



<b>STAFF REPORT TO THE MARIN COUNTY PLANNING COMMISSION</b>			
Gottesman Appeal of the Gottesman Revocable Trust Et al Design Review			
<b>Recommendation:</b>		<b>Deny the Appeal and Uphold the Conditional Approval of the Gottesman Revocable Trust Et al Design Review</b>	
<b>Hearing Date:</b>		<b>January 8, 2024</b>	
Application No(s):	P4314	Owner(s):	Gottesman Revocable Trust Et al, Gottesman Frederick S. /TR/ & Et al
Agenda Item:		Assessor's Parcel No(s):	071-152-66
Last Date for Action:	January 18, 2024	Property Address:	111 Oak Ave., Kentfield
		Project Planner:	Erin Yattaw 415-473-3535 Erin.Yattaw@marincounty. gov
		Signature:	<i>Erin Yattaw</i>
Countywide Plan Designation:	SF5 (Low Density Residential)		
Community Plan Area:	Kentfield/Greenbrae		
Zoning District:	R1-B2 (Residential Single-Family, minimum lot size 10,000 square feet)		
Environmental Determination:	Exempt per CEQA Guidelines section 15303, Class 3		

### PROJECT SUMMARY

The applicant requests Design Review approval to construct a pergola, a fireplace wall, and a pool on a developed lot in Kentfield. The proposed development would not result in an increase in the existing floor area ratio of 41 percent on the 10,000 square foot lot. Height and setback information is summarized below:

The proposed pergola would reach a maximum height of 19 feet, 2 inches above surrounding grade and would have the following setbacks: 10 feet, 3 inches from the southern front property line; 20 feet from the western side property line; 89 feet, 1 inch from the eastern side property line; and 72 feet, 8 inches from the northern rear property line.

The proposed fireplace wall would reach a maximum height of 19 feet, 1 inch above surrounding grade and would have the following setbacks: 13 feet from the southern front

property line; 9 feet from the western side property line; over 100 feet from the eastern side property line; and 67 feet from the northern rear property line.

The proposed pool would reach a maximum height of 2 feet, 6 inches above surrounding grade and would have the following setbacks: 36 feet from the southern front property line; 8 feet from the western side property line; over 100 feet from the eastern side property line; and 34 feet from the northern rear property line.

Various site improvements would also be entailed in the proposed development, including a retaining wall and new paving.

Design Review approval is required pursuant to Marin County Code (MCC) Section 22.20.090.C.1.b and MCC Section 22.42.020.B because the project entails constructing detached accessory structures in required minimum setbacks that would both exceed 16 feet in height. In addition, pursuant to MCC Section 22.42.025(K), the proposed pool requires Design Review approval as the improvement is not otherwise exempt from the requirement.

## **PROJECT SETTING**

Characteristics of the site and surrounding area are summarized below:

Lot Area: Approximately 10,000 square feet.

Adjacent Land Uses: Single-family residences to the north, west, east, and south.

Topography and Slope: The lot has been graded for access and large terraced area was graded for the development of the residence and outdoor living area, the lot remains steeply sloped upward beyond the residence.

Existing Vegetation: Primarily ornamental trees and shrubs.

Environmental Hazards: "Very high" fire risk, "some" ground shaking amplification hazard, "few" landslides, "nil" expansive soil.

The project site consists of a lot developed with a single-family residence and is located in the community of Kentfield within an area that is developed with single-family residences.

## **BACKGROUND**

On December 5, 2022, the applicant submitted a Design Review application and shortly thereafter the project application was transmitted to the Marin County Department of Public Works (DPW) and the Kentfield Planning Advisory Board (KPAB) (agency and board comments contained in Attachment Nos. 6 and 7). On December 28, 2022, staff conducted a site visit and posted a "Notice of Planning Application" identifying the applicant and describing the project.

On January 3, 2023, and June 23, 2023, the project application was deemed "incomplete". The applicant resubmitted the application and associated materials on May 1, 2023, May 23, 2023, and on July 21, 2023. Staff deemed the project complete on August 18, 2023.

On October 16, 2023, the Planning Division issued a Design Review decision conditionally approving the proposed project such that the proposed fireplace wall and pergola were to be eliminated from the project. The project planner found that the proposed over height accessory structures that would encroach into the minimum front and side yard setbacks would conflict with the Marