



# MARIN COUNTY COMMUNITY DEVELOPMENT AGENCY

ALEX HINDS, DIRECTOR

## STAFF REPORT TO THE PLANNING COMMISSION VLACHOS DESIGN REVIEW

Item:	6	Applications:	DR 05-21 and SU 05-37
Applicant:	Jerry Kler, Architect	Owners:	James Vlahos and Lorie Lapienes
Property Address:	28 Eagle Rock, Mill Valley	Assessor's Parcel:	034-012-19
Hearing Date:	July 11, 2005	Planner:	Neal Osborne

<b>RECOMMENDATION:</b>	<b>Deny</b>
<b>APPEAL PERIOD:</b>	<b>10 days to the Board of Supervisors</b>
<b>LAST DATE FOR ACTION:</b>	<b>July 11, 2005</b>

### PROJECT DESCRIPTION:

The project is a proposal to construct a 7,470 square foot residence and attached 978 square foot garage, a 691 square foot detached second unit, patios, and a swimming pool on a vacant 43,585 square foot grassy hillside lot. The total building area would be approximately 9,100 square feet. The lot is located between existing residences on Eagle Rock Road to the south, a vacant 6-acre residentially zoned property to the west, and the Town of Tiburon's La Cresta Open Space to the north and east. The maximum height of the residence would be 37 feet above finished grade. The residence would have the following minimum property line setbacks: 75 feet front (south), 26 feet side (east), 83 feet side (west), and 32 feet rear (north). The maximum height of the second unit would be 18 feet above grade and would have the following minimum property line setbacks: 10.5 feet front (south), 15 feet side (east), 100 feet side (west), and 100 feet rear (north). The proposal includes 1,325 cubic yards of excavation and 4,450 cubic yards of fill. As-built portions of an 8-foot tall wrought iron fence with vertical bars painted light green would be legalized along the north and west property lines, and new fence segments would be constructed to surround the entire property. The proposal would result in disturbance of 82% of the lot area (34,868 square feet).

The second unit proposal will be reviewed as a separate ministerial Second Unit Permit application after completion of the discretionary Design Review application process for the entire project.

### GENERAL INFORMATION:

Countywide Plan	
Land Use Designation:	Planned Residential (PR, one unit per one acre to ten acres) Ridge and Upland Greenbelt Overlay Area (CWP Policies CD-8.12, EQ-3.18, and EQ-3.19)
Community Plan:	Strawberry
Zoning:	Residential Multiple-family Planned District (RMP-0.2, one unit per 5 acres maximum density)
Lot size:	43,585 square feet
Adjacent Land Uses:	Single-family residential, La Cresta Open Space, vacant land
Vegetation:	Coyote bush and grass, Eucalyptus stumps
Topography and Slope:	Moderate to steep 36% upslope with southwest aspect

Environmental Hazards: Slope stability and earthquakes

## **ENVIRONMENTAL REVIEW:**

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

## **PUBLIC NOTICE:**

The Community Development Agency has provided public notice identifying the applicant, describing the project and its location, and giving the public hearing 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:**

For the reasons discussed in this report and the attached resolution, the proposed project is not consistent with the goals and policies of the Marin Countywide Plan, and the Strawberry Community Plan (please refer to Sections IV and V in Attachment 1).

## **PROJECT ANALYSIS:**

### *Background*

The subject property was created by grant deed on April 30, 1965 in violation of the Subdivision Map Act and Title 20 of Marin County Code. The grant deed conveyed the property from George and Zelia Bremer to George and Grace Kerson. On May 13, 1991, the Planning Director granted a Conditional Certificate of Compliance to legalize the Kerson property and on July 15, 1991, the Conditional Certificate of Compliance was recorded in Marin County records (refer to Attachments 19 and 20). Before issuance of any development permits, the conditions require the property owner to file a record of survey, submit copies of all necessary easements to extend water and sanitary service, and submit letters from the Marin Municipal Water District and the Richardson Bay Sanitary District that indicate completion of all necessary arrangements to extend water and sanitary service to the property. The Conditional Certificate of Compliance also states an informational note that any future development shall be subject to design review and development at the site shall be sited and designed to:

- Locate the proposed structure in the most accessible, least visually prominent, and most geologically stable portion of the site,
- Restrict the height, mass and bulk of the structure to minimize visual impacts, and
- Restrict grading so that it is the minimum necessary for foundation construction and to provide vehicular access to the project site.

In 1995, previous owners Vladimir and Irina Litvak submitted a Design Review application to develop the subject property with a modern 6,158 square foot single-family residence with angular composition and large interior volume. Planning staff withdrew this Design Review application in 1997 because the application was incomplete and the applicant did not provide requested items, including a redesign of the project, in a timely manner. In the May 16, 1995 Notice of Project Status, and August 21, 1995 letter written upon review of the story poles for this previous Design Review proposal, staff provided specific preliminary merits comments expressing concern about the design conflicting with the neighborhood character with excessive mass and bulk (refer to Attachments 21 and 22). The maximum height of 35 feet above grade would have exceeded the 30-foot height standard and the location close to a prominent ridgeline would have resulted in visual impacts to the surrounding area. Staff also commented that the driveway and retaining walls would have resulted in visual impacts on the grassy hillside, and that the proposed 2,000 cubic yards of excavation and 2,000 cubic yards of fill would be excessive for the hillside property.

### *Site Planning*

The planning for development of this property must consider Countywide Plan and Strawberry Community Plan policies, the Development Code, and previous planning recommendations contained in the informational notes in the Kerson Conditional Certificate of Compliance and the staff recommendations on the Litvak Design Review. The current project would locate the driveway and residence on the property in similar locations as the previous Litvak Design Review proposal and would result in similar adverse visual impacts. The driveway would extend from an existing neighbor's driveway through the south portion of the property to a large turnaround area in the middle of the property near the northern uphill property line (refer to Attachments 5 and 6). The large, tall residence and driveway retaining walls would have considerable height, mass, and bulk in the most visible locations of the property (refer to Attachments 7 through 18). As proposed, the project would result in considerable soil excavation and fill with site disturbance to an area of approximately 34,868 square feet or 82% of the property. The project would not conform to previous planning recommendations for development of this site and would not conform to many of the design recommendations in the Single-Family Residential Guidelines for hillside and ridge area development, which have received preliminary approval by the Board of Supervisors and are pending final adoption in August.

In the February 3, 2005, Notice of Project Status, staff recommended a redesign of the project to reduce the size of the residence to be comparable to the size of other residences in the immediate neighborhood, to be compatible with the character and design of other well-designed residences in the neighborhood, to use darker exterior colors, and to have less grading and landform modifications. To minimize the visual appearance of the residential improvements on the grassy hill, staff recommended locating improvements to the downslope side of the property, setting into the existing topography, maintaining lower heights, and providing articulated elements that step up the slope. The applicant has not submitted revised plans as requested by staff, stating that the building locations could not be lower on the site because the large turnaround area and driveway design proposed are required to comply with the access requirements of the Southern Marin Fire Protection District.

On March 23, 2005, Gary Giacomini, the applicant's attorney, submitted a letter indicating a willingness to redesign the project (refer to Attachment 26). On the condition that staff recommends approval, that applicant agrees to redesign the project to lower the residence 10 feet, reduce the size to 6,443 square feet pursuant to the Town of Tiburon's maximum for this size property, reduce grading by one-half, and use darker more subdued colors for the stucco siding and other exterior elements. While these design modifications would certainly improve the project, staff is unwilling to recommend approval for such extensive changes without reviewing the adequacy of revised plan drawings, revised story poles, and other design details. Failure to locate the development further down the hill or redesign the turnaround, for example, may still result in an unacceptable design.

In light of the policy issues involved with development in the Ridge and Upland Greenbelt, the project has been scheduled for the Planning Commission to determine if the current proposal has merit or a redesign is required.

### *Ridge and Upland Greenbelt*

The subject property is adjacent to public open space in the Town of Tiburon to the north and east of the subject property and is within the Countywide Plan Ridge and Upland Greenbelt Overlay Area. The La Cresta Open Space contains a scenic and visually prominent ridgeline upslope of the subject property that ranges in elevation from 350 feet to 400 feet in the vicinity. The grassy hillside lot is visible from U.S. Highway 101 and the residential areas to the west. The site is also visible to the adjacent residential properties to the south. An existing row of Eucalyptus trees on the adjacent property currently provides considerable screening of the site as viewed from the southwest.

