

MARIN COUNTY PLANNING COMMISSION

RESOLUTION NO. _____

A RESOLUTION DENYING THE BABCOCK DESIGN REVIEW
110 CROWN ROAD, KENTFIELD
ASSESSOR'S PARCEL 075-161-01 & -02

SECTION I: FINDINGS

- I. WHEREAS the applicant, Mark Becker, on behalf of the owners, Jim and Cheryl Babcock, has submitted a proposal 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. 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, 2003 to consider the merits of the project, and hear testimony in favor of, and in opposition to, the project. Pursuant to the Planning Commission's adoption of a motion of intent to deny the Design Review application, staff prepared a resolution for consideration by the Planning Commission on June 21, 2003.

- III. WHEREAS, the Marin County Planning Commission finds that the proposed project is Categorical 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 is not consistent with the Marin Countywide Plan and the Kent Woodlands Land Use Policy Report based on the following factors.
 - A. The proposed project would not be consistent with the Countywide Plan's Built Environment and Visual Qualities and Views Policies (EQ 3.8 and EQ 3.11) or the Visual Resources policy of the Land Use Policy Report (CD1.6) because the two-story residence would be sited on a visually prominent ridgeline above Phoenix Lake and would result in adverse visual affects to the surrounding area.

 - B. The proposed project would not be consistent with Countywide Plan's Excavation, Grading and Filling policy (EQ 3.16) because the 1,323 cubic yards of proposed grading (including 1,005 cubic yards of excavations required to construct the below-grade garage) would be excessive.

 - C. The proposed project would not be consistent with the Compatible Design policy of the Land Use Policy Report (CD 1.3) because the scale of the development would exceed the scale of development in the immediately surrounding area with respect to the size.

- E. The proposed project would not be consistent with the Infill Development policy of the Land Use Policy Report (CD 1.4) because the proposed replacement of a one-story residence with a two-story home would substantially increase the visibility of the building from off-site locations.
 - F. The proposed project would not be consistent with the Hillside Building Design policy of the Land Use Policy Report (CD 1.7) because the residence would be oriented in a manner that presents the wide side of the building to the exposed view from Phoenix Lake (to the west) and the Kent Woodlands community (to the east).
- V. WHEREAS, the Marin County Planning Commission finds that the proposed project is not consistent with the following mandatory findings for approval of a Design Review pursuant to Marin County Code Section 22.42.060.

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

The proposed project would be incompatible with its surroundings because it would entail the construction of a residence that would substantially exceed the average size of other nearby residences. An analysis comparing the size of the proposed residence with the size of the 22 existing homes on parcels within 600 feet of the subject property indicates that the proposed development (including the proposed 3,017 square foot underground garage) would be more than three times the size of surrounding development.

	DEVELOPMENT SIZE (including garage)
Neighborhood Range	1,472 – 6,336 square feet
Neighborhood Average	3,508 square feet
Neighborhood Median	3,432 square feet
PROPOSED PROJECT	11,166 square feet

B. The proposed development 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 development of the neighborhood as a whole, including public lands and rights-of-way;

Due to the size and orientation of the subject property, the proposed project would not substantially interfere with the light, air, privacy, and views of surrounding residences in the vicinity. However, the subject property is located on a ridge, which is visually prominent from Phoenix Lake. Therefore, the proposed two-story structure would impact the public viewshed as seen from open space lands surrounding the lake.

C. The proposed development will not directly, or in a cumulative fashion, impair, inhibit or limit further investment or improvements in the vicinity, on the same or other properties, including public lands and rights-of-way;

The proposed project may impair or inhibit the future investment in the vicinity by introducing development that is inconsistent with the community character of Kent Woodlands as was discussed in Findings A and B.

D. The proposed development will be properly and adequately landscaped with maximum retention of trees and other natural features and will conserve non-renewable energy and natural resources;

The proposed project has been designed to minimize removal of existing vegetation and would incorporate landscaping that would eventually screen the development from the surrounding area. In addition, the proposed project would be consistent with the County's requirements for energy efficiency and policies regarding green building.

E. The proposed development will be in compliance with the design and location characteristics listed in Chapter 22.16 (Planned District Development Standards);

Planned District development standards contained in Chapter 22.16 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 shall 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. Although the proposed project would be located in the same general location as the existing residence on the subject property, the proposed two-story structure would attain a maximum height of 27.5 feet above grade, approximately 12 feet higher than the existing one-story residence. In addition, the proposed residence is substantially larger than the existing residence on the property, thus increasing the visibility of development on the ridgeline as viewed from public open space areas tihing the Phoenix Lake area. Given the visual prominence of the subject property from Phoenix Lake and surrounding public open space areas, the 18- foot height limit specified in Chapter 22.16 would be effective in reducing the visibility of the structure over the current proposal. Accordingly, the project, as proposed, would not comply with the height standards contained in Chapter 22.16.

F. The proposed development 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 characteristics of the following:

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

As discussed in Findings A, B, and E above, the scale, mass, and height of the proposed development would not be compatible with the character of the surrounding community.

2. Drainage systems and appurtenant structures;

The proposed development would be consistent with the County requirements regarding drainage and erosion control.

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

As discussed in Finding A above, the proposed project would result in excessive grading and excavation.

4. Areas, paths and rights-of-way for the containment, movement or general circulation of animals, conveyances, persons, vehicles, and watercraft; and

The proposed project would be consistent with County requirements regarding rights-of-way and

circulation, as verified by the Department of Public Works.

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

As discussed in Finding C above, the proposed project would adversely affect the existing views of the Phoenix Lake viewshed as viewed from public open spaces along the lake.

G. The project design includes features which foster energy and natural resource conservation while maintaining the character of the community.

The proposed project would be consistent with the County's requirements for energy efficiency and policies regarding green building.

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.

The proposed construction of a new single family residence on an infill lot in a residential neighborhood would be consistent with the uses permitted under the applicable Countywide Plan land use designation and the governing single family residential zoning. However, based on Findings A, B, E, and F noted above, the project would be not be consistent with Countywide Plan and zoning regulations related to size, height, ridgeline development, and grading.

SECTION II: APPEAL RIGHTS

NOW, THEREFORE BE IT 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 fifth working day following the date of the action from which the appeal is taken.

SECTION III: VOTE

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the County of Marin, State of California, on the 21st 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