



**MARIN COUNTY
COMMUNITY DEVELOPMENT AGENCY**

ALEX HINDS, DIRECTOR

**STAFF REPORT TO THE MARIN COUNTY PLANNING COMMISSION
BABCOCK DESIGN REVIEW**

Item No.:	6.	Application No.:	DR 04-8
Applicant:	Mark Becker	Owner:	James and Cheryl Babcock
Property Address:	110 Crown Road, Kentfield	Assessor's Parcel:	075-161-01 & 02
Hearing Date:	June 7, 2004	Planner:	Christine Gimmler

RECOMMENDATION: Approve with Conditions

APPEAL PERIOD: Ten calendar days to the Marin County Board of Supervisors

LAST DATE FOR ACTION: June 26, 2004

SUMMARY RECOMMENDATION:

Staff recommends that the Planning Commission approve the proposed Design Review application subject to recommended conditions of approval which would resite the residence 10 feet to the east, ensure that the structure is adequately screened by proposed and required landscaping as viewed from offsite vantage points to the west, and permanently maintain the proposed earthtone exterior colors and materials of the structure.

PROJECT DESCRIPTION:

The applicant, Mark Becker, on behalf of the owners, Jim and Cheryl Babcock, is requesting Design Review approval to demolish an existing 4,220 square foot residence and garage, and a 468 square foot pool house and construct a new 7,616 square foot residence with a 3,017 square foot underground garage and a 533 square foot pool/guest house on the 1.37 acre property. The residence would attain a maximum height of 27.5 feet above grade and maintain the following setbacks to corresponding property lines: approximately 100 feet from the southern front property line along Crown Road, 40 feet from the nearest side property line, and 40 feet from northern rear property line. The pool house would attain a maximum height of 15 feet above grade, and would be located approximately 48 feet from the nearest portion of the northern rear property line. The proposal also includes the construction of a 15-foot by 75-foot in-ground swimming pool. The proposed project would result in a total floor area ratio of approximately 17 percent on the 60,000 square foot property. The buildings would be finished in medium brown stucco with dark green standing seam roofing.

GENERAL INFORMATION:

General Plan: SF3 (Single-family, 1 unit per 1 to 5 acres maximum density)
Zoning: RSP-1.0 (Residential, Single-Family, Planned, 1 unit per acre maximum density)
Lot size: 1.37 acres
Adjacent Land Uses: Residential and Marin Municipal Water District open space lands
Vegetation: Native and introduced landscaping
Topography and Slope: Level building site, moderate to steeply sloping from existing pad
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 Section 15303, Class 3, of the CEQA Guidelines because it entails the construction of a single-family residence with no potentially significant adverse impacts to the environment.

PUBLIC NOTICE:

The Community Development Agency has provided public notice identifying the applicant, describing the project and its location, and giving the earliest possible decision date in accordance with California Government Code requirements. This notice has been mailed to all property owners within 600 feet of the subject property and to public agencies and organizations having purview over the project.

PLAN CONSISTENCY:

The proposed project is subject to the policies of the Marin Countywide Plan, which emphasize minimizing impacts to the surrounding natural and built environment, and the Kent Woodlands Land Use Policy Report, which emphasizes maintaining the character of the local community. As further discussed in the analysis section below and the attached recommended Resolution, the proposed project as modified by conditions of approval would be consistent with the policies contained in the Countywide Plan and the Kent Woodlands Land Use Policy Report.

PROJECT ANALYSIS:

Project Setting and Description

The subject property is located on the west side of Crown Road along a generally north-south running ridgeline at the western periphery of the Kent Woodlands residential area, overlooking Phoenix Lake and surrounding public open space managed by the Marin Municipal Water District (MMWD). The property itself consists of a small knoll which descends in all directions from a level building pad, presumably created at the time of construction of the existing residence. Existing development on the property includes a 4,220 square foot, one story residence and attached garage, and a 468 square foot detached pool house and 26 foot long in-ground pool. The site supports a variety of introduced landscaping around the existing house and yard areas. The hillsides descending from the building pad are moderately to densely wooded with mature oaks, bays, and redwoods.

As part of the project, the applicant proposes to demolish existing development on the site and construct a new two-story residence with an attached garage and various site amenities including a pool and pool house. The existing driveway would be widened slightly at the entry from Crown Road as it extends to a guest parking area south of the proposed residence. To reduced the amount of visible paved area on the property, the applicant proposes to create a subterranean garage below the residence. The garage area would be approximately 3,000 square feet in size to allow parking for four vehicles as well as turnaround and mechanical/storage areas. The existing 26-foot long pool would be replaced by a new 75-foot long lap pool, immediately to the south. Finally, the existing 468 square foot pool house would also be replaces by a new 533 square foot pool house in the same location.

Project Submittal and Review

The subject property is subject to the CC&R's of the Kent Woodlands Property Owners Association (KWPOA). In November of 2002, the property owner submitted an application for the proposed project to the KWPOA Architectural Committee. Over the course of the next seven months, the applicant worked with Committee to obtain their approval before submitting for Design Review approval with the County. During that time, several modifications to the siting and design of the structure were made to address particular concerns of Architectural Committee members. On June 30th, the Architectural Committee approved the proposed project, subject to standard conditions related to tree protection, landscaping, lighting, hours of construction, and other related issues.

On July 14, 2003, the applicant submitted an application for Design Review approval with the County. Although the project had received approval from KWPOA, staff raised concerns during initial review regarding the visibility of the project from Phoenix Lake and other open space areas to the west. Of particular concern were views of the project site from the heavily used public trails surrounding the lake and the project's relationship to ridgeline development standards. As a result of these concerns, staff recommended that the applicant prepare a visual simulation in accordance with the County's specifications to demonstrate whether the proposed project would impact the visual character of the identified viewshed.

On April 26, 2004, the applicant submitted the results of a photo simulation prepared by Visual Impact Analysis, a firm that has extensive experience preparing photo simulations of proposed residential development in the Kent Woodlands area. The results are included as Attachment 9 to this report, and include photo-simulations of the proposed project from a vantage point along Phoenix Lake chosen by the County. The photo-simulations are based on a Digital Terrain Model that accurately reflects the existing and proposed grades and shows the mass of the proposed residence. A "normal" camera lens (42 to 50 millimeter) was used to produce the underlying images, and the representations of the proposed development are overlain to scale on the images. Two photo-simulations were prepared from the vantage point to show the impact of the development prior to and after installation of the proposed landscaping. The landscaping represented is based on the 6-year growth size projected by the landscape architect. A photograph of the existing conditions from the same vantage point is also included for comparison.

In response to the concerns raised by staff, the applicant also proposed several modifications to reduce the visibility of the residence. Specifically, the applicant has proposed to: 1) rotate the house 10 feet to the southeast to provide a greater setback to the existing edge of the building pad; 2) lower the height of portions of the second story roof by 2 feet to 3-feet, 10-inches; 3) eliminate a second story dormer on the western elevation of the building; and 4) increase the amount of proposed landscape screening by doubling the number of large (48-inch box) oak trees that would be planted below the residence to the west. Given that the original project (prior to these modifications) had been approved by the KWPOA, the revised plans were not formally sent to the Architectural Committee for reconsideration. However, the planning consultant for the KWPOA did review the revised plans in the Community Development Agency office and expressed support for the proposed modifications.

DEVELOPMENT ISSUES

Ridgeline Development and Visual Impacts

As noted above, the subject property is located along the ridgeline that forms the western boundary of the Phoenix Lake basin. Accordingly, the project site, including the existing residence, is visible along the ridgeline as viewed from portions of the public trail that borders Phoenix Lake, approximately half a mile to the west. Countywide Plan policies specify that building along ridgelines should be avoided in defined Ridge and Upland Greenbelt areas. This area of Kent Woodlands, including the subject property, is not designated as Ridge and Upland Greenbelt in the Countywide Plan. However, the development standards of the governing zoning as well as policies of the KWLUPR also address development near ridgelines. Specifically, the KWLUPR states that new development should be sited and designed to avoid highly visible ridgeline areas and minimize interference with existing views from surrounding properties which are oriented toward major visual resources, such as visually prominent ridgelines, San Francisco Bay, and Phoenix Lake. In addition, Planned District development standards contained in Development Code (Section 22.16.030.F.2.) specify that construction should be sited to maintain setbacks of 300 feet horizontally and 100 feet vertically from visually prominent ridgelines, unless no other suitable locations are available on the site. Where the size or topography of a property does not allow placement of a structure in compliance with these setbacks, such as on the subject property, development should be placed in locations that are the least visible from adjacent properties and view corridors, and may be limited to a height of 18 feet unless it can be determined that such a limit is not necessary to minimize the visibility of the structure.

The subject property is surrounded by existing single-family residences to the north, south, and east along Crown Road. However, due to size and topography of the subject property and the orientation of nearby residences, the proposed project would not result in adverse visual or view impacts on neighboring homes, since the majority of these structures are: 1) located below the subject property in elevation; 2) screened by topographical features and existing vegetation; and/or 3) oriented with views to the east, away from the subject property. There are several residences along Goodhill Drive to the north at higher elevations that would have views of the roof of the proposed project from above. However, these homes are located over 1,000 feet away and well above the subject property. Furthermore, the view from these homes of limited portions of the roof of the new residence would be consistent with views of other existing residences in the vicinity. During their review of the project, the view and visual impacts of the proposed project were also considered by the Kent Woodlands Architectural Review Committee. After reviewing story poles representing the project from nearby residences, the Committee concluded that the project had been designed in a manner that did not interfere with existing views from surrounding properties, and approved the project as proposed.

As discussed above, the predominant view of this ridgeline, and the project site in particular, is from offsite locations to the west (along Phoenix Lake) rather than the Kent Woodlands community itself to the east. For this reason, staff required that the photosimulations of the project consider the view from the well-used public trails surrounding the lake. The results of the photosimulations are provided in Attachment 9 (including “existing conditions”, “proposed project” and “proposed project with landscaping at 6 years”). As viewed from Phoenix Lake, approximately half a mile to the west, the existing one-story residence reads as a “gap” between existing mature redwood and cypress trees located at the north and south ends of the building envelope. Although the proposed residence would be approximately 12 feet higher than the existing structure, and would be oriented in a manner that presents a wider profile towards the lake, the photosimulation indicates that this additional height would not appreciably change the overall appearance or character of the viewshed, particularly given the proposed use of landscaping and dark earthtone exterior colors, and the relatively large distance between the residence and Phoenix Lake (approximately half a mile). Although a requirement to further lower all or portions of the second floor roof ridge would incrementally decrease the amount of the structure visible from below, it appears that the most effective means to reduce the visual impact of a larger and taller structure on this site would be to ensure that there is adequate room for a landscape buffer that will blend with existing and proposed vegetation on and below the existing building pad.