Countywide Plan Policy CD-8.12 recommends rezoning properties in the Ridge and Upland Greenbelt to a base density of one unit per ten acres to minimize visual impacts. Countywide Plan Policies EQ-3.18 and EQ-3.19 require that all development shall be evaluated for its potential impact on visual resources and that buildings should be clustered in the

least visually prominent portion of the site. The Planned District Development Standards in Marin County Code Section 22.16.030.F.1 require clustering of structures in the most accessible, least visually prominent, and most geologically stable portions of the site. Clustering is especially important on open grassy hillsides. The Planned District Development Standards in Marin County Code Section 22.16.030.F.2 prohibit development within 300 feet horizontally, or within 100 feet vertically of visually prominent ridgelines.

The project does not cluster development or minimize visual impacts due to the driveway extension across the full width of the lot, the residence, patios, swimming pool, and second unit in the upper and central portions of the lot, with site disturbance over 82% of the property. The northeastern corner of the subject property is within 100 vertical feet of the ridgeline at an elevation of 300 feet (refer to Attachment 32). The maximum height of the residence would be at elevation 315 feet, encroaching 15 feet into the non-development area plane within 100 vertical feet of the ridgeline.

#### *Neighborhood Character on Eagle Rock Road*

As shown in Table 1 below, a survey of the Assessor's records for the 22 developed properties on Eagle Rock Road adjacent to, and downslope of, the subject property was completed to ascertain the existing character of the built environment in the vicinity. The Assessor's records indicate that the residences range in floor area from 1,584 square feet to 3,864 square feet. The average floor area is 2,454 square feet.

The five developed properties that are closest to the subject property have floor areas of 3,864 square feet, 1,584 square feet, 3,016 square feet, 2,190 square feet, and 3,443 square feet. These five properties have been identified in Table 1 with bold text. The average floor area of the five closest residences is 2,819 square feet.

The proposed residence would have 8,599 square feet of combined floor area that is 5,780 square feet larger than the average of the five adjacent residences. The proposed residence would be 4,735 square feet larger than the largest adjacent residence at 32 Eagle Rock Road.

**Table 1. Comparison of the Existing Areas of Residences, Garages, and Developed Lots on Eagle Rock Road**

Address (Eagle Rock Road)	Assessor's Parcel	Lot Area (square feet)	Garage area (square feet)	Residence Area includes garage area greater than 540 square feet (square feet)
1	034-083-10	16,150	680	2,552
3	034-083-11	19,700	648	2,339
5	034-083-05	12,028	596	2,188
6	034-082-16	10,250	572	3,078
8	034-082-15	10,455	506	3,276
9	034-083-04	10,290	550	3,249
10	034-082-14	10,101	504	1,710
12	034-082-13	10,323	440	1,819
13	034-083-03	9,831	492	2,416
14	034-082-12	10,120	484	2,164
16	034-082-11	10,246	480	1,691
17	034-083-02	10,556	0	2,052
18	034-082-10	10,656	0	2,508
20	034-082-09	13,056	380	2,450
21	034-083-01	10,088	455	1,869
22	034-082-07	23,058	0	2,160
<b>24</b>	<b>034-082-06</b>	<b>20,295</b>	<b>399</b>	<b>2,190</b>
25	034-083-08	17,600	0	2,370
<b>26</b>	<b>034-082-05</b>	<b>15,006</b>	<b>783</b>	<b>3,016</b>
<b>27</b>	<b>034-083-07</b>	<b>26,230</b>	<b>672</b>	<b>3,443</b>
<b>30</b>	<b>034-082-26</b>	<b>14,036</b>	<b>0</b>	<b>1,584</b>
<b>32</b>	<b>034-082-31</b>	<b>35,360</b>	<b>704</b>	<b>3,864</b>
28 (Project Site)	034-012-19	43,585	978 (Proposed)	8,599 (Proposed)
Average Area Values		14,584	424	2,454

Source: Marin County Assessor's Office

### *Town of Tiburon Planning Department*

The subject property is located within the Sphere of Influence and Urban Service Area of the Town of Tiburon and is adjacent to the Town's La Cresta Open Space. Consequently, County site planning for this property will take into consideration the Town's regulations and comments even though the property is currently in County jurisdiction. Countywide Plan Policy CF-1.3 states that development applications within a city's Urban Service Area should be reviewed by the city to ensure consistency. Kevin Bryant, Advance Planner for the Town of Tiburon submitted merits comments that the residence is too large for both for the site and the surrounding neighborhood (refer to Attachment 31). Pursuant to the Town's Floor Area Ratio Guidelines, this property would be limited to a 6,443 square foot residence with a 600 square foot garage. The residence would also be approximately twice the size of the largest nearby residence that has approximately 3,700 square feet of floor area. The residence would also encroach into the 100-foot vertical ridgeline setback and would result in excessive grading. The Town of Tiburon encourages a reduction in the development footprint to reduce grading and the amount of site disturbance. While the project modifications proposed by the applicant for an administrative approval would address some of the concerns raised by the Town staff, it is questionable as to whether they would fully resolve them without review of plan revisions.

