

**MARIN COUNTY PLANNING DIVISION
ADMINISTRATIVE DECISION
Williams Family Revocable Living Trust Design Review**

Decision: Approved with conditions
Date: April 29, 2021

Project ID No:	P2995	Applicant(s):	Graham Irwin
		Owner(s):	Williams Family Revocable Living Trust
		Assessor's Parcel No(s):	071-173-29
		Property Address:	104 Cypress Ave, Kentfield
		Project Planner:	Sabrina Cardoza (415) 473-3607 scardoza@marincounty.org
		Signature:	<i>Sabrina Cardoza</i>
Countywide Plan Designation:		SF5 (Single-family, 2-4 units per acre	
Community Plan Area:		Kentfield/Greenbrae Community Plan	
Zoning District:		R1-B2 (Residential, Single-family, 10,000 square-foot minimum lot size	
Environmental Determination:		Categorically Exempt, CEQA Guidelines §15301, Class 1 and §15303, Class 3	

PROJECT SUMMARY

The applicant requests Design Review approval to construct 117 square feet of in-fill additions onto the lower floor of an existing 4,554 square-foot residence and 526 square feet of additions onto an existing 526 square-foot detached accessory structure (“pool house/garage”) on a developed lot in Kentfield. The total 633 square feet of proposed additions would result in a floor area of 5,160 square feet and a floor area ratio of 6.7 percent on the 77,467 square-foot lot.

The primary residence would maintain an existing maximum height of approximately 35 feet above surrounding grade and the exterior walls would have the following setbacks: 73 feet from the western front property line; 11 feet, seven inches from the northern side property line; over 200 feet from the southern side property line; and over 200 feet from the eastern rear property line.

The detached accessory structure (“pool house/garage”) would reach a maximum height of 29 feet above surrounding grade and the exterior walls would have the following setbacks: over 100 feet from the eastern front property line, 42 feet, two inches from the northern side property line, over 200 feet from the southern side property line, and over 130 feet from the eastern rear property line.

Various site improvements would also be entailed in the proposed development, including a new dormer on the second story of the primary residence, a new 767 square-foot deck attached to the primary residence, and a 673 square-foot new deck attached to the existing detached accessory structure. The new deck proposed to be attached to the primary residence would reach a maximum height of approximately 15 feet above surrounding grade. The new deck proposed to be attached to the detached accessory structure ("pool house/garage") would reach a maximum height of approximately 11 feet above surrounding grade.

Design Review approval is required pursuant to Marin County Code Section 22.42.020 because the project would result in a floor area exceeding 3,500 square feet in a conventional zoning district.

COUNTYWIDE PLAN CONSISTENCY

The proposed project is consistent with the Marin Countywide Plan (CWP) for the following reasons:

- A. The project is consistent with the CWP woodland preservation policy (BIO-1.3) because the project would not entail any tree removal.
- B. The project is consistent with the CWP special-status species protection policy (BIO-2.2) because the subject property does not provide habitat for special-status species of plants or animals.
- C. The project is consistent with the CWP natural transition and connection policies (BIO 2.3 and BIO 2.4) because the project would not substantially alter the margins along riparian corridors, wetlands, baylands, or woodlands.
- D. The project is consistent with the CWP stream and wetland conservation policies (BIO-3.1 and CWP BIO-4.1) because the proposed development would not encroach into any Stream Conservation Areas or Wetland Conservation Areas.
- E. The project is consistent with CWP water quality policies and would not result in substantial soil erosion or discharge of sediments or pollutants into surface runoff (WR-1.3, WR-2.2, WR-2.3) because the grading and drainage improvements would comply with the Marin County standards and best management practices required by the Department of Public Works.
- F. The project is consistent with CWP seismic hazard policies (CWP Policies EH-2.1, EH-2.3, and CD-2.8) because it would be constructed in conformance with County earthquake standards, as verified during review of the Building Permit application and the subject property is not constrained by unusual geotechnical problems, such as existing fault traces.
- G. The project is consistent with CWP fire hazard management policies (EH-4.1, EH-4.2, EH-4.5) because it would meet all fire safety requirements, as verified by the local fire protection district during review of the Building Permit application.
- H. The project is consistent with CWP aesthetic policies and programs (DES-4.1 and DES-4.e) because it would protect scenic quality and views of ridgelines and the natural environment from adverse impacts related to development.

