from the top of stream bank. The landscape plan places vegetation, which includes 24 inch box sized trees, along the banks of the stream in order to improve its currently denuded state. A condition of approval also requires the applicant to work with the Department of Public Works to improve the drainage culvert on N. Ridgewood Road to reduce and redirect the run-off that currently flows into the un-named ephemeral stream.

**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 siting, height, and building materials. While the accessory structure's height of 19 feet above grade does exceed the recommended height limit of 15 feet, the additional height will not be detrimental to neighboring properties. As discussed in Finding IX 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 improvements have been sited in a location that best meets the setback requirements for the stream conservation area and that allows the residence and detached accessory structure to maintain a low profile on the hillside by maintaining a maximum height of 18 feet above grade and 19.5 feet above grade respectively. The proposed materials of stained shingle siding and painted stucco for the retaining wall located on the northern elevation of the garage will have a natural appearance that will allow the residence and accessory structure to blend into the hillside.

**2. Drainage systems and appurtenant structures;**

The proposed drainage system have been reviewed and accepted by the Department of Public Works (DPW). A condition of approval requires the applicant to work with DPW to evaluate the existing culvert on N. Ridgewood Road and upgrade it if necessary. The potential upgrade will improve drainage flows and water quality in the un-named ephemeral stream.

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

As proposed, the improvements have been sited on a natural plateau that will require minimal amounts of cut and fill on the property, which will be balanced at 17 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.**

The siting of the residence and accessory structure will not eliminate the sun and/or light exposure on adjacent properties, or result in the elimination of views, vistas, or privacy because it maintains a low-profile on the site and will finished in colors and materials that are compatible with the surrounding natural and built environment.

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

The proposal does not include components that would necessitate the fostering of natural resource conservation. The project would be required to comply with Title 24 standards for energy efficiency, as well as the Marin County Construction and Demolition Ordinance, which requires that 50% of materials be either reused or recycled.

**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 improve the existing single-family residence and construct a new 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 because of the siting of the detached accessory structure on the existing building pad and the use of colors and materials that blend into the environment.

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

*There is a visual impact on the residence located at 314 Woodland Road, Kentfield (formerly the Braun property) due to the new construction and landscaping.*

Response to Appeal:

The location of the residential addition and new accessory structure would not create a visual impact on the residence at 314 Woodland Road because the residence will be adequately screened from downhill locations by existing and proposed landscaping. The modified design lowers the height of the improved residence from 19 feet above grade to 18.5 feet above grade, lowers the height of the detached garage from 20 feet above grade to 19 feet above grade, reduces the amount of additional floor area by 257 square feet, and shifts the detached garage 4 feet farther from the SCA and toward the front property line. The reductions to the residence, combined with the detailed landscape plan, that includes 24 inch box sized trees, shrubs and groundcovers along the banks of the un-named ephemeral stream, will eliminate any visual impacts that the residence may have on the residence located at 314 Woodland Road. Finally, the project would maintain a building setback of approximately 130 feet to the residence at 314 Woodland Road.

*The construction within the Stream Conservation Area of the un-named ephemeral stream would be detrimental to the stream*

Response to Appeal:

Although the project would result in the construction of a 792 square foot, detached accessory structure within the 50 foot SCA for the un-named ephemeral stream, review of the constraints on the property determined that the proposed placement of the structure with a reduced size would meet the intent of the SCA policies, which state that development may be located within the SCA if a location outside of the SCA would have a greater impact on water quality. The modified design removes approximately 768 square feet of development from the SCA and shifts the detached garage 4 feet further from the top of the stream bank. The detailed landscape plan that has been submitted incorporates vegetation that will enhance the stream,

which is presently denuded of vegetation. While the appellant has raised concerns relative to the addition's impact to the stream, he has not provided substantial evidence that supports the basis that the construction would be detrimental to the stream.

*The colors of the residence are not appropriate for the setting.*

Response to Appeal:

The approved colors and materials for the residence consists of a "fieldstone" stain for the shingled body of the residence and a "cream" colored stucco for the retaining wall on the northern elevation of the accessory structure, which staff determined would blend into the surrounding natural and built environment. At the July 26, 2004 hearing, the cream colored stucco and white trim were discussed relevant to their visual impacts. A modification to the approved colors and materials will require a dark trim and stucco color. The conditions of approval will require the applicant to submit a color sample of the trim and stucco prior to issuance of a building permit.