Accordingly staff is recommending additional conditions of approval to ensure that there is adequate room for screening vegetation on the west side of the structure, and that such landscaping is installed and adequately maintained. Specifically, conditions would require: 1) that the residence be shifted an additional 10 feet to the east (in addition to the 10 foot rotation proposed by the applicant) in order to further increase the setback of the structure to the edge of the building pad and allow a larger area for the installation of landscape screening; 2) that the applicant submit for review and approval of the Director a revised landscape plan that reflects the increased setback of the residence and includes at least 6 additional native evergreen trees (in addition to landscaping proposed by the applicant) sited to supplement the existing native woodlands below the residence and screen the structure from off site views to the west; 3) that the applicant enter into a landscape maintenance agreement for a period of six years from the date of occupancy to ensure that all proposed and required landscaping is well established and maintained in a healthy condition; and 4) that the notice of decision be recorded against the title of the property to ensure that any future property owners are aware that no tree removal is permitted and that all proposed and required vegetation must remain.

With these conditions, staff finds that the proposed project would be consistent with CWP and KWLUPR policies and zoning development standards related to minimizing the visual impacts of development along ridgelines, and would not interfere with existing views from surrounding properties or alter the character of the Phoenix Lake viewshed. It should be noted that the KWPOA Architectural Committee did consider views of the project site from Phoenix Lake during their review of the application, and found that views of the proposed project from Phoenix Lake would generally be consistent with the visibility of several other existing one and two-story homes that can be seen on or near the ridgelines above the lake and therefore, would match the existing development pattern in the vicinity.

Hillside Design

Hillside design policies in the Kent Woodlands Land Use Report encourage development that would conform to the environmental constraints in hillside areas. The hillside design policies emphasize the importance of articulating facades, stepping building forms down slopes, and utilizing roof forms that are pitched and oriented to reflect the topography. The policies include criteria, which specify that low profile, one and two story buildings are appropriate for hillside areas. The criteria also specify that unbroken rooflines should be avoided, vertical building walls should not exceed 20 feet above finished grade unless they are stepped back from the adjacent lower walls by at least 10 feet, and horizontal walls that exceed a single story should not exceed a length of 25 feet. As noted previously, the existing building pad on the subject property is level, and the proposed residence would not extend beyond the existing pad. Therefore, some of the principles of hillside design would not strictly apply in this case. However, the proposed structure has been designed in conformance with many of these guidelines. Although the residence is two stories high, most of the living area of the residence (6,097 square feet or 80 percent of the total square footage) is located on the first floor. The second floor of the residence would attain a height of 27-feet, 9-inches above existing grade. However, the exterior walls of the second floor are stepped back from adjacent lower walls by 10 to 20 feet along the western elevation, and up to 24 feet on the eastern elevation. In addition, the exterior wall forms are articulated with architectural features including deck areas, dormers, and roof forms to the extent that the no unbroken two story exterior wall exceeds a width of 10 feet. Although the primary ridgeline of the home is 92 feet long, the design utilizes rounded roof forms that would blend with the hillside setting of the property. Based on these factors, staff finds that the project would conform with hillside design standards recommended in the KWLUPR.

Grading

The development standards of the governing zoning as well as policies of the KWLUPR state that grading should be minimized and that development should be integrated with the existing terrain on a site. Specifically, the policies emphasize avoiding sharp angled banks and large graded terraces, aligning driveways to follow the existing contours, and utilizing existing building pads and benches for development. The proposed development would entail a total of 1,323 cubic yards of grading and excavation material, with 538 cubic yards of material hauled off the site. Although a small amount of this cut is associated with realigning and slightly widening the existing driveway, most of the material (1,005 cubic yards) would be excavated as a result of construction of the below grade garage area within the foundation walls of the residence. Accordingly, this grading work would serve to reduce the amount of visible paved parking areas on the property without altering the overall topography of the site. Although the footprint of the proposed residence is larger than the existing home, the proposed structure has been designed to utilize the existing building pad, and would not extend beyond the boundaries of this previously graded area. In addition, proposed accessory improvements including the guest/pool house, new pool, and driveway/guest parking area would be located within or in close proximity to the existing developed or previously graded areas on the property. Accordingly, the natural terrain on the site would be preserved, and grading associated with construction of the garage would allow this element of the project to be constructed below grade where it cannot be seen from off-site locations.

Materials and Colors

Exterior building materials policies of the KWLUPR encourage the use of exterior materials and colors that blend with the surrounding natural and built environment to the maximum extent feasible. In addition, the design standards of the governing zoning emphasize the importance of using natural materials with dark, unobtrusive earthtones for all buildings and accessory structures such as fences, site walls, and retaining walls. The applicant has submitted materials and colors samples that include medium brown stucco and muted, non-reflective dark green metal roofing that would blend well with the wooded hillside setting of the site. To ensure that these exterior colors are maintained, recommended conditions of approval specify that any future color or material modifications must be submitted to the Community Development Director for review and approval. In addition, conditions state that any solar panels used to meet the County's energy ordinance must be non-reflective and flush mounted. Finally, this decision would be recorded against the title of the property to ensure that future owners are aware of this requirement. As modified by the conditions of approval, the proposed project would be consistent with the materials and colors policies contained in the Land Use Report.