- I. The project is consistent with CWP residential design policies and programs (DES-3.b and DES-4c) because it would fit within the context of the neighborhood, minimize the perception of mass and bulk, and comply with the Single-family Residential Design Guidelines.

COMMUNITY PLAN CONSISTENCY

The proposed project is consistent with the Kentfield/Greenbrae Community Plan policies related to subarea I for the following reasons:

- A. The project would meet all height and setback standards identified in the Conservation and Development Standards.
- B. The project would meet all access and parking standards, as verified by the Department of Public Works during Building Permit review.
- C. The project would be adequately landscaped in conformance with Community Appearance and Amenities standards

DEVELOPMENT CODE CONSISTENCY

Mandatory Findings for Design Review (Marin County Code Section 22.42.060)

- A. The proposed development complies with either the Single-family or Multi-family Residential Design Guidelines, as applicable, the characteristics listed in Chapter 22.16 (Discretionary Development Standards) and 22.32.168 (Tidelands), as well as any applicable standards of the special purpose combining districts provided in Chapter 22.14 of this Development Code.**

There are no standards provided in Chapter 22.14 that apply to the project and the development would not occur within a tidelands area. The proposed project is consistent with the Design Guidelines and Discretionary Development Standards because it is designed to avoid adversely affecting natural resources or the character of the local community. The project's consistency with the standards and guidelines most pertinent to the subject property is discussed below.

SITE PREPARATION: Development Standards J.1 through J.6; Design Guidelines A-1.2 through A-1.4

The previously developed site is a large 77,467 square-foot lot and is moderately steep with an average slope of 36 percent. The property slopes upwards from the front portion of the property along Cypress Avenue. Existing residential development is located within the northern side portion of the property.

The proposed infill additions to the primary residence and the proposed second-story additions to the detached accessory structure would be located within the area of existing development. Associated earthwork would result in a minimal amount of grading necessary for the development. An engineered grading and drainage plan will be submitted in accordance with the standards outlined by the Department of Public Works during the Building Permit review process. No tree removal is proposed to accommodate the development.

BUILDING LOCATION: Development Standards D.1 through D.4; Design Guidelines D-1.6

Though the project site is moderately steep, the project site is not located within the Ridge and Upland Greenbelt nor is it located within any visually prominent ridgelines. The proposed additions would be located within areas of existing development that are clustered within the most accessible and previously disturbed portions of the site.

PROJECT DESIGN: Development Standard I.1 and I.2; Design Guideline D-1.7

The additions to the primary development would be located within the lower floor of the multi-story residence and would not alter the existing maximum height of 35 feet above surrounding grade.

The additions to the existing 21-foot-tall detached accessory structure would result in a maximum height of 29 where a maximum height of 15 for detached accessory structures is normally allowed under the R1-B2 (Residential, Single-family, 10,000 square-foot minimum lot size) zoning district. However, the proposed additions to the detached accessory structure would be located more than 40 feet from all property lines as allowable pursuant to Marin County Code Section 22.16.030.I.1.(b).

The project entails the use of subdued colors and natural materials that would match the existing residence such as dark-colored roofing, gray panel and shingle siding, dark-colored trim, and stone veneer.

MASS AND BULK: Design Guidelines D-1.1 through D-1.5

The proposed additions would maintain the articulated bulk and mass of the existing primary residence and detached accessory structure by utilizing surface relief created by modest overhangs, recesses, and plan offsets. The addition to the detached accessory structure entails a pitched roof which compliments the varied roof forms of the primary residence.

EXTERIOR LIGHTING: Development Standard G; Design Guideline C-1.11

The selected exterior light fixtures would be shielded and downward facing. However, a standard condition of approval will be imposed to ensure that all the exterior lighting incorporated into the Building Permit is unobtrusive and downward facing.