### *Strawberry Design Review Board Comments*

The Strawberry Design Review Board met on January 4, 2005 and February 1, 2005 to review the project (refer to Attachment 29). Although the Board did not believe that the story poles adequately demonstrated the full impact of the massing of the residence, they recommended approval with five conditions. These recommended conditions include landscaping changes for a mix of native and non-native species, preparation of computer-generated renderings, considering color changes to blend into the site better and providing a variety of exterior colors, painting the fence a neutral earth tone color, and preparing a site lighting plan for Board approval.

### *Public Comments*

No comments have been received to date in response to the public notice distributed for the project.

### *Conclusion*

Staff finds the required findings for Design Review cannot be made for the project because the development would be too large and visually obtrusive for an open lot near a visually prominent ridgeline in the Ridge and Upland Greenbelt adjacent to public open space. Its size, location, and site disturbance would not be compatible with the neighborhood. The project would not comply with the Single-family Residential Design Guidelines to minimize visual impacts and conserve natural resources. A project redesign may have merit if it would significantly reduce the overall scale of development, visual impacts, and grading, so that the project could be consistent with the prevailing neighborhood character. To date, although the applicant has indicated his agreement to make modifications to the project in response to issues raised by staff, he has not filed revised plans for planning review. In staff's opinion, it would be prudent to carefully review revised plans prior to a decision on the proposal in light of the visibility of the project site, its location within a Ridge and Upland Greenbelt, the size of the project, and the extent of the modifications that may be necessary to bring the project into conformance with applicable plan policies and zoning standards.

### **RECOMMENDATION:**

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

- Attachments:
1. Proposed Resolution recommending denial of the Vlahos Design Review
  2. Environmental Document
  3. Location Map

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4. Assessor's Parcel Map
5. Site Plan
6. Grading and Drainage Plan
7. Building Sections
8. Ground Floor Plan
9. Second Floor Plan
10. Third Floor Plan
11. Fourth Floor Plan
12. Roof Plan
13. East Elevation
14. West Elevation
15. North Elevation
16. South Elevation
17. Planting Plan
18. Planting Notes and Details
19. Conditional Certificate of Compliance, 7/15/91
20. Planning Department Notice of Decision, Kerson COC, 5/13/91
21. CDA, Planning Division letter, 8/21/95
22. CDA, Planning Division Notice of Project Status, 5/16/95
23. Department of Public Works memorandum, 4/4/05
24. Department of Parks and Open Space letter, 4/1/05
25. Southern Marin Fire Protection District letters, 3/27/05 and 1/19/05
26. Gary T. Giacomini letter, 3/23/05
27. Nersi Hemati, Geotechnical Investigation, 3/14/05
28. Irving L. Schwartz letter, 2/14/05, 2/9/05, 2/4/05, 1/28/05
29. Strawberry Design Review Board Meeting Notes, 2/1/05 and 1/4/05
30. ILS Associates, Inc., Hydrology Analysis, 12/27/04
31. Town of Tiburon letter, 1/24/05
32. ILS Associates, Inc., Ridgeline Analysis, 12/20/04
33. Marin Municipal Water District letter, 12/1/04
34. CDA, Green Building memorandum, 12/3/04
35. Richardson Bay Sanitary District letter, 11/24/04
36. Brendan Neagle, Sun Power letter, 10/7/04



**MARIN COUNTY PLANNING COMMISSION**

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

**A RESOLUTION DENYING**

**THE VLAHOS DESIGN REVIEW**

**ASSESSOR'S PARCEL 034-012-19**

**28 EAGLE ROCK, MILL VALLEY**

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**SECTION 1: FINDINGS**

- I. WHEREAS Jerry Kler, Architect, on behalf of James Vlahos, submitted Design Review and Second Unit Permit applications proposing to construct a 7,470 square foot residence and attached 978 square foot garage, a 691 square foot detached second unit, patios, and a swimming pool on a vacant 43,585 square foot grassy hillside lot. The total building area would be approximately 9,100 square feet. The lot is located between existing residences on Eagle Rock Road to the south, a vacant 6-acre residentially zoned property to the west, and the Town of Tiburon's La Cresta Open Space to the north and east. The maximum height of the residence would be 37 feet above finished grade. The residence would have the following minimum property line setbacks: 75 feet front (south), 26 feet side (east), 83 feet side (west), and 32 feet rear (north). The maximum height of the second unit would be 18 feet above grade and would have the following minimum property line setbacks: 10.5 feet front (south), 15 feet side (east), 100 feet side (west), and 100 feet rear (north). The proposal includes 1,325 cubic yards of excavation and 4,450 cubic yards of fill. As-built portions of an 8-foot tall wrought iron fence with vertical bars painted light green would be legalized along the north and west property lines, and new fence segments would be constructed to surround the entire property. The proposal would result in disturbance of 82% of the lot area (34,868 square feet). The proposal for a second unit will be reviewed as a separate ministerial Second Unit Permit project after completion of the discretionary Design Review application process for the entire project. The subject property is identified 28 Eagle Rock, Mill Valley and Assessor's Parcel 034-012-19.
- II. WHEREAS the Marin County Planning Commission held a duly noticed public hearing on July 11, 2005, to consider the merits of the project, and hear testimony in favor of and in opposition to the project.
- III. WHEREAS the Marin County Planning Commission finds that the proposed project is Categorically Exempt from the requirements of the California Environmental Quality Act, per Section 15303, Class 3(a) because the construction of a new single-family residence with an attached garage and a second unit would not result in significant environmental impacts.
- IV. WHEREAS the Marin County Planning Commission finds that the proposed project is not consistent with the Marin Countywide Plan because it would:

1. Result in development that would be too large and visible not conform to the governing standards related to building height, size and location on an open grassy hillside near a visually prominent ridgeline (Policies EQ-3.18, EQ-3.19, and CD-8.12).
  2. Be inconsistent with the land use designation of Planned Residential and Ridge and Upland Greenbelt Overlay Area (PR/RUG).
- V. WHEREAS the Marin County Planning Commission finds that the proposed project is not consistent with the Strawberry Community Plan policies as development that would not preserve the natural appearance of hills, ridgelines, and other prominent or significant landforms because it would be a large residential development on the upper and visible portions of the site, with considerable grading for fill, and a maximum height of 37 feet above grade.
- VI. WHEREAS the Marin County Planning Commission finds that the proposed project, is not consistent with all of the mandatory findings to approve the Vlahos Design Review application (Section 22.42.060 of the Marin County Code) as specified below.

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

This finding cannot be made because the proposed project will not be in substantial harmony with its surrounding. The size of the proposed residential development will contribute to visible bulk that is out of character with the surrounding community. The height and overall size of the residence would not diminish the apparent mass and bulk. While the structure would be well screened from the southwest by existing mature vegetation, its visible mass and bulk viewed from U.S. Highway 101 and residential properties to the west would be detrimental to the community. Furthermore, the proposed building area is incompatible with the existing community character of immediate neighborhood. A survey of the Assessor's records of the square footage of existing residences within the vicinity determined a range of 1,584 square feet to 3,864 square feet. The average floor area of existing residences in the vicinity is 2,454 square feet. The proposed development would be inconsistent with the prevailing residence size in the community and would result in visual impacts with a design that is not consistent with the Single-family Residential Guidelines for hillside lots near ridgeline. The proposed structures would be unsightly and create disharmony with the surroundings from excessive square footage, height, massing, and grading.

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

This finding cannot be made because the proposed project will not minimize or eliminate adverse visual effects within the surrounding neighborhood. Due to its size, bulk and mass, and location, the proposed residence would be visible from adjacent properties to the south and west that would interfere with views of the Town of Tiburon's La Cresta Open Space and a scenic ridgeline. The residence would also be visible from U.S. Highway 101 and residential areas to the west. The visibility of the proposed residence would detract from the natural aesthetics of the hillside and ridge area environment that characterizes this area. Revisions to the proposal, which include a reduction in total square footage, placement

lower on the hill, and lower height to reduce the visual impacts on neighboring properties, could create a proposal that is consistent with the existing development pattern.

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

The proposed development may impair or inhibit the future investment in the vicinity by introducing development that is inconsistent with the community character of the Eagle Rock Road neighborhood as was discussed in Findings VI. A and VI. B. The inconsistency with the existing development pattern is due to the proposed building area of 9,100 square feet, where development ranges from 1,584 square feet to 3,864 square feet in the vicinity.

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

This finding cannot be made because approximately 10 Eucalyptus trees were removed from the site and excessive grading and landform modification would occur with 1,325 cubic yards of excavation and 4,450 cubic yards of fill. The materials and labor for construction and maintenance of the 9,100 square foot total building area, 360 lineal foot driveway, numerous retaining walls, and disturbance of 82% of the site (34,868 square feet) would not retain natural features nor conserve energy and natural resources. The applicant has provided an extensive landscape proposal that includes non-native trees and shrubs to screen the residence from downslope and adjacent properties.

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

This finding cannot be made because the proposed improvements in the Ridge and Upland Greenbelt Area are not clustered in the least visible location of this grassy hillside lot, the visual bulk and mass of the residence is excessive, and the height would encroach into the 100 vertical foot ridge setback area. The Planned District Development Standards in Marin County Code Section 22.16.030.F.1 require clustering of structures in the most accessible, least visually prominent, and most geologically stable portions of the site. Clustering is especially important on open grassy hillsides. The Planned District Development Standards in Marin County Code Section 22.16.030.F.2 prohibit development within 300 feet horizontally, or within 100 feet vertically of visually prominent ridgelines. The northeastern corner of the subject property is within 100 vertical feet of the ridgeline at an elevation of 300 feet. The maximum height of the residence would be at elevation 315 feet, encroaching 15 feet into the 100 vertical foot non-development area.

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

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

This finding cannot be made. The 9,100 square feet of proposed building area, 37-foot maximum height, large bulk and mass, materials and scale of the structures

would not minimize or eliminate adverse physical or visual effects (refer to Findings VI. A, VI. B, and VI. E above).

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

The proposed drainage systems have been reviewed and accepted by the Department of Public Works but would rely on an offsite dispersal system to the storm drain system of North Knoll Road and Eagle Rock Road.

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

This finding cannot be made. The development is proposed on a steep 36% upslope parcel with the construction of numerous retaining walls up to 10.6 feet tall and considerable reforming of the natural terrain. The proposed excavation of 1,425 cubic yards and fill of 4,450 cubic yards over 82% of the site (34,868 square feet) would not minimize adverse physical effects.

**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. An access trail to the La Cresta Open Space is currently provided from Via Los Altos.

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

This finding cannot be made. As proposed, the residence would result in a loss of views and vistas from properties located downhill and adjacent to the project site. Due to the visual impacts on surrounding properties, the proposal is inconsistent with Strawberry Community Plan Policy CD 2.1, which discourages development that interferes with existing views. In order to alleviate this impact, the height and massing of the residence would need to be significantly reduced.

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

The project size will require reducing energy use 33% with efficiency measures and solar energy use. The project includes 12 photovoltaic panels on the roof for the generation of electricity to offset utility demand. A Title 24 analysis to document the energy use of the project has not been provided to verify inclusion of energy conservation features. A Residential Green Building Checklist has not been provided to verify inclusion of design features that foster energy and natural resource conservation. Design modifications to cluster development and reduce the height and floor area would assist in the ability to conserve energy and natural resources.

**H. The design, location, size, and operating characteristics of the proposed use are consistent with the Countywide Plan and applicable zoning district regulations, are compatible with the existing and future land uses in the vicinity, and will not be**

**detrimental to the public interest, health, safety, convenience, or welfare of the County.**

This finding cannot be made because the proposed project would not be in substantial harmony with its surrounding due to the height, location, and size. The size of the proposed residential development will contribute to visible bulk that is out of character with the surrounding community adjacent to public open space. The project is inconsistent with the Countywide Plan and Development Code standards for development in the Ridge and Upland Greenbelt because development would not be clustered in the least visible location and would encroach 15 feet into the ridgeline setback area that is 100 vertical feet below the ridgeline (refer to Findings VI. A, VI. B, and VI. E above).

### **SECTION 3: DECISION AND APPEAL RIGHTS**

NOW, THEREFORE BE IT RESOLVED that the Planning Commission denies the Vlahos Design Review (DR 05-21) application.

NOW, THEREFORE BE IT FURTHER RESOLVED that this decision is final unless appealed to the 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., July 21, 2005.

### **SECTION 4: VOTE**

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the County of Marin, State of California, on the 11th day of July 2005, by the following vote to wit:

AYES:

NOES:

ABSENT:

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STEVE THOMPSON, CHAIRPERSON  
MARIN COUNTY PLANNING COMMISSION

Attest:

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Kim Shine  
Planning Commission Recording Secretary