



**MARIN COUNTY
COMMUNITY DEVELOPMENT AGENCY**

ALEX HINDS, DIRECTOR

STAFF REPORT TO THE PLANNING COMMISSION

**TELFORD APPEAL OF THE DEPUTY ZONING ADMINISTRATOR'S DENIAL
OF THE TELFORD COASTAL PERMIT AND DESIGN REVIEW**

Item No:	8	Application No:	AA 04-21
Appellant:	Geoffrey Telford	Owners:	Geoffrey Telford and Christopher Stewart
Property Address:	9 Vallejo Avenue, Inverness	Applicant:	Onju Updegrave
Hearing Date:	August 8, 2005	Assessor's Parcels:	114-273-09
		Planner:	Anna M. Camaraota

RECOMMENDATION: Deny the Telford Appeal and Sustain the Deputy Zoning Administrator's Denial of the Telford Coastal Permit and Design Review

APPEAL PERIOD: 5 Working Days to the Marin County Board of Supervisors

LAST DATE FOR ACTION: August 22, 2005

SUMMARY RECOMMENDATION:

Staff recommends that the Planning Commission deny the Telford Appeal and sustain the Deputy Zoning Administrator's denial of the Telford Coastal Permit and Design Review, proposing construction of a single-family residence and a detached garage on a vacant lot in Inverness.

PROJECT DESCRIPTION:

The applicant, Onju Updegrave, on behalf of the owners, Geoffrey Telford and Christopher Stewart, is requesting approval for construction of an approximately 25-foot high, 2,140 square foot single-family residence and a 440 square foot detached garage on a vacant lot in Inverness. The project also includes construction of an approximately 545 square foot deck on the north (downhill) elevation of the proposed residence that is approximately 13.5 feet in height above grade where a 10-foot maximum is allowed. The new residence would maintain the following minimum setbacks from the closest corresponding property lines: 63 feet from the north (front) property line, 100 feet from the south (rear) property line, 5 feet from the east (left side) property line, and 5 feet from the west (right side) property line. The 14-foot high, detached garage would be located within the northwest corner of the subject property adjacent to Vallejo Avenue and would maintain the following minimum setbacks to the closest corresponding property lines: one foot from the north (front) property line, and one foot from the west (right side) property line. The structures would be finished with dark grey asphalt shingle roofing, cedar or redwood shingle siding with natural finish, cedar or redwood fascia with natural finish, dark bronze gutters and painted metal flashings, cedar or redwood natural trim, and tan or dark bronze vinyl windows and doors.

SUMMARY OF THE TELFORD APPEAL:

On June 30, 2005, the Deputy Zoning Administrator denied the Telford Coastal Permit and Design Review, proposing construction of a single-family residence, a detached two-car garage, and an on-site sewage disposal system to serve the residence. On July 6, 2005, Mr. Telford, the owner of the subject property, filed a timely appeal of the Deputy Zoning Administrator’s denial of the Telford Coastal Permit and Design Review asserting that the basis for the project denial was arbitrary and capricious.

GENERAL INFORMATION:

Countywide Plan:	C-SF3 (Coastal, Single Family, one unit per one to five acres)
Zoning:	C-RSP-1 (Coastal, Residential, Single-Family Planned District, one unit per acre maximum density)
Lot size:	12,200 square feet (0.28-acres)
Adjacent Land Uses:	Single-Family Residential / Multiple-Family Residential/ Retail/ Vacant
Vegetation:	The subject property is vegetated with buckeye trees situated primarily along the westerly property line.
Topography and Slope:	The subject property consists of an approximately 41 percent, north-facing slope.
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 (CEQA) pursuant to 15303, Class 3 of the CEQA Guidelines because it entails construction of a single-family residence and detached garage with no potentially significant impacts to the environment.

PUBLIC NOTICE:

The Community Development Agency has provided public notice of the Telford Appeal of the Deputy Zoning Administrator’s denial of the Telford Coastal Permit and Design Review, identifying the applicant/appellant and describing the project and its location. This notice has been mailed to all property owners within 600 feet of the subject property and to all interested persons identified on the *Interested Parties* list maintained in the project file. At the time this staff report was drafted, no comments had been received in response to the notice.