LANDSCAPING AND VEGETATION REMOVAL: Development Standard F; Design Guideline A-1.1

The proposed development does not entail any changes to the existing landscaping of the site. The project site is densely vegetated with mature vegetation and introduced ornamental landscaping throughout the property that would be maintained.

ACCESS: Development standard C; Design Guidelines A-1.5

Access to the property is provided by Cypress Avenue. The proposed development does not entail any changes to existing access.

NEIGHBORHOOD COMPATABILITY: Design Guidelines B-1.1, C-1.1 through C-1.3, C-1.7

The surrounding area is comprised of a varied mix of architectural styles and lot sizes ranging from moderate to large-sized lots. The topography of the surrounding area is similar to the steep topography of the project site. The bulk, massing and height of residences vary widely, ranging between single and multi-story residences. The proposed project is consistent with the key design principles of the Single-family Residential Design Guidelines in that the project incorporates articulated building forms and varied roof forms to break up bulk and mass.

B. The proposed development provides architectural design, massing, materials, and scale that are compatible with the site surroundings and the community.

The architectural design, massing, materials, and scale of the additions are compatible with the neighborhood, which is comprised of a mixture of moderate to large lot and residence sizes.

The residence is designed to incorporate a combination of articulated building and roof forms. The proposed exterior materials are generally compatible with and would complement the surrounding neighborhood, including a combination of subdued colors and natural materials such as dark-colored roofing, gray panel and shingle siding, dark-colored trim, and stone veneer.

C. The proposed development results in site layout and design that will not eliminate significant sun and light exposure or result in light pollution and glare; will not eliminate primary views and vistas; and will not eliminate privacy enjoyed on adjacent properties.

The proposed project is designed to utilize and maintain existing vegetative screening and previously developed areas, resulting in a site layout that will not eliminate sun and light exposure, views, vistas, and privacy to the adjacent properties. A standard condition of approval requires all exterior lighting to be shielded and downward facing so that the project would not result in any nighttime light pollution and/or glare.

D. The proposed development will not adversely affect and will enhance where appropriate those rights-of-way, streetscapes, and pathways for circulation passing through, fronting on, or leading to the property.

The proposed development and site improvements would not impact any right-of-way or pathways of circulation because it is designed to be built outside of these areas.

E. The proposed development will provide appropriate separation between buildings, retain healthy native vegetation and other natural features, and be adequately landscaped consistent with fire safety requirements.

The project entails additions to the existing residence and detached accessory structure that would maintain existing and adequate building setbacks. The project does not entail any changes to existing landscaping and vegetation.

ACTION

The project described in condition of approval 1 below is authorized by the Marin County Planning Division and is subject to the conditions of project approval.

This planning permit is an entitlement to apply for construction permits, not a guarantee that they can be obtained, and it does not establish any vested rights. This decision certifies the proposed project's conformance with the requirements of the Marin County Development Code and in no way affects the requirements of any other County, State, Federal, or local agency that regulates development. In addition to a Building Permit, additional permits and/or approvals may be required from the Department of Public Works, the appropriate Fire Protection Agency, the Environmental Health Services Division, water and sewer providers, Federal and State agencies.

CONDITIONS OF PROJECT APPROVAL

CDA-Planning Division

1. This Design Review approval authorizes the construction of 117 square feet of in-fill additions onto the lower floor of an existing 4,554 square-foot residence and 526 square feet of additions onto an existing 526 square-foot detached accessory structure ("pool house/garage") on a developed lot in Kentfield. The total 633 square feet of approved additions would result in a floor area of 5,160 square feet and a floor area ratio of 6.7 percent on the 77,467 square-foot lot.

The primary residence would maintain an existing maximum height of approximately 35 feet above surrounding grade and the exterior walls would have the following setbacks: 73 feet from the western front property line; 11 feet, seven inches from the northern side property line; over 200 feet from the southern side property line; and over 200 feet from the eastern rear property line.

The approved improvements to the detached accessory structure ("pool house/garage") would reach a maximum height of 29 feet above surrounding grade and the exterior walls would have the following setbacks: over 100 feet from the eastern front property line, 42 feet, two inches from the northern side property line, over 200 feet from the southern side property line, and over 130 feet from the eastern rear property line.