Tree Preservation

Development standards of the governing zoning as well as tree protection and preservation policies contained in the Countywide Plan and Kent Woodlands Land Use Report encourage the protection of native trees, particularly native oaks. The proposed project would entail the removal of approximately 12 trees, including 4 small ornamental trees, 6 small (6-inch diameter) pines, and two larger pines, along the driveway. However, no native oaks would be removed, and as noted above, conditions of approval would require the installation of at least 6 large native oaks (proposed by the applicant) and 6 additional large native evergreen trees for screening, which would adequately compensate for the limited tree removal proposed. It also appears that the recommended condition requiring the residence to be resited would allow the preservation of several trees identified for removal along the western edge or the building envelope. Finally, recommended conditions of approval would require the applicant to employ an arborist to provide recommendations for tree protection during construction, including the installation of fencing to protect existing trees during construction of the residence. Therefore, as modified by the conditions of approval, the proposed project would be consistent with the tree protection policies of the Land Use Report because it would minimize tree removal and a substantial number of replacement trees would be planted.

Conclusion

The policies contained in the Kent Woodlands Land Use Policy Report provide guidelines for reviewing development applications that are consistent with the Countywide Plan and the mandatory findings required for Design Review approval. Based on the analysis above, the proposed project, as modified by conditions of approval, would be consistent with the relevant policies of the Land Use Report because it would not interfere with existing views from surrounding properties or substantially alter the character of the Phoenix Lake viewshed. The design of the residence incorporates setbacks and articulations that would reduce the visual massing of the structure and proposed and required landscaping would assist in integrating the site development into the wooded hillside setting of the project. Proposed grading would not result in a visually apparent alteration of the natural terrain as viewed from nearby or more distant vantage points, and the proposed materials and colors would assist in visually blending the residence into the surrounding natural environment.

RECOMMENDATION

Based on the analysis above and the attached recommended Resolution, staff recommends that the Planning Commission review the administrative record, conduct a public hearing, and adopt the recommended Resolution approving the Babcock Design Review with the recommended conditions of approval.

- Attachments:
1. Recommended Resolution conditionally approving the Babcock Design Review
 2. CEQA Exemption
 3. Location Map
 4. Assessor's Parcel Map
 5. Site Plan
 6. Floor Plans
 7. Elevations – Residence
 8. Elevations – Pool house
 9. Computer Aided Visual Analysis, prepared by Visual Impact Analysis, 4/26/04, including:
 - a. Viewpoint Key
 - b. Existing conditions
 - c. Photosimulation - proposed project without landscaping
 - d. Photosimulation - proposed project with landscaping at 6 years
 10. Department of Public Works memo, dated 3/26/04
 11. Marin Municipal Water District letter, dated 8/3/03
 12. Ross Valley Sanitation District letter, dated 8/5/03
 13. Kentfield Fire Protection District memo, dated 8/12/03
 14. Kent Woodlands Property Owner's Association approval letter, dated 6/30/03

MARIN COUNTY PLANNING COMMISSION

A RESOLUTION APPROVING WITH CONDITIONS THE BABCOCK DESIGN REVIEW
ASSESSOR'S PARCEL 075-161-01, and -02
110 CROWN ROAD, KENTFIELD

SECTION I: FINDINGS

- I. WHEREAS, the applicant, Mark Becker, on behalf of the owners, Jim and Cheryl Babcock, is requesting Design Review approval to demolish an existing 4,220 square foot residence and garage, and a 468 square foot pool house and construct a new 7,616 square foot residence with a 3,017 square foot underground garage and a 533 square foot pool/guest house on the 1.37 acre property. The residence would attain a maximum height of 27.5 feet above grade and maintain the following setbacks to corresponding property lines: approximately 100 feet from the southern front property line along Crown Road, 40 feet from the nearest side property line, and 40 feet from northern rear property line. The guest house would attain a maximum height of 15 feet above grade, and would be located approximately 48 feet from the nearest portion of the northern rear property line. The proposal also includes the construction of a 15-foot by 75-foot in-ground swimming pool. The proposed project would result in a total floor area ratio of approximately 17 percent on the 60,000 square foot property. The buildings would be finished in medium brown stucco with dark green standing seam roofing. The subject property is located at **110 Crown Road, Kentfield** and is further identified as **Assessor's Parcel 075-161-01 and -02**.
- II. WHEREAS, the Marin County Planning Commission held a duly noticed public hearing on June 7, 2004, 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, of the CEQA Guidelines because it entails the construction of a single-family residence with no potentially significant impacts to the environment.
- IV. WHEREAS, the Marin County Planning Commission finds that the proposed project, as modified by conditions of approval, would be consistent with the Marin Countywide Plan and the Kent Woodlands Land Use Policy Report, as follows.

Ridgeline Development and Visual Impacts

The subject property is located along the ridgeline that forms the western boundary of the Phoenix Lake basin. Accordingly, the project site, including the existing residence, is visible along the ridgeline as viewed from portions of the public trail that borders Phoenix Lake, approximately half a mile to the west. Countywide Plan policies specify that building along ridgelines should be avoided in defined Ridge and Upland Greenbelt areas. This area of Kent Woodlands, including the subject property, is not designated as Ridge and Upland Greenbelt in the Countywide Plan. However, the development standards of the governing zoning as well as policies of the KWLUPR also address development near ridgelines. Specifically, the KWLUPR states that new development should be sited and designed to avoid highly visible ridgeline areas and minimize interference with existing views from surrounding properties which are oriented toward major visual resources, such as visually prominent ridgelines, San Francisco Bay, and Phoenix Lake. In addition, Planned District development standards contained in Development Code (Section 22.16.030.F.2.) specify that construction should be sited to maintain setbacks of 300 feet horizontally and 100 feet vertically from visually prominent ridgelines, unless no other suitable locations are available on the site. Where the size or topography of a property does not allow placement of a structure in compliance with these setbacks, such as on the subject property, development should be placed in locations that are the least visible from adjacent

properties and view corridors, and may be limited to a height of 18 feet unless it can be determined that such a limit is not necessary to minimize the visibility of the structure.

