

MARIN COUNTY COMMUNITY DEVELOPMENT AGENCY
M E M O R A N D U M

TO: The Marin County Planning Commission
FROM: Neal Osborne, Planner
RE: Vlahos Design Review (DR 05-21) and Second Unit Permit (SU 05-37)
December 12, 2005 Continued Hearing Item 6
DATE: December 1, 2005

BACKGROUND

On July 11, 2005, the Planning Commission conducted a public hearing for the Vlahos Design Review and Second Unit Permit proposing a new single-family residence, second unit, driveway, swimming pool, and landscape terraces in the Ridge and Upland Greenbelt Area adjacent to Tiburon. The Planning Commission determined that the project would be too large and visually prominent adjacent to open space near a scenic ridgeline. At the request of the applicant, the Planning Commission withheld the final decision on the project to allow redesign of the project to reduce the overall size of the development to fit into the surrounding neighborhood character and ridge area. The Planning Commission hearing was continued to November 14, 2005 and subsequently further continued to December 12, 2005 to provide sufficient time for the applicant to prepare revised plans consistent with the Planning Commission's directions (refer to Attachments 13, 14, and 15).

REVISED PROJECT

In response to the Planning Commission's directions provided in the July 11, 2005 public hearing, the applicant submitted a revised proposal for a smaller development lower on the site, with less combined building area than the previous proposal for residence, garage, and second unit that had a combined building area of 9,100 square feet. The revised project is a proposal to construct a residential development with a combined building area of 6,276 square feet.

The single-family residence would have 4,598 square feet, the attached garage, mechanical room, and elevator would have 921 square feet, and the detached second unit would have 757 square feet (refer to Attachment 2). The single-family residence would have a maximum height of 27 feet above natural grade and 35 feet above interior finished grade at an elevation of 285 feet. A 192 square foot studio connected to the residence with an enclosed bridge walkway would have a maximum height of 14 feet at an elevation of 287 feet. The project includes construction of a swimming pool, concrete patios, access steps, retaining walls, landscaping, 21 roof-mounted solar panels, and a 240 lineal foot driveway extension with a fire truck turnaround, garage area turnaround, and 2 guest parking spaces. The driveway surface would consist of permeable concrete and crushed aggregate. The project also includes the legalization of an as-built 8-foot tall iron fence along the north and west property lines, and construction of an 8-foot fence along the east property line. The residence would have the following minimum property line setbacks: 72 feet front (south), 69 feet side (east), 10 feet side (west), and 50 feet rear (north). The maximum height of the second unit would be 17 feet above grade and would have the following minimum property line setbacks: 15 feet front (south), 85 feet side (east), 73 feet side (west), and 175 feet rear (north). The maximum height of the retaining walls to set the residence and terraced patios into the slope would be 9.5 feet, the maximum height of the retaining wall for the guest parking spaces would be 7.5 feet, and the maximum height of the retaining wall for the fire truck turnaround

would be 9.4 feet. Approximately one-half of the one-acre site would be affected by the development with grading to consist of 995 cubic yards of soil excavation and 815 cubic yards of fill.

In comparison to the previous proposal, the revised proposal would have 2,824 square feet less building area, and would be located much lower on the site in the middle and southwestern portions of the property. The residence would be set back a minimum distance of 50 feet from the open space property to the north. Staff finds that the revised project design addresses the primary concerns expressed by the Planning Commission for development on this property. The revised design would not encroach into the ridgeline setback area and the development steps up the hill with articulated forms, subdued colors, and reasonable scale to minimize visual impacts and fit into the neighborhood.

Table 1. Comparison of Previous Design and Revised Design Proposals

Design Proposal	Single Family Residence Area (square feet)	Second Unit Area (square feet)	Garage, mechanical room, and elevator area (square feet)	Total Building Area (square feet)	Maximum Height above grade (feet)	Maximum Elevation (feet above mean sea level)	Site Disturbance (square feet)	Excavation (cubic yards)	Fill (cubic yards)
Previous	7,470	691	978	9,139	37	315	34,868	1,325	4,450
Revised	4,598	757	921	6,276	27	287	20,000	995	815

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 lower on the property in comparison to the previous Litvak Design Review proposal and would not result in substantial visual impacts. The driveway would extend from an existing neighbor's driveway through the south portion of the property to a large turnaround area and three-car garage in the middle of the property 50 feet from the northern uphill property line (refer to Attachments 2 and 15). The large, tall residence and driveway retaining walls would have considerable height, mass, and bulk but would be in the least visible locations of the property. As proposed, the project would result in considerable soil excavation and fill with site disturbance to an area of approximately 20,000 square feet or 50% of the property. The project would conform to previous planning recommendations for development of this site and would conform to many of the design recommendations in the Single-Family Residential Guidelines for hillside and ridge area development.