Various site improvements would also be entailed in the approved development, including a new dormer on the second story of the primary residence, a new 767 square-foot deck attached to the primary residence, and a 673 square-foot new deck attached to the existing detached accessory structure. The new deck proposed to be attached to the primary residence would reach a maximum height of approximately 15 feet above surrounding grade. The new deck proposed to be attached to the detached accessory structure ("pool house/garage") would reach a maximum height of approximately 11 feet above surrounding grade.

2. Plans submitted for a Building Permit shall substantially conform to plans identified as Exhibit A, entitled "Williams Residence Remodel," consisting of 20 sheets prepared by Essential Habitat Architecture, received in final form on December 21, 2021, and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.

3. The project shall conform to the Planning Division's "Uniformly Applied Conditions 2021" with respect to all of the standard conditions of approval.

VESTING

Unless conditions of approval establish a different time limit or an extension to vest has been granted, any permit or entitlement not vested within three years of the date of the approval shall expire and become void. The permit shall not be deemed vested until the permit holder has actually obtained any required Building Permit or other construction permit and has substantially completed improvements in accordance with the approved permits or has actually commenced the allowed use on the subject property, in compliance with the conditions of approval.

RIGHT TO APPEAL

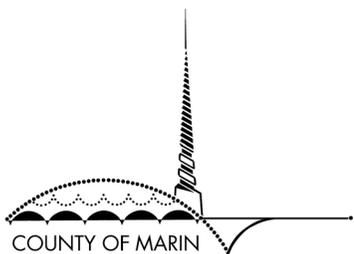
This decision is final unless appealed to the Planning Commission. A Petition for Appeal and the required fee must be submitted in the Community Development Agency, Planning Division, Room 308, Civic Center, San Rafael, no later than eight business days from the date of this decision.

cc: *{Via email to County departments and Design Review boards}*

CDA – Assistant Director
CDA – Planning Manager
DPW – Land Development
Marin Municipal Water District
County No.01 Sanitary District
Kentfield Fire Protection District
Kentfield Planning Advisory Board

Attachments:

1. Marin County Uniformly Applied Conditions 2021
2. Minutes of the January 27, 2021 Kentfield Planning Advisory Board meeting



**MARIN COUNTY UNIFORMLY APPLIED CONDITIONS
FOR PROJECTS SUBJECT TO DISCRETIONARY PLANNING PERMITS**

2021

STANDARD CONDITIONS

1. The applicant/owner shall pay any deferred Planning Division fees as well as any fees required for mitigation monitoring or condition compliance review before vesting or final inspection of the approved project, as determined by the Director.
2. The applicant/owner shall 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 this application, for which action is brought within the applicable statute of limitations. The County of Marin shall promptly notify the applicant/owner of any claim, action, or proceeding that is served upon the County of Marin, and shall cooperate fully in the defense.
3. Exterior lighting for the approved development shall be located and shielded to avoid casting glare into the night sky or onto nearby properties, unless such lighting is necessary for safety purposes.
4. Building Permit applications shall substantially conform to the project that was approved by the planning permit. All Building Permit submittals shall be accompanied by an itemized list of any changes from the project approved by the planning permit. The list shall detail the changes and indicate where the changes are shown in the plan set. Construction involving modifications that do not substantially conform to the approved project, as determined by the Community Development Agency staff, may be required to be halted until proper authorization for the modifications is obtained by the applicant.

SPECIAL CONDITIONS

1. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit a signed Statement of Conformance prepared by a certified or licensed landscape design professional indicating that the landscape plan complies with the State of California's Model Water Efficient Landscape Ordinance and that a copy of the Landscape Documentation Package has been filed with the Community Development Agency.
2. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall mark or call out the approved building setbacks on the Building Permit plans indicating the minimum distance of the building from the nearest property line or access easement at the closest point and any of the following features applicable to the project site: required tree protection zones, Wetland Conservation Areas, or Stream Conservation Areas.