The subject property is surrounded by existing single-family residences to the north, south, and east along Crown Road. However, due to size and topography of the subject property and the orientation of nearby residences, the proposed project would not result in adverse visual or view impacts on neighboring homes, since the majority of these structures are: 1) located below the subject property in elevation; 2) screened by topographical features and existing vegetation; and/or 3) oriented with views to the east, away from the subject property. There are several residences along Goodhill Drive to the north at higher elevations that would have views of the roof of the proposed project from above. However, these homes are located over 1,000 feet away and well above the subject property. Furthermore, the view from these homes of limited portions of the roof of the new residence would be consistent with views of other existing residences in the vicinity. During their review of the project, the view and visual impacts of the proposed project were also considered by the Kent Woodlands Architectural Review Committee. After reviewing story poles representing the project from nearby residences, the Committee concluded that the project had been designed in a manner that did not interfere with existing views from surrounding properties, and approved the project as proposed.

As discussed above, the predominant view of this ridgeline, and the project site in particular, is from offsite locations to the west (along Phoenix Lake) rather than the Kent Woodlands community itself to the east. For this reason, staff required that the photosimulations of the project consider the view from the well-used public trails surrounding the lake. As viewed from Phoenix Lake, approximately half a mile to the west, the existing one-story residence reads as a “gap” between existing mature redwood and cypress trees located at the north and south ends of the building envelope. Although the proposed residence would be approximately 12 feet higher than the existing structure, and would be oriented in a manner that presents a wider profile towards the lake, the photosimulation indicates that this additional height would not appreciably change the overall appearance or character of the viewshed, particularly given the proposed use of landscaping and dark earthtone exterior colors, and the relatively large distance between the residence and Phoenix Lake (approximately half a mile). Although a requirement to further lower all or portions of the second floor roof ridge would incrementally decrease the amount of the structure visible from below, it appears that the most effective means to reduce the visual impact of a larger and taller structure on this site would be to ensure that there is adequate room for a landscape buffer that will blend with existing and proposed vegetation on and below the existing building pad.

Accordingly, recommended conditions of approval would ensure that there is adequate room for screening vegetation on the west side of the structure, and that such landscaping is installed and adequately maintained. Specifically, conditions would require: 1) that the residence be shifted an additional 10 feet to the east (in addition to the 10 foot rotation proposed by the applicant) in order to further increase the setback of the structure to the edge of the building pad and allow a larger area for the installation of landscape screening; 2) that the applicant submit for review and approval of the Director a revised landscape plan that reflects the increased setback of the residence and includes at least 6 additional native evergreen trees (in addition to landscaping proposed by the applicant) sited to supplement the existing native woodlands below the residence and screen the structure from off site views to the west; 3) that the applicant enter into a landscape maintenance agreement for a period of six years from the date of occupancy to ensure that all proposed and required landscaping is well established and maintained in a healthy condition; and 4) that the notice of decision be recorded against the title of the property to ensure that any future property owners are aware that no tree removal is permitted and that all proposed and required vegetation must remain.

With these conditions, the proposed project would be consistent with CWP and KWLUPR policies and zoning development standards related to minimizing the visual impacts of development along ridgelines, and

would not interfere with existing views from surrounding properties or alter the character of the Phoenix Lake viewshed. It should be noted that the KWPOA Architectural Committee did consider views of the project site from Phoenix Lake during their review of the application, and found that views of the proposed project from Phoenix Lake would generally be consistent with the visibility of several other existing one and two-story homes that can be seen on or near the ridgelines above the lake and therefore, would match the existing development pattern in the vicinity.

Hillside Design

Hillside design policies in the Kent Woodlands Land Use Report encourage development that would conform to the environmental constraints in hillside areas. The hillside design policies emphasize the importance of articulating facades, stepping building forms down slopes, and utilizing roof forms that are pitched and oriented to reflect the topography. The policies include criteria, which specify that low profile, one and two story buildings are appropriate for hillside areas. The criteria also specify that unbroken rooflines should be avoided, vertical building walls should not exceed 20 feet above finished grade unless they are stepped back from the adjacent lower walls by at least 10 feet, and horizontal walls that exceed a single story should not exceed a length of 25 feet. As noted previously, the existing building pad on the subject property is level, and the proposed residence would not extend beyond the existing pad. Therefore, some of the principles of hillside design would not strictly apply in this case. However, the proposed structure has been designed in conformance with many of these guidelines. Although the residence is two stories high, most of the living area of the residence (6,097 square feet or 80 percent of the total square footage) is located on the first floor. The second floor of the residence would attain a height of 27-feet, 9-inches above existing grade. However, the exterior walls of the second floor are stepped back from adjacent lower walls by 10 to 20 feet along the western elevation, and up to 24 feet on the eastern elevation. In addition, the exterior wall forms are articulated with architectural features including deck areas, dormers, and roof forms to the extent that the no unbroken two story exterior wall exceeds a width of 10 feet. Although the primary ridgeline of the home is 92 feet long, the design utilizes rounded roof forms that would blend with the hillside setting of the property. Based on these factors, the project would conform with hillside design standards recommended in the KWLUPR.