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 southwestern portion of the site as viewed from the west and southwest.

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 cluster most development in the middle and southwestern portions of the site to minimize visual impacts. However, the studio and enclosed access bridge extend upslope from the main building and are not clustered. Staff recommends Condition of Approval 4(a) to delete the studio and access bridge to keep the building clustered lower on the hill and reduce the amount of site disturbance and total building area. Overall site disturbance would be on the lower portion of the site and would be limited to approximately 50% of the property. With the deletion of the studio, the maximum height of the residence would be lowered 2 feet to a mean sea level elevation of 285 feet, which is 15 feet lower than the non-development area plane that is within 100 vertical feet of the primary ridgeline.

Neighborhood Character

The neighborhood character in the vicinity of the subject property consists of a variety of lot sizes, residence sizes, architectural styles, zoning designations, and Countywide Plan land use designations. The subject property is the largest lot in the neighborhood with 43,585 square feet of land area. Most of the other properties have approximately 10,000 square feet of land area with an average lot area of approximately 15,000 square feet. Only 4 properties have more than 20,000 square feet and only one other property, the adjacent property at 32 Eagle Rock Road, has more than 30,000 square feet. The subject property is at the end of Eagle Rock Road where access is provided from a shared driveway with 30 Eagle Rock Road. All the other properties have frontage on Eagle Rock Road and individual driveways. The subject property is adjacent to public open space and only 32 Eagle Rock is also adjacent to this open space area. Additionally, the subject property and 32 Eagle Rock Road are the only properties in Planned District zoning with a zoning of RMP-0.2. Conventional zoning applies to all the other properties on Eagle Rock Road with A2:B2 zoning at 30 Eagle Rock and R1:B2 zoning for the 20 other properties on Eagle Rock Road.

As a result of these varied conditions, the development of the residences in the neighborhood has been completed predominately without Design Review and there are many different architectural styles. The 4,404 square foot residence at 32 Eagle Rock has a Mediterranean style with stucco siding and tile roofing that was approved with Design Review in 1982. Most of the other residences are smaller in size and consist of eclectic ranch and contemporary styles.

As shown in Table 2 below, a survey of the Assessor's records for the five 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 immediate vicinity. The County Assessor's records indicate that the total building areas range from 1,584 square feet to 4,404 square feet. The median total building area on these five properties is 3,556 square feet.

The proposed residence would have 6,276 square feet of total building area that would be 2,720 square feet larger than the median of the five adjacent residences. The proposed residence would be 1,872 square feet larger than the largest adjacent residence at 32 Eagle Rock Road. With the reduction in size recommended to eliminate the studio and cluster development better on the site, the total building area would be 5,987 square feet. This size development would be the largest in the neighborhood, but would not detract from the neighborhood character because of substantial setbacks from the road and neighboring properties, substantial screening with existing and proposed landscaping, and articulated architectural forms that step up the hill.

Table 2. Existing Areas of Five Neighboring Lots, Garages, and Total Building Areas

Address (Eagle Rock Road)	Assessor's Parcel	Lot Area (square feet)	Garage area (square feet)	Total Building Area (square feet)
25	034-083-08	17,600	0	2,370
26	034-082-05	15,006	783	3,556
27	034-083-07	26,230	672	3,983
30	034-082-26	14,036	0	1,584
32	034-082-31	35,360	704	4,404
28 (Project Site)	034-012-19	43,585	921 (Proposed)	6,276 (Proposed)
Median Area Values		17,600	672	3,556

Source: Marin County Assessor's Office

As-Built Fence and Fence Proposal

An 8-foot tall iron rail fence has been constructed along the western and northern property line and painted a dark green color. A new fence to match would be constructed along the eastern property line. The existing and proposed fence matches the design of the fence along the common property line with 32 Eagle Rock Road. Staff recommends Condition of Approval 4(b) to reduce the fence height to 4 feet along the northern and eastern property lines and for the first 40 lineal feet along the western property line measured from the northwest corner of the lot. This reduction in height would minimize visual impacts and provide a less abrupt transition from the adjacent open space land.