3. 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. Exterior lighting visible from off-site shall consist of low-wattage fixtures, and shall be directed downward and shielded to prevent adverse lighting impacts to the night sky or on nearby properties. Exceptions to this standard may be allowed by the Community Development Agency staff 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.
4. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall record a Waiver of Public Liability holding the County of Marin, other governmental agencies, and the public harmless related to losses experienced due to geologic and hydrologic conditions and other natural hazards.
5. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit written confirmation that the property owner has recorded the "Disclosure Statement Concerning Agricultural Activities," as required by Section 23.03.050 of the Marin County Code.
6. BEFORE ISSUANCE OF A BUILDING PERMIT for any of the work identified in the project approval, the applicant shall install 3-foot high temporary construction fencing demarcating established tree protection zones for all protected trees that are not being removed in the vicinity of any area of grading, construction, materials storage, soil stockpiling, or other construction activity. The applicant shall submit a copy of the temporary fencing plan and site photographs confirming installation of the fencing to the Community Development Agency. Acceptable limits of the tree protection zones shall be the dripline of the branches or a radius surrounding the tree of one foot for each one inch diameter at breast height (4.5 feet above grade) of the tree trunk. The fencing is intended to protect existing vegetation during construction and shall remain until all construction activity is complete. If encroachment into the tree protection zone is necessary for development purposes, additional tree protection measures shall be identified by a licensed arborist, forester, or botanist, and the tree specialist shall periodically monitor the construction activities to evaluate whether the measures are being properly followed. A report with the additional measures shall be submitted for review and approval by the Planning Division before any encroachment into a tree protection zone occurs.
7. BEFORE FINAL INSPECTION, if encroachments into a tree protection zone have been approved, then the tree specialist shall submit a letter to the Planning Division verifying that the additional tree protection measures were properly implemented during construction activities.
8. BEFORE ISSUANCE OF A BUILDING PERMIT, temporary construction fencing shall be installed on the subject property at edge of the Wetland Conservation Area and/or Stream Conservation Area, as applicable to the site. The applicant shall submit a copy of the temporary fencing plan and site photographs confirming installation of the fencing to the Community Development Agency. The construction fencing shall remain until all construction activity is complete. No parking of vehicles, grading, materials/equipment storage, soil stockpiling, or other construction activity is allowed within the protected area. If encroachment into the protected area is necessary for development purposes, additional protection measures shall be identified by a qualified biologist and the biologist shall periodically monitor the construction activities to evaluate whether the measures are being properly followed. A

report with the additional measures shall be submitted for review and approval by the Planning Division before any encroachment into a protected area occurs.

9. BEFORE FINAL INSPECTION, if encroachments into a protected area have been approved, then the biologist shall submit a letter to the Planning Division verifying that the additional protection measures were properly implemented during construction activities.
10. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant must provide written evidence that all appropriate permits and authorizations have been secured for this project from the Bay Conservation and Development Commission, the California Department of Fish and Game, the Regional Water Quality Control Board, the California Coastal Commission, the California State Lands Commission, the Bay Area Air Quality Management District, and/or the United States Army Corps of Engineers.
11. BEFORE CLOSE-IN INSPECTION, the applicant shall have a licensed land surveyor or civil engineer with proper surveying certification prepare and submit written (stamped) Floor Elevation Certification to the Planning Division confirming that the building's finished 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.
12. BEFORE FINAL INSPECTION, the project shall substantially conform to the requirements for exterior materials and colors, as approved herein. Approved materials and colors shall substantially conform to the materials and colors samples shown in "Exhibit A" unless modified by the conditions of approval. The exterior materials or colors shall conform to any modifications required by the conditions of approval. All flashing, metalwork, and trim shall be treated or painted an appropriately subdued, non-reflective color.
13. BEFORE FINAL INSPECTION, the applicant shall install all approved landscaping that is required for the following purposes: (1) screening the project from the surrounding area; (2) replacing trees or other vegetation removed for the project; (3) implementing best management practices for drainage control; and, (4) enhancing the natural landscape or mitigating environmental impacts. If irrigation is necessary for landscaping, then an automatic drip irrigation system shall be installed. The species and size of those trees and plants installed for the project shall be clearly labeled in the field for inspection.
14. BEFORE FINAL INSPECTION, the applicant shall submit a Certificate of Completion prepared by a certified or licensed landscape design professional confirming that the installed landscaping complies with the State of California's Model Water Efficient Landscape Ordinance and the Landscape Documentation Package on file with the Community Development Agency.
15. BEFORE FINAL INSPECTION, the applicant shall submit written verification from a landscape design professional that all the approved and required landscaping has been completed and that any necessary irrigation has been installed.
16. BEFORE FINAL INSPECTION, utilities to serve the approved development shall be placed underground except where the Director determines that the cost of undergrounding would be so prohibitive as to deny utility service to the development.
17. BEFORE FINAL INSPECTION, the applicant shall call for a Community Development Agency staff inspection of approved landscaping, building materials and colors, lighting and

compliance with conditions of project approval at least five business days before the anticipated completion of the project. Failure to pass inspection will result in withholding of the Final Inspection approval and imposition of hourly fees for subsequent reinspections.

CODE ENFORCEMENT CONDITIONS

1. Within 30 days of this decision, the applicant must submit a Building Permit application to legalize the development. Requests for an extension to this timeline must be submitted in writing to the Community Development Agency staff and may be granted for good cause, such as delays beyond the applicant's control.
2. Within 60 days of this decision, a Building Permit for all approved work must be obtained. Requests for an extension to this timeline must be submitted in writing to the Community Development Agency staff and may be granted for good cause, such as delays beyond the applicant's control.
3. Within 120 days of this decision, the applicant must complete the approved construction and receive approval of a final inspection by the Building and Safety Division. Requests for an extension to this timeline must be submitted in writing to the Community Development Agency staff and may be granted for good cause, such as delays beyond the applicant's control.

Kentfield Planning Advisory Board

P.O. Box 304, Kentfield, California 94914

Minutes of January 27, 2021

Anne Petersen called the meeting to order at 7 p.m. via video conferencing from individual locations. Other board members also present: Bitsa Freeman, Julie Johnson, Ross McKenna, Neil Park, Pam Scott. Guests: project applicant Jeffrey Halbrecht, Halbrecht landscape designer Brad Eigsti, project applicants Allison and Don Williams, Williams architect Graham Irwin

January 13, 2021 Minutes. M/S (Bitsa/Pam) and unanimously approved.

Halbrecht Design Review, 350 Evergreen Drive (Bereket)

This project is not in the KPAB review jurisdiction, nor is it in the KWPOA membership, so it was reviewed for information only.

Design Review approval is needed to construct an in-ground swimming pool and spa on the 3.17 acre lot in Kent Woodlands. The project also involves construction of an 8-ft tall retaining wall against the hillside to create the 16 by 46 foot pool. Design Review approval is required because the proposed pool, spas and retaining walls would exceed a height of 30 inches above grade per Code Section 22.42.020..

Project Comment. KPAB members observed the following: 1) project does not affect views from surrounding properties, 2) there is no encroachment into setbacks, 3) the pool design includes measures allowing pool water to be available for fire suppression. Board members unanimously supported project approval.

Williams Design Review, 104 Cypress Avenue (Cardoza)

Project includes 107 s.f. of in-fill additions and a 526 s.f. second story on the existing garage for a pool house. The total would result in a floor area of 5,160 square feet and a floor area ratio of 6.7% on the 77,467 s.f. lot. Setbacks would be greater than required minimum. The pool house/garage would be 26 feet above grade but would be level with the pool due to parcel elevation change. Design Review approval is required pursuant to Code Section 22.42.020 because the project would result in a floor area exceeding 3,500 square feet in a conventional zoning district.

Board members observed that there are no variance issues with the project which is well set back on the property, and that changes proposed could enhance the appearance of the residence.

Recommendation. M/S (Bitsa/Ross) and unanimously approved to recommend approval of the Williams Design Review plans dated 12/10/2020.

Adjourned at 7:50 p.m.

Minutes: Ann Thomas