Grading

The development standards of the governing zoning as well as policies of the KWLUPR state that grading should be minimized and that development should be integrated with the existing terrain on a site. Specifically, the policies emphasize avoiding sharp angled banks and large graded terraces, aligning driveways to follow the existing contours, and utilizing existing building pads and benches for development. The proposed development would entail a total of 1,323 cubic yards of grading and excavation material, with 538 cubic yards of material hauled off the site. Although a small amount of this cut is associated with realigning and slightly widening the existing driveway, most of the material (1,005 cubic yards) would be excavated as a result of construction of the below grade garage area within the foundation walls of the residence. Accordingly, this grading work would serve to reduce the amount of visible paved parking areas on the property without altering the overall topography of the site. Although the footprint of the proposed residence is larger than the existing home, the proposed structure has been designed to utilize the existing building pad, and would not extend beyond the boundaries of this previously graded area. In addition, proposed accessory improvements including the guest/pool house, new pool, and driveway/guest parking area would be located within or in close proximity to the existing developed or previously graded areas on the property. Accordingly, the natural terrain on the site would be preserved, and grading associated with construction of the garage would allow this element of the project to be constructed below grade where it cannot be seen from off-site locations.

Materials and Colors

Exterior building materials policies of the KWLUPR encourage the use of exterior materials and colors that blend with the surrounding natural and built environment to the maximum extent feasible. In addition, the design standards of the governing zoning emphasize the importance of using natural materials with dark, unobtrusive earthtones for all buildings and accessory structures such as fences, site walls, and retaining walls. The applicant has submitted materials and colors samples that include medium brown stucco and muted, non-reflective dark green metal roofing that would blend well with the wooded hillside setting of the site. To ensure that these exterior colors are maintained, recommended conditions of approval specify that any future color or material modifications must be submitted to the Community Development Director for review and approval. In addition, conditions state that any solar panels used to meet the County's energy ordinance must be non-reflective and flush mounted. Finally, this decision would be recorded against the title of the property to ensure that future owners are aware of this requirement. As modified by the conditions of approval, the proposed project would be consistent with the materials and colors policies contained in the Land Use Report.

Tree Preservation

Development standards of the governing zoning as well as tree protection and preservation policies contained in the Countywide Plan and Kent Woodlands Land Use Report encourage the protection of native trees, particularly native oaks. The proposed project would entail the removal of approximately 12 trees, including 4 small ornamental trees, 6 small (6-inch diameter) pines, and two larger pines, along the driveway. However, no native oaks would be removed, and as noted above, conditions of approval would require the installation of at least 6 large native oaks (proposed by the applicant) and 6 additional large native evergreen trees for screening, which would adequately compensate for the limited tree removal proposed. It also appears that the recommended condition requiring the residence to be resited would allow the preservation of several trees identified for removal along the western edge or the building envelope. Finally, recommended conditions of approval would require the applicant to employ an arborist to provide recommendations for tree protection during construction, including the installation of fencing to protect existing trees during construction of the residence. Therefore, as modified by the conditions of approval, the proposed project would be consistent with the tree protection policies of the Land Use Report because it would minimize tree removal and a substantial number of replacement trees would be planted.

- V. WHEREAS, the Marin County Planning Commission finds that the proposed project is consistent with the mandatory findings for a Design Review (Section 22.82.040 of the Marin County Code).

As modified by the conditions of approval, the project would not limit or inhibit the use or enjoyment of other properties in the vicinity and would comply with the design guidelines contained in the Kent Woodlands Land Use Policy Report and with the development standards of the governing Residential, Single Family Planned District (RSP-1.0) zoning, including height and floor area ratio. Although the proposed new residence would be larger than the existing single family home on the property, the overall size of the proposed structure is consistent with the size of other recently approved residences in the community, would result in a total floor area ratio of approximately 17 percent on the 1.37 acre property, and would maintain adequate setbacks from all property lines. The proposed residence has been sited on the existing level building pad in approximately the same location as the existing residence, which would minimize alterations to existing undeveloped areas and preserve mature trees and vegetation on the site. The architectural style and design of the residence incorporates facade articulations and height changes which minimize the mass and bulk and add variety to the building elevations. The proposed residence would be generally well screened by existing vegetation to the north, south, and east of the building site and would not adversely impact existing views, light, air and privacy of surrounding residences. In addition, proposed and required landscaping would provide additional screening for new development from off-site locations to the west. Proposed exterior colors include medium brown stucco siding and dark green metal roofing which would complement the wooded hillside setting of the site and would be consistent with the Kent Woodlands community character. The residence would meet the energy conservation objectives required by the Marin County Efficiency Ordinance (Ord. 3356). Finally, the proposed project has been reviewed and approved by the Kent

SECTION II: CONDITIONS OF PROJECT APPROVAL

NOW THEREFORE, BE IT RESOLVED that the Marin County Planning Commission hereby approves the Babcock Design Review subject to the following conditions:

Community Development Agency – Planning Division

1. Pursuant to Marin County Development Code Section 22.42, this Design Review approval authorizes the demolition of an existing 4,220 square foot residence and garage, and 468 square foot pool house and the construction of a 7,616 square foot residence with a 3,017 square foot underground garage and a 533 square foot pool/guest house on the subject property. The residence shall attain a maximum height of 27.5 feet above grade and maintain the following approximate setbacks to corresponding property lines: 100 feet from the southern front property line along Crown Road, 40 feet from the nearest side property line, and 40 feet from northern rear property line. The guest/pool house shall attain a maximum height of 15 feet above grade and shall be located approximately 48 feet from the nearest portion of the northern rear property line. The approval also authorizes the construction of a 15-foot by 75-foot in-ground swimming pool. As approved, the project would result in a total floor area ratio of approximately 17 percent on the 60,000 square foot property. The subject property is located at 110 Crown Road, Kentfield and is further identified as Assessor's Parcel 075-161-01 and -02.
2. Approved exterior materials include medium brown stucco and dark green standing seam roofing, which shall be in substantial conformance with submitted material samples. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit for review and approval of the Community Development Director final stucco, roof and trim colors, and retaining wall materials to ensure that exterior finishes conform with the approved exhibit and blend with surrounding vegetation to the maximum extent feasible. No future modifications to color or materials are permitted without prior review and approval of the Community Development Director.
3. Except as modified by these conditions, the plans submitted for a Building Permit shall substantially conform to plans on file with the Marin County Community Development Agency identified as "Exhibit A," entitled, "Babcock Residence," consisting of 7 sheets prepared by Becker & Associates, submitted March 2, 2004, with revised sheets 1, 2, 3 and 5, submitted April 12, 2004.
4. 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.
5. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit revised plans for review and approval of the Community Development Director which show the residence resited 10 feet to the east (in addition to the 10 foot rotation proposed by the applicant). Other site elements along the eastern edge of the existing building pad (new pool, deck areas, etc) shall remain substantially as proposed and shall not be permitted to extend further beyond the existing building pad in conjunction with resiting of the residence.
6. BEFORE ISSUANCE OF A BUILDING PERMIT, a notice of this decision shall be recorded against the title of the property to notify future property owners of required conditions associated with this approval.
7. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit a revised landscape plan for review and approval of the Community Development Director which reflects siting modifications pursuant to condition 5 above, and supplements the proposed landscaping west of the residence with at least 6 additional native, evergreen, and fast growing trees to ensure long-term screening of the mass and bulk of the residence from the west. The intent of the landscaping plan shall be to save as many existing trees along the western

edge of the building pad as possible, including any of those trees that would have been removed as a result of the originally proposed siting of the residence. To the extent that the required house resiting may slightly increase the visibility of the home from Crown Road and off-site residences to the east, additional landscaping shall be considered east of the building pad (between the pool area and Crown Road). All retaining walls associated with the driveway and entrance areas should be screened with landscaping where they are visible from off-site.

8. BEFORE OCCUPANCY, the applicant shall enter into a landscape maintenance agreement with the Community Development Agency that is secured by a financial deposit that is equivalent to one and one-half times the value of the labor and materials for all landscaping that is integral for purposes of visual screening of the residence. The agreement shall be for a period of six years from the date of occupancy, during which time the applicant shall agree to maintain the landscaping in a healthy and vigorous condition. At the end of the five-year landscape maintenance period, any specimen which has not survived or is in poor or declining health, as determined by the Community Development Director, shall be replaced with a specimen with a comparable size. Beyond the term of the landscape maintenance agreement, the property owner shall be responsible for ensuring on-going maintenance and preservation of the existing, proposed, and required trees needed for screening the structures from off-site locations. Only those trees shown on the site plan as proposed for removal, if any, may be removed. No other existing trees on the subject property shall be removed except to comply with local and State fire safety regulations, to prevent the spread of disease as required by the State Food and Agriculture Department, and to prevent reasonably safety hazards to people and property.
9. BEFORE ISSUANCE OF A BUILDING PERMIT, a revised landscape plan that shows the location of all exterior lighting, and details of the exterior lighting fixtures for the development shall be submitted. The lighting shall be minimized to the maximum extent feasible and fixtures shall be downward directed and hooded.
10. BEFORE ISSUANCE OF A BUILDING OR GRADING PERMIT for any work, the applicant shall install temporary construction fencing around the dripline of the existing trees in the vicinity of any area of grading, construction, materials storage, soil stockpiling, or other construction activity. The fencing is intended to protect existing vegetation during construction and shall remain until all construction activity is complete. The applicant shall submit a copy of the temporary fencing plan and site photographs confirming installation of the fencing to the Community Development Agency.
11. BEFORE ISSUANCE OF A BUILDING OR GRADING PERMIT, the applicant shall submit a report prepared by a licensed arborist which certifies the adequacy of the protective fencing installed and which identifies additional mitigation measures, if necessary, for review and approval by the Community Development Agency, prior to commencement of grading or construction.
12. The applicant shall retain the services of a licensed arborist or landscape architect to inspect the project site during construction activities. All site development construction practices shall be in accord with the recommend guidelines contained in the required arborist's report. The applicant shall comply with recommendations made by the licensed professional with respect to tree protection during construction activities, general tree care practices, and long-term vegetation management to ensure continued viability of the site's native vegetation.