Unauthorized Grading and Stop Work Orders

The applicant completed preliminary site grading and brought large rocks to the property without prior authorization during this Design Review process. A Stop Work Order was issued on July 7, 2005 to curtail additional work. As directed by the Planning Commission, erosion control improvements have been installed pursuant to an approved Erosion and Sediment Control Plan. During a site inspection on October 5, 2005, Department of Public Works staff observed trenching work in progress along the driveway in violation of the Stop Work Order. On October 6, 2005 a second Stop Work Order was sent to Mr. Vlahos as reminder that except for erosion control, no work is authorized on site. Staff recommends Condition of Approval 3 that requires payment of an additional Design Review fee in the amount of \$2,895.00 for grading and trenching work completed without prior authorization and after a Stop Work Order was issued.

Town of Tiburon Planning Department

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 revised proposal would comply with this maximum size limit and would reduce grading and the amount of site disturbance as requested by the Town of Tiburon planning staff.

Strawberry Design Review Board Comments

The revised project addresses most of the issues raised in the Strawberry Design Review Board comments on the previous project. The revised landscaping plan includes native species with two Coast Live Oak trees and six Coast Scrub Oak shrubs proposed. A revised color board indicates the use of a variety of gray, gray/green, gray/blue, tan, and bronze exterior colors that would blend into the site better. Computer-generated renderings have been submitted and a site lighting plan will be submitted for Board approval as recommended in Condition of Approval 20.

Public Comments

The three adjacent neighbors submitted letters of support for the previous design. No comments have been received to date in response to the public notice distributed for the revised project.

Conclusion

Staff finds the required findings for Design Review can be made for the project because the development would be reasonably sized with limited visual impacts on 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 be compatible with the neighborhood. The project would comply with the Single-family Residential Design Guidelines to minimize visual impacts and conserve natural resources. The project redesign has merit because it would significantly reduce the overall scale of development, visual impacts, and grading, so that the project would be reasonably consistent with the neighborhood character. The applicant made many modifications to the project in response to issues raised by the Planning Commission and staff. In staff's opinion, the revised plans and recommended conditions of approval would bring the project into conformance with applicable plan policies and zoning standards.

Staff finds the revised proposal consistent with Countywide Plan Ridge and Upland Greenbelt Policies EQ-3.18 and EQ-3.19. These policies 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 revised project, as modified by conditions of approval, would be clustered in the least visually prominent portion of the site and would comply with the ridgeline setback standards.

RECOMMENDATION:

Staff recommends that the Planning Commission review the administrative record, conduct a public hearing, and adopt the attached resolution approving the Vlahos Design Review. Staff recommends elimination of the third floor level studio and enclosed access bridge to reduce the size and extent of development for a total building area of 5,987 square feet.

- Attachments:
1. Revised Resolution approving the Vlahos Design Review with conditions
 2. Revised Plans, dated 11/01/05 and 11/22/05
 - a. Proposed Site Plan
 - b. Grading and Drainage Plan
 - c. Building Sections
 - d. Ground Floor
 - e. Second Floor
 - f. Third Floor
 - g. Roof Plan
 - h. East and West Elevations
 - i. North and South Elevation
 3. Southern Marin Fire Protection District letters, 11/29/05 and 11/27/04
 4. Department of Public Works memorandum, 11/29/05
 5. Richardson Bay Sanitary District letter, 11/22/05
 6. Community Development Agency, Green Building memorandum, 11/16/05
 7. Jack Rittenhouse III letter, 11/8/05
 8. Green Building Design Guidelines Checklist, 11/14/05
 9. Single-family Residential Design Guidelines Checklist, 11/14/05
 10. Community Development Agency, Planning memorandum and Attachments(5), 11/3/05
 11. Community Development Agency, Enforcement letter and Enclosures(3), 10/6/05
 12. Peter Blake letter, 7/1/05
 13. Community Development Agency, Planning memorandum and Attachments(2), 7/7/05

The following attachments were provided to the Planning Commissioners only. These attachments are available for public review at the Community Development Agency, Planning Division during regular business hours: Monday through Friday, 8:00 A.M. to 4:00 P.M..