**SECTION II: PROJECT APPROVAL**

NOW, THEREFORE, BE IT RESOLVED that the Marin County Planning Commission hereby denies the Braun appeal and grants conditional approval of the Moran Design Review subject to the following conditions:

Marin County Community Development Agency, Planning Division

1. Pursuant to Marin County Code Chapter 22.42, the Moran Design Review is approved to convert the existing, 545 square foot garage into a bedroom suite, to construct a 174 square foot addition to the eastern side of the residence, and to construct a new detached, 792 square foot three-car garage. The addition to the residence will result in an approximately 3,032 square foot residence and a 792 square foot detached garage. The residence is approved to attain an approximate height of 18.5 feet above grade and to maintain the following setbacks from the nearest corresponding property lines: 36 feet from the eastern side property line, 33 feet from the northern front property line, and 20 feet from the top of stream bank. The detached garage is approved to attain a height of 19 feet above grade and maintain the following setbacks from the nearest corresponding property lines: 37.5 feet from the northern front property line, 30 feet from the western side property line, and 25 feet from the top of stream bank. The subject property is located at 21 N. Ridgewood Road, Kentfield and is further identified as Assessor's Parcel 074-241-01.
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 "Moran Residence" consisting of: 1) four sheets prepared by Babcock Design Studios, dated September 13, 2004; and 2) one sheet prepared by Quadriga Landscape Architects and Planning, Inc. dated September 20, 2004.
3. Exterior building colors and materials shall be in substantial conformance with the following colors and materials: (1) fiber-cement slate roofing; and (2) "fieldstone" stained shingle exterior; 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 applicant shall revise the site plan or other first sheet of the office and job site copies of the Building Permit plans to list these Design Review Conditions of Approval as notes.
  - 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 coordinate with the Department of Public Works – Land Use and Water Resources to evaluate the existing culvert located on N. Ridgewood Road. Should the culvert need to be upgraded, the applicant shall submit the plan to the Department of Public Works guidance for review and approval.
  - d. The applicant shall submit revised trim and stucco colors of a dark, earth tone. 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. 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.
8. BEFORE FINAL INSPECITON, the applicant shall install the landscaping required by the stream restoration and enhancement plan. The applicant shall call for a Community Development Agency staff inspection of the landscaping and irrigation at least five working days before the anticipated completion of the project. Failure to pass inspection will result in withholding of the occupancy certificate and imposition of hourly fees for subsequent reinspections.
9. PRIOR TO FINAL INSPECITON, the applicant shall enter into a Maintenance Agreement with the County for a three-year period to ensure that the vegetation installed along the banks of the un-named ephemeral stream can be sustained in a healthy condition during the life of the project.
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. Provide a soils report prepared by a registered Geotechnical Engineer.
  - b. The plans shall be reviewed and approved by a registered Geotechnical Engineer.

- c. A registered Civil Engineer shall design the site/driveway retaining walls, drainage, and grading plans. Plans must have the engineer's signature and stamp.
- d. 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).
- e. Submit an Erosion and Siltation Control Plan if grading or site disturbance is to occur between October 15<sup>th</sup> and April 15<sup>th</sup>.
- f. Provide a drainage plan for the project.
- g. 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.

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. If not already installed, the District requires that the side sewer be equipped with an appropriate backwater prevention device (e.g. Contra Costa valve, as warranted by the individual site conditions).
- 14. After the project is approved, the owner or contractor should contact the District to arrange for a District Inspector to approve the existing installation (or approve the plans for the proposed installation) of the backwater prevention device(s) and to make a record for the District's files.

**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 October 11, 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 \$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 October 21, 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 11<sup>th</sup> day of October, 2004, by the following vote to wit:

AYES:

NOES:

ABSENT:

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ALLAN BERLAND, CHAIRMAN  
MARIN COUNTY PLANNING COMMISSION

Attest:

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Jessica Wood  
Recording Secretary