13. Construction activity is only permitted between the hours of 7:30 a.m. and 5:00 p.m., Monday through Friday, and 9:00 a.m. and 4:00 p.m. on Saturday. No construction shall be permitted on Sunday or Holidays. At the applicant's request, the Director may administratively authorize minor modifications for non-noise generating activities to these hours of construction.
14. During construction, the applicant shall take all appropriate measures, including watering of disturbed areas and covering the beds of trucks hauling fill to or spoils from the site, to prevent dust from grading and fill activity from depositing on surrounding properties.
15. All soils disturbed by development of the project shall be reseeded with native grasses or wildflowers to control erosion.
16. It shall be the responsibility of the applicant to store all construction materials and equipment at the site (or secured at an approved off-site location) in such a manner as to permit safe passage for vehicular traffic at all times. Every effort shall be made by the holder of the Building Permit to strictly limit the number of vehicles used to transport workers and materials to the site to the minimum amount necessary. No authorization to trespass upon other private property is granted or implied by this approval.
17. The development shall meet the requirements of the Marin County Energy Efficiency Ordinance (Ord. 3356). BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall demonstrate that any solar panels used to meet the County's energy ordinance are non-reflective and flush mounted to minimize their visibility from offsite locations.
18. BEFORE FINAL INSPECTION, the applicant shall submit a report by a qualified arborist that assesses the health of the existing trees on the project site that may have been impacted by construction. If damage has occurred, the report shall include recommendations, such as aeration and fertilization to compensate for any damage.
19. BEFORE FINAL INSPECTION, the applicant shall install all required landscaping, as shown in "Exhibit A," and a drip irrigation system to serve it. The applicant shall call for a Community Development Agency staff inspection of the landscaping and irrigation at least five working days before the anticipated completion of the project. All plantings shall be clearly and accurately labeled at the time of inspection. Failure to pass inspection will result in withholding of the occupancy and imposition of hourly fees for subsequent reinspections. Submitting financial assurances to satisfy this requirement shall not be permitted and occupancy shall not be approved until the landscaping has been inspected.
20. Any changes or additions to the project shall be submitted to the Community Development Agency for review and approval before the contemplated modifications may be initiated.

Marin County Department of Public Works - Land Use and Water Resources Division

21. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit the following information and details on the Building Permit plans:
 - a. The applicant shall provide authorization from Marin Municipal Water District or written documentation of land interest to construct the turnaround/parking area as proposed.
 - b. The plans must be reviewed and approved by a Registered Soils Engineer. Certification shall be either by the engineer's wet stamp and original signature on the plans, or by wet stamp and signed letter
 - c. A Registered Civil Engineer shall design the site/driveway retaining walls, drainage, and grading plans. Plans must have the engineer's original signature and wet stamp.

- d. A separate Building Permit is required for site/driveway retaining walls with a height of more than 4 feet (or 3 feet when backfill area is sloped or has a surcharge).
- e. Submit Erosion and Siltation Control plans. Plans shall indicate total acreage of site disturbance.
- f. Note on the plans that the Design Engineer/Architect shall certify to the County in writing that all grading, drainage, and retaining wall construction was done in accordance with plans and field directions. Also note that driveway, parking, and other site improvements shall be inspected by a Department of Public Works engineer.
- g. An Encroachment Permit shall be required for construction within the road right-of-way.

Ross Valley Sanitary District

- 22. A sewer connection permit is required for the new residence and may be issued upon payment of the applicable fees after the Building Permit is issued. Credit will be given for the fixture units in the demolished structure, provided that they are counted by a District Inspector prior to the demolition, or can otherwise be verified. Additionally, the rebuild is to be completed within six (6) months of the demolition.
- 23. If the existing sewer lateral is not used or replaced, it must be plugged off per District specifications.
- 24. In order to use the existing sewer lateral for the rebuild, the sewer lateral must be tested in the presence of a District Inspector. If the existing sewer lateral passes the test, it must be equipped with the appropriate backwater relief device. If it fails the test, it must be replaced with a new sewer lateral. Of course, the old side sewer can be replaced without being tested.
- 25. All alterations to the sewer lateral must meet District specifications and be inspected by a District Inspector before it is covered.

Marin Municipal Water District

- 26. All landscape and irrigation plans must be designed in accordance with District landscape Ordinance #385. Prior to providing water service for new landscape areas, or improved or modified landscape areas, the District must review and approve the project's working drawing for planting and irrigation systems.

Kentfield Fire Protection District

- 27. PRIOR TO FINAL INSPECTION, the applicant shall submit verification that all requirements of the Kentfield Fire Protection District have been satisfied.

SECTION III: VESTING AND APPEAL RIGHTS

NOW, THEREFORE BE IT RESOLVED that the applicant must vest this Design Review approval by securing a Building Permit, performing substantial work, and incurring substantial liabilities in good faith reliance upon the permit by June 7, 2006, or all rights granted in this approval shall lapse unless the applicant applies for an extension at least 30 days before the expiration date above and the Director approves it. Design Review extensions for a total of not more than four years may be granted for cause pursuant to MCC Section 22.82.130.

The Building Permit approval expires if the building or work authorized is not commenced within one year from the date of such permit. All permits shall expire by limitation and become null and void if the building or work authorized by such permit is not completed within two years from the date of such permit. If the Building Permit lapses after the vesting date stipulated in the Design Review approval (and no extensions have been granted), the Building Permit and Design Review approvals may become null and void.

NOW, THEREFORE BE IT FURTHER RESOLVED that this decision is final unless appealed to the Marin County Board of Supervisors. A Petition for Appeal and a \$675.00 filing fee must be submitted in the Community Development Agency - Planning Division, Room 308, Civic Center, San Rafael, no later than 4:00 p.m. on the tenth calendar day following the date of the action from which the appeal is taken.

SECTION IV: VOTE

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the County of Marin, State of California, on the 7th day of June 2004, by the following vote to wit:

AYES:

NOES:

ABSENT:

ALLAN BERLAND, CHAIR
MARIN COUNTY PLANNING COMMISSION

Attest:

Alex Morales
Recording Secretary