14. Planning Commission Minutes, July 11, 2005
15. Planning Commission Staff Report, July 11, 2005
16. Revised Plans with color renderings, 11/22/05 and 11/01/05

MARIN COUNTY PLANNING COMMISSION

RESOLUTION NO. _____

A RESOLUTION APPROVING

THE VLAHOS DESIGN REVIEW

ASSESSOR'S PARCEL 034-012-19

28 EAGLE ROCK, MILL VALLEY

SECTION 1: FINDINGS

- I. WHEREAS Jerry Kler, Architect, on behalf of James Vlahos, submitted revised Design Review and Second Unit Permit applications proposing to construct a residential development with a combined building area of 6,276 square feet. The single-family residence would have 4,598 square feet, the attached garage, mechanical room, and elevator would have 921 square feet, and the detached second unit would have 757 square feet. The single-family residence would have a maximum height of 27 feet above natural grade. A 192 square foot studio connected to the residence with an enclosed bridge walkway would have a maximum height of 14 feet at an elevation of 287 feet. The project includes construction of a swimming pool, concrete patios, access steps, retaining walls, landscaping, 21 roof-mounted photovoltaic panels, and a 240 lineal foot driveway extension with a fire truck turnaround, garage area turnaround, and 2 guest parking spaces. The driveway surface would consist of permeable concrete and crushed aggregate. The project also includes the legalization of an as-built 8-foot tall iron fence along the north and west property lines, and construction of a new fence along the east property line. The residence would have the following property line setbacks: 72 feet front (south), 69 feet side (east), 10 feet side (west), and 50 feet rear (north). The studio would have a maximum height of 14 feet at an elevation of 287 feet. The maximum height of the second unit would be 17 feet above grade and would have the following property line setbacks: 15 feet front (south), 85 feet side (east), 73 feet side (west), and 175 feet rear (north). The maximum height of the retaining walls to set the residence and terraced patios into the slope would be 9.5 feet, the maximum height of the retaining wall for the guest parking spaces would be 7.5 feet, and the maximum height of the retaining wall for the fire truck turnaround would be 9.4 feet. Approximately one-half of the one-acre site would be affected by the development with grading to consist of 995 cubic yards of soil excavation and 815 cubic yards of fill. 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 as 28 Eagle Rock Road, 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, and continued hearings on November 14, 2005 and December 12, 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 consistent with the Marin Countywide Plan because it would:

1. Result in development that would be reasonably sized and visible to 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 consistent 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 consistent with the Strawberry Community Plan policies as development that would preserve the natural appearance of hills, ridgelines, and other prominent or significant landforms because it would be a reasonably sized residential development on the lower and least visible portions of the site, with moderate grading for fill, and a maximum height of 27 feet above grade.

VI. WHEREAS the Marin County Planning Commission finds that the proposed project, is 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 can be made because the proposed project will be in substantial harmony with its surrounding. The height and overall size of the residence would not be unsightly or create disharmony with the surrounding neighborhood. The structure would be well screened from the southwest by existing mature vegetation, and proposed landscaping would provide screening of its visible mass and bulk viewed from U.S. Highway 101 and residential properties to the west. The proposed residence would have 6,276 square feet of total building area that would be 2,720 square feet larger than the median of the five adjacent residences. The proposed residence would be 1,872 square feet larger than the largest adjacent residence at 32 Eagle Rock Road. With the reduction in size recommended to eliminate the studio and cluster development better on the site, the total building area would be 5,987 square feet. This size development would be the largest in the neighborhood, but would not detract from the neighborhood character because of substantial setbacks from the road and neighboring properties, substantial screening with existing and proposed landscaping, and articulated architectural forms that step up the hill. The proposed development would be consistent with the Single-family Residential Guidelines for hillside lots near a ridgeline.

- 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 can be made because the proposed project will minimize or eliminate adverse visual effects within the surrounding neighborhood. Due to its size, bulk and mass, and location, the proposed residence would not have an adverse visual effect to adjacent properties to the south and west and would not substantially 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 and northwest. The visibility of the proposed residence would not detract substantially from the natural aesthetics of the hillside and ridge area environment that characterizes this area. The residence would be located lower on the site in the middle and southwest portions of the lot where it would be less visible and partially screened by existing and proposed trees and landscaping. The architectural forms would step up the slope and would contain articulated elements consistent with many of the Single-family Residential Guidelines for hillside development. The maximum height of 27 feet above grade would be for a small portion of the residence and would not substantially detract from the enjoyment of the open space views and pleasing development of the neighborhood.