COUNTYWIDE PLAN CONSISTENCY:

The project site does not strictly comply with the Countywide Plan land use designation of C-SF3 (Coastal, Single Family, one unit per one to five acres, Policy CD-8.4 – Single Family Land Use Categories and Densities) because it consists of 0.28 acres where a maximum density of one unit per acre is permitted. However, the property consists of historic lot 103 of the Amended Map No. 1 of Inverness Park, filed for record May 19, 1910 in Volume 3 of Maps, at Page 48 of Marin County Records, and predates the establishment of land use designations and zoning requirements, and is therefore considered a legal lot of record which may be developed in conformance with all applicable regulations and policies of the County of Marin including the above land use designation. It should be noted that staff’s recommendation for denial is not based upon the size of the subject property in relation to the applicable land use designation, but rather due to inconsistencies with other Countywide Plan policies, mandatory Coastal Permit findings, and zoning regulations, as outlined below.

The project is not consistent with Countywide Plan policies related to the Built Environment (EQ-3.8), Visual Qualities And Views (EQ-3.11), Scale Of Development (EQ-3.25), Rural Character And Lighting (EQ-3.26), and Hillside Design Guidelines (EQ-3.28). (See Attachment 4.)These policies require that projects be of good design both functionally and aesthetically, and that visual qualities of the view potential of the natural and built environment be considered in any project. The development of residential structures should be in scale with environmental constraints such as steep slopes. Development in rural portions of the County, such as Inverness, should reflect the rural character of the area and should provide lighting that is subtle and harmonious with the rural environment. On steep slopes, hillside design techniques and practices should be employed to minimize the appearance of development from off-site locations. For example, structures should be situated in the least prominent location feasible and should utilize the surrounding natural features to better blend in with the hillside environment. General building forms should include low profiles that are stepped down hillsides to integrate structures into the surrounding natural terrain. Roofs should be pitched and oriented to reflect the slope and direction of the surrounding natural terrain, and roof forms and rooflines should be broken into a series of smaller building components. Dwellings, as viewed from downhill locations, should, to the extent feasible, present a low-slung horizontal silhouette by integrating deck and foundation design into the shape of the building and site topography, utilizing a split-level floor plan, and by articulating facades using a series of smaller building elements to minimize apparent mass and bulk. Landscaping should supplement hillside design rather than serve exclusively to obscure structures from off-site views. The above design techniques are recommended by the County's Single-Family Residential Design Guidelines recently adopted by the Board of Supervisors.

The proposed project reflects some of the above design features such as choice of exterior finishes and siting of the detached garage. The applicant proposes use of natural exterior finishes, including cedar or redwood shingle siding with natural finish, cedar or redwood fascia with natural finish, dark bronze gutters and painted metal flashings, cedar or redwood natural trim, and dark bronze vinyl windows and doors. The applicant also proposes tan as an alternate color for doors and tan or dark green trim, however light colors such as tan should be avoided, as they tend to highlight structures from off-site views. The proposed detached garage would be situated immediately adjacent to Vallejo Avenue at the lowest elevation on the subject property. While site constraints related to the steep slope (approximately 41%) and narrow width (48-foot frontage on Vallejo Avenue) of the property make this the most feasible location for the garage, the proposed siting is also desirable to avoid excess grading for driveway access and to avoid additional construction on the prominent hillside. Further constraints to development are posed by the necessity to construct a septic system on site. The approved septic system (Permit #05-19, issued 3/29/05) places the septic tank approximately 30 feet upslope from the garage in order to comply with setback requirements imposed by the Department of Environmental Health Services. Given the siting of the proposed detached garage and the approved configuration of the septic system, the only remaining area to locate the proposed residence is further upslope.