- 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 would not 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.

- 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 can be made because native and non-native landscaping is proposed to replace approximately 10 Eucalyptus trees that were removed from the site. The proposed grading for 995 cubic yard of excavation and 815 cubic yards of fill is necessary to set the development into the hill to protect views and to provide driveway, parking, and a fire truck turnaround area that comply with County Codes.

- 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 can be made because the proposed improvements, as modified by conditions of approval to delete the studio, in the Ridge and Upland Greenbelt Area are clustered in the least visible location of this grassy hillside lot, the visual bulk and mass of the residence is acceptable, and the height would not 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 285 feet mean sea level, which is 15 below 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 can be made. The 5,987 square feet of proposed building area, 27-foot maximum height, clustered bulk and mass, materials and scale of the structures would 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 by the Department of Public Works and an on-site dispersal system is recommended instead of an entirely 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 can be made. The development is proposed on a steep 36% upslope parcel with the construction of numerous retaining walls up to 9.5 feet tall and considerable reforming of the natural terrain to comply with access and turnaround standards. The proposed excavation of 995 cubic yards and fill of 815 cubic yards over 50% of the site (20,000 square feet) would 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 can be made. As proposed, the residence would not result in a loss of views and vistas from properties located downhill and adjacent to the project site. Due to the minimal visual impacts on surrounding properties, the proposal is consistent with Strawberry Community Plan Policy CD 2.1, which discourages development that interferes with existing views.

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 with efficiency measures and solar energy use. The project includes 21 solar 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 been provided to verify inclusion of energy conservation features. A Residential Green Building Checklist has been provided to verify inclusion of design features that foster energy and natural resource conservation. The submitted Checklist indicates 177 points and a Green Building rating of Platinum.

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 can be made because the proposed project would be in substantial harmony with its surrounding due to the height, location, and size. The size of the proposed residential development will blend into the site and character of the surrounding community adjacent to public open space. The project is consistent with the Countywide Plan and Development Code standards for development in the Ridge and Upland Greenbelt because development would be clustered in the least visible location and would be 15 feet lower than the ridgeline setback area that is 100 vertical feet below the ridgeline (refer to Findings VI. A, VI. B, and VI. E above).

SECTION 2: CONDITIONS OF PROJECT APPROVAL

NOW, THEREFORE, BE IT RESOLVED that the Marin County Planning Commission hereby approves the Vlahos Design Review (DR 05-21) subject to the following conditions:

Marin County Community Development Agency, Planning Division

1. The Vlahos Design Review approval is granted pursuant to Chapter 22.42 of Marin County Code to construct a residential development with combined building areas of 5,987 square feet. The approval permits construction of a 4,316 square foot residence, a 921 square foot garage with mechanical room and elevator, and a 750 square foot second unit. The approval permits a single-family residence with a maximum height of 27 feet above natural grade. The 192 square foot studio connected to the residence with an enclosed bridge walkway is not approved. The approval permits the construction of a swimming pool, concrete patios, access steps, retaining walls, landscaping, 21 roof-mounted solar panels, and a 240 lineal foot driveway extension with a fire truck turnaround, and 2 guest parking spaces. The driveway surface would consist of permeable concrete and crushed aggregate. The approval requires modification of the as-built 8-foot tall iron fence along the north and west property lines to a 6-foot tall fence, and construction of a 6-foot fence along the east property line. The approval permits the residence with the following property line setbacks: 72 feet front (south), 69 feet side (east), 10 feet side (west), and 50 feet rear (north). The approval permit a detached second unit with a maximum height of 17 feet above grade and the following property line setbacks: 15 feet front (south), 85 feet side (east), 73 feet side (west), and 175 feet rear (north). The approval permits retaining walls to set the residence and terraced patios

into the slope with a maximum height of 9.5 feet. The subject property is located at 28 Eagle Rock Road, Mill Valley and is further identified as Assessor's Parcel 034-012-19.

2. Except as modified herein, the required Building Permit and site improvements shall substantially conform to plans on file with the Marin County Community Development Agency, Planning Division identified as Exhibit A, "Project Design For Vlahos" consisting of 18 sheets, prepared by Jerry Allen Kler Associates Architects, dated November 1, 2005, and date stamped received in the Planning Division on November 14, 2005; and Exhibit B, "Color Board" submitted November 30, 2005.
3. BEFORE ISSUANCE OF A BUILDING PERMIT, and pursuant to Item E of the Community Development Agency Planning Division Fee Schedule, the applicant shall submit \$2,895.00 to the Planning Division as a double Design Review fee payment for the grading and utility trenching work completed before Design Review approval, and after a Stop Work Order was issued for unauthorized grading on the property.
4. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit revised plans to the Director for review and approval that:
 - a. Delete the third floor studio and enclosed walkway access bridge;
 - b. Reduce the fence height to 6 feet along the north and east property lines, and reduce the fence height to 6 feet for the first 40 lineal feet along the western property line measured from the northwest corner of the property; and,
 - c. Reduce the second unit to a maximum floor area of 750 square feet.

Upon approval, the revised plans shall be labeled "revised Exhibit A".

5. BEFORE ISSUANCE OF A BUILDING PERMIT, 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.
6. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit either: 1) a Statement of Conformance, signed by a certified or licensed landscape design professional confirming that the landscape design requirements of Chapter 23.10 of the Marin County Code have been met; or 2) a letter from the Marin Municipal Water District indicating that the proposed landscaping complies with all conditions of the District's Water Conservation Ordinance.
7. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit a signed Statement of Conformance demonstrating that the project qualifies for a "Certified" or better rating under the Marin Green Home: New Home Green Building Residential Design Guidelines. The Building Permit shall include specifications demonstrating compliance with all construction-related measures that are used to meet the "Certified" or better rating.
8. Exterior lighting shall be located and/or shielded so as not to cast glare on nearby properties.
9. If archaeological, historic, or prehistoric resources are discovered during construction, construction activities shall cease, and the Community Development Agency staff shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may occur in compliance with State and Federal law. A registered archeologist, chosen by the County and paid for by the applicant, shall assess the site and shall

submit a written report to the Community Development Agency staff advancing appropriate mitigations to protect the resources discovered. No work at the site may recommence without approval of the Community Development Agency staff. All future development of the site must be consistent with findings and recommendations of the archaeological report as approved by the Community Development Agency staff. If the report identifies significant resources, amendment of the permit may be required to implement mitigations to protect resources. Additionally, the identification and subsequent disturbance of an Indian midden requires the issuance of an excavation permit by the Department of Public Works in compliance with Chapter 5.32 (Excavating Indian Middens) of the County Code.

10. All construction activities shall comply with the following standards:
 - a. Construction activity is only permitted between the hours of **7:00 a.m. and 6:00 p.m., Monday through Friday**, and **9:00 a.m. and 5:00 p.m. on Saturday**. No construction shall be permitted on Sundays and the following holidays (New Year's Day, President's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day). Loud noise-generating construction-related equipment (e.g., backhoes, generators, jackhammers) can be maintained, operated, or serviced at the construction site from 8:00 a.m. to 5:00 p.m. Monday through Friday only. Minor jobs (e.g., painting, hand sanding, sweeping) with minimal or no noise impacts on the surrounding properties are exempted from the limitations on construction activity. At the applicant's request, the Community Development Agency staff may administratively authorize minor modifications to these hours of construction.
 - b. It shall be the responsibility of the applicant to ensure that all construction materials and equipment are stored on-site (or secured at an approved off-site location) and that all contractor vehicles are parked in such a manner as to permit safe passage for vehicular, pedestrian, and bicycle traffic at all times.
11. All utility connections and extensions (including but not limited to electric, communication, and cable television lines) serving the development shall be undergrounded from the nearest overhead pole from the property, where feasible as determined by the Community Development Agency staff.
12. The applicant/owner hereby agrees to defend, indemnify, and hold harmless the County of Marin and its agents, officers, attorneys, or employees from any claim, action, or proceeding, against the County or its agents, officers, attorneys, or employees, to attack, set aside, void, or annul an approval of (description of project being approved), for which action is brought within the applicable statute of limitations.
13. BEFORE FINAL INSPECTION, the applicant shall submit a Statement of Completion, signed by a certified or licensed landscape design professional, verifying that all approved and required landscaping has been installed in accordance with the approved landscape plan and Chapter 23.10 of the Marin County Code, where applicable.
14. Any changes or additions to the project shall be submitted to the Community Development Agency in writing for review and approval before the contemplated modifications may be initiated. Construction involving modifications that do not substantially comply with the approval, as determined by the Community Development Agency staff, may be required to be halted until proper authorization for the modifications are obtained by the applicant.

15. BEFORE FINAL INSPECTION, the applicant shall submit a signed Statement of Completion confirming that the project has been constructed in compliance with all of the measures that were used to meet the “Certified” or better rating under the Marin Green Home: New Home Green Building Residential Design Guidelines.
16. BEFORE FOUNDATION INSPECTION, the applicant shall have a licensed land surveyor or civil engineer with proper certification conduct a survey of the side and rear (east, west, and north) property lines and install property line markers that can be readily verified by the Building and Safety Inspection staff to verify building setbacks and submit a written (stamped) confirmation to the Planning Division confirming that the staking of the property lines has been properly completed. In addition, it is recommended that the required setback lines be clearly marked by stakes similar to batter boards that are installed at the foundation corners. The requirement for new survey markers may be waived if proper survey markers already exist at the site and can be used by the Building and Safety Inspection staff to definitely measure building setbacks.
17. BEFORE APPROVAL OF THE UNDERFLOOR INSPECTION, the applicant shall have a licensed land surveyor or civil engineer with proper certification prepare and submit a written (stamped) survey or certification to the Planning Division confirming that the building’s finish floor elevation conforms to the floor elevation that is shown on the approved Building Permit plans, based on a benchmark that is noted on the plans.
18. BEFORE APPROVAL OF THE FRAMING INSPECTION, the applicant shall have a licensed land surveyor or civil engineer with proper certification submit a written (stamped) building height survey confirming that the building conforms to the roof ridge elevations that are shown on the approved Building Permit plans, based on a benchmark that is noted on the plans.
19. BEFORE APPROVAL OF THE FRAMING INSPECTION, the applicant shall submit documentation from the project engineer or “as-built” service, to be approved by the Chief Building Inspector, confirming that the floor area of the building conforms to the floor area that is shown on the approved Building Permit plans. A registered engineer or “as-built” service must stamp and wet sign this verification. Alternatively, the applicant may request that the Building and Safety Inspection staff verify the floor area based on measurement marks on the subfloor and second/third floor framing.
20. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall revise the plans to depict the location and type of all exterior lighting for review and approval of the Community Development Agency staff in consultation with the Strawberry Design Review Board. Exterior lighting visible from off site shall be permitted for safety purposes only, shall consist of low-wattage fixtures, and shall be directed downward and shielded to prevent adverse lighting impacts on nearby properties. The Community Development Agency staff may allow exceptions to this standard if the exterior lighting would not create night-time illumination levels that are incompatible with the surrounding community character and would not shine on nearby properties.
21. BEFORE FINAL INSPECTION, the applicant shall install all landscaping and an automatic drip irrigation system in accordance with the approved landscape plan. The applicant shall call for a Community Development Agency staff inspection of the landscaping at least five working days before the anticipated completion of the project. Failure to pass inspection will result in withholding of the Final Inspection and imposition of hourly fees for subsequent reinspections.

22. Any changes or additions to the project shall be submitted to the Community Development Agency in writing for review and approval before the contemplated modifications may be initiated. Construction involving modifications that do not substantially comply with the approval, as determined by the Community Development Agency staff, may be required to be halted until proper authorization for the modifications are obtained by the applicant.

Department of Public Works, Land Use and Water Resources Division

23. BEFORE ISSUANCE OF BUILDING PERMIT, the applicant shall submit or complete the following items:
- a. Revise plans to show new location for proposed energy dissipater so it does not concentrate the flow into the neighboring property. Provide design detail of proposed energy dissipater(s). Provide pipe size recommendations for new storm drains based on the Hydrology and Hydraulic Calculations.
 - b. The plans shall be review an approved by a Registered Civil Engineer with soils engineering expertise or a Registered Geotechnical Engineer. Certification shall either be by the engineer's stamp and signature on the plans, or by stamp and signed letter.
 - c. A registered Engineer shall design the site/driveway retaining walls, drainage, and grading plans. Plans must have the engineer's signature and stamp.
 - d. Submit engineer's calculations for site/driveway retaining walls, signed and stamped by the engineer.
 - e. Submit an Erosion and Siltation Control Plan.
 - f. An Encroachment Permit shall be required for all improvements within the road right-of-way.
 - g. The applicant shall pay Public Transportation Facilities fees in accordance with Marin County Code Chapter 15.07.

Marin Municipal Water District

24. The applicant must enter into a pipeline extension agreement for the installation of the necessary facilities to upgrade the District's existing facilities. The District's Board of Directors must approve the agreement. All costs associated with a pipeline extension are borne by the applicant. Upon completion and acceptance of these facilities, this property will be eligible for water service upon request and fulfillment of the following requirements:
- a. Completion of Low Pressure Water Service Applications including completion and notarization of Low Pressure Agreements. The applicant may be required to install mechanisms to pressurize each system;
 - b. Submittal of a copy of the building permit and payment of required fees;
 - c. Completion of the structure's foundation within 120 days of the date of application;

- d. Compliance with the District's rules and regulations in effect at the time service is requested; and,
- e. Compliance with the District's landscape requirements (Ordinance 385) through submittal of working drawings for all planting and irrigation systems to the District prior to provision of water service for new landscape areas, or improved or modified landscape areas.

Richardson Bay Sanitary District

- 25. The applicant must obtain a Sanitary Connection Permit for the plumbing fixtures to be installed and pay the infrastructure fee.

Southern Marin Fire Protection District

- 26. All access roads serving a dwelling shall be a minimum of 12 feet in width and be paved.
- 27. Driveways off access roads serving dwelling units shall meet Marin County Standards related to dimensions, surfacing, and slope (slope not to exceed 21 percent).
- 28. All new driveways shall be designed so that emergency vehicles can negotiate turns without having to make backing maneuvers (no switchbacks).
- 29. All access roads or driveways in excess of 150 feet in length shall be provided with an approved turn around.
- 30. In addition to the turn around described above, driveways or access roads shall have turnouts every 150 feet or as required by the fire district. A turnout shall be described as a shoulder or wide portion of the driving surface which has enough useable surface for vehicles to pass.
- 31. Provide a U.L. listed key box as required by the Southern Marin Fire Protection District. If electric gate, a Knox Box is required.
- 32. PRIOR TO FRAMING, provide fire department approved fire hydrant(s) to be spaced at 350 feet intervals and capable of providing a flow at the site of 750 gallons for 2 hours. Hydrant placement (including water main extension) shall be reviewed and approved by the District and MMWD.
- 33. For all new construction, plans for fire sprinkler design shall be approved and reviewed by the Southern Marin Fire Protection District prior to installation.
- 34. The address shall be posted in accordance with requirements of the Uniform Fire Code.
- 35. Smoke detectors shall be installed in accordance with the Uniform Building Code.
- 36. Non-combustible roofing is required for all new construction.
- 37. Compliance must be provided with Public Resources Code 4291 relating to brush and weed clearance.
- 38. Prior to occupancy, a spark arrestor shall be installed in the chimney(s).

39. All on-site improvements, such as water main extensions, hydrants and access roads must be serviceable PRIOR TO FRAMING the structure.
40. FINAL OCCUPANCY APPROVAL shall not be granted/released until authorization to the Community Development Agency has been received from the District.

Planning Commission

41. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit a revised Landscape Plan to the Director for review and approval that provides long-term screening with evergreen trees along the west side to replace the screening effect of the Eucalyptus trees on the neighboring property that may be removed in the future. The Landscape Plan shall increase the ratio of native plants in relation to non-native plants. The emphasis of the Landscape Plan shall be on native species with some allowance for non-native species that are fast growing for screening the west elevation of the residence. The Landscape Plan shall provide slope stabilization upslope of the residence. Upon approval, the revised Landscape Plan shall be included in revised Exhibit A.

SECTION 3: VESTING AND APPEAL RIGHTS

NOW, THEREFORE BE IT RESOLVED that the applicant shall vest the approval of the Vlahos Design Review (DR 05-21) application, before December 12, 2007 with the issuance of Building Permits and substantial completion of all improvements in accordance with the conditions of approval, or all rights granted in this approval shall lapse unless the applicant applies for an extension at least 30 days before the expiration date and the Director approves it.

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., January 19, 2006.

SECTION 4: VOTE

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the County of Marin, State of California, on the 12th day of December 2005, by the following vote to wit:

AYES:

NOES:

ABSENT:

STEVE THOMPSON, CHAIRPERSON
MARIN COUNTY PLANNING COMMISSION

Attest:

Kim Shine
Planning Commission Recording Secretary