However, the project departs from the Countywide Plan policies cited above due to the siting of the residence at the 58-foot to 82-foot elevations in relation to the 20-foot elevation of the roadway below, the scale of the proposed residence and attached deck, the proposed design which does not adequately integrate the residence into the hillside location, and proposed lighting for the pathway leading from the garage to the residence. Additionally, the design of the residence utilizes single-plane façades with gable roof forms and a deck that extends 12 feet in a northerly direction along the downhill slope. The design of the structure and the size and location of the deck do not adequately consider the prominent hillside location, and instead would result in conspicuous development that is not consistent with immediately surrounding structures which are either located on level areas located along the north side of Vallejo Avenue and along Sir Francis Drake Boulevard, or are sited at lower elevations on the south (sloping) side of Vallejo Avenue. In addition, the siting of the residence upslope from the garage creates the need for an approximately 100 linear-foot, on-grade pathway along the easterly property line that would require lighting for safe access. While the proposed lighting consists of fixtures designed to project light downwards, lighting may be visible from off-site views due to the mounting of fixtures on 36-inch bollards for a length of approximately 100 linear-feet up the steeply sloping lot.

COASTAL PERMIT CONSISTENCY:

The project is not consistent with all mandatory findings for issuance of a Coastal Permit related to visual qualities and community character (Marin County Code, Section 22.56.130(O)) for the reasons stated above.

ZONING CONSISTENCY:

The proposed single-family residence and detached garage currently meet the development standards established by the RSP-1.0 zoning district with respect to the 25-foot overall height limit for structures. However, the attached deck results in an understory area that is 13.5 feet above grade and exceeds the 10-foot maximum lowest floor level in accordance with Marin County Code Section 22.57.086(2)(e). Although the single-family residence complies with the maximum 25-foot height allowance, given the prominent hillside location of the subject property, staff recommends that the height be further reduced to the extent feasible, and that the appearance of the bulk and massing reduced through the use of hillside design techniques and practices for consistency with the above Countywide Plan policies and Single-Family Residential Design Guidelines, and for consistency with the mandatory findings for Coastal Permit and Design Review as discussed below.

DESIGN REVIEW ANALYSIS:

Design Review is required because the property is zoned RSP-1.0 (Residential, Single-Family Planned District, one unit per acre maximum density) and therefore cannot be exempted from Design Review in accordance with Marin County Code Section 22.82.030(A). In addition, the applicant has proposed a deck that does not comply with the 10-foot maximum lowest floor level in accordance with Marin County Code Section 22.57.086(2)(e).

Staff is unable to affirmatively make all of the mandatory Design Review findings in accordance with Marin County Code Section 22.82.040 for the following reasons: (1) the project is inconsistent with policies in the Countywide Plan related to the built environment (EQ-3.8), visual qualities and views (EQ-3.11), scale of development (EQ-3.25), rural character and lighting (EQ-3.26), and hillside design (EQ-3.28); (2) the project design would result in a development of overall bulk and mass that would be visually obtrusive from off-site locations; and (3) the project design and location characteristics would adversely contrast with the surrounding natural hillside environment.

Compatibility with Surrounding Environments

The single-family residence would be visually obtrusive from off-site locations and would be incompatible with the surrounding natural environment because the structure would be situated between the 58-foot to 82-foot elevations in relation to the 20-foot elevation of the roadway immediately below. The scale and design of the proposed residence and attached deck would not adequately integrate the residence into the hillside location because design techniques and practices suited to hillside settings have not been adequately incorporated into the project as previously discussed. Rather, the proposed project includes single-plane façades with gabled rooflines oriented towards the downhill side, and a projecting deck with a 13.5-foot high understory area along the downhill side, resulting in the appearance of a three-level residence on the upper portion of the slope of the property where adjacent development is located on level areas or near the bottom of the slope. Additionally, proposed lighting for the 100-foot linear pathway leading from the garage to the residence would be placed on 36-inch bollards that would likely be visible from off-site locations.

Project alternatives are discussed further below that would address design issues, and potentially reduce or eliminate the projects inconsistency with Countywide Plan policies, zoning standards, and required Design Review findings.

ANALYSIS OF THE PROJECT DENIAL:

On June 30, 2005, the Deputy Zoning Administrator concurred with staff's recommendation to deny the Telford Coastal Permit and Design Review or, alternatively, to continue the hearing to allow the applicants to explore feasible siting and design options that respond more positively to the applicable policies and standards above. The Deputy Zoning Administrator further elaborated on acceptable modifications to the proposed project, which included the following:

- (1) Re-site the dwelling near the bottom of the slope to abut the rear of the proposed garage, which differed from staff's more modest recommendation to relocate the dwelling approximately 12-feet downslope;
- (2) Utilize hillside design techniques and practices, including, but not limited to use of a split-level floor plan resulting in further stepping of the structure into the slope, use of small building elements which result in articulation along visible elevations of the residence, use of a low-profile roofline that is pitched and oriented to reflect the slope and direction of the surrounding natural terrain, and pathway lighting that is more directed to prevent illumination that would be visible from off-site locations; and
- (3) Eliminate the deck, or alternatively, minimize the massing effect of the deck on the north elevation by reducing the height and size, and by eliminating vertical supporting structures.

The applicant and owners expressed a willingness to modify aspects of the project related to lighting, roof pitch, size and location of the deck, and staff's recommend re-siting of the residence 12 feet downslope. However, the applicant and owners were not agreeable to the Deputy Zoning Administrator's request to re-site the residence near the bottom of the slope, abutting the rear of the proposed detached garage. Under the circumstances, the applicant and the property owners decided that they would prefer denial of the project and would appeal to the Planning Commission for reconsideration of the proposal.

CONCLUSION:

The proposed project is inconsistent with policies in the Marin Countywide Plan relating to the built environment (EQ-3.8), visual qualities and views (EQ-3.11), scale of development (EQ-3.25), rural character and lighting (EQ-3.26), and hillside design (EQ-3.28). Additionally, the proposed project is inconsistent with the mandatory findings for Coastal Permit and for Design Review because the design of the residence does not minimize the apparent bulk and mass of the structure and is not compatible with the hillside environment or surrounding community.

Alternatives to the currently proposed project, as discussed above, should be explored to minimize the apparent bulk and mass of the structure and better integrate the structure into the hillside location. An alternative site location and incorporation of additional hillside design methods that account for the steep slope is possible. It is probable that a combination of design alterations, as discussed previously, with consideration and more detailed analyses of alternative building sites that would comply with the septic requirements administered by the Department of Environmental Health Services, may result in a revised project that could be supported by staff.

RECOMMENDATION:

Staff recommends that the Planning Commission review the administrative record, conduct a public hearing, and adopt the attached Resolution denying the Telford Appeal and upholding the Deputy Zoning Administrator's denial of the Telford Coastal Permit and Design Review. Alternatively, staff recommends that the Planning Commission consider continuing the hearing to allow the applicants to explore feasible siting and design options that respond more positively to the applicable policies and standards outlined above.

Attachments:

1. Proposed Resolution denying the Telford Appeal and sustaining the Deputy Zoning Administrator's denial of the Telford Coastal Permit and Design Review.
2. Telford Petition for Appeal, received July 6, 2005
3. Deputy Zoning Administrator minutes, June 30, 2005
4. Countywide Plan Policies summary
5. Telford Coastal Permit and Design Review Staff Report to the Deputy Zoning Administrator, including the following attachments:
 - a. Attachment 1 (Proposed Resolution recommending denial of the Telford Coastal Permit and Design Review)
 - b. Attachment 2 (Environmental Document)
 - c. Attachment 3 (Location Map)
 - d. Attachment 4 (Site Plan)
 - e. Attachment 5 (Main Floor Plan)
 - f. Attachment 6 (Upper Floor Plan)
 - g. Attachment 7 (Sections, Elevations)
 - h. Attachment 8 (Elevations)
 - i. Attachment 9 (Garage Plan, Elevations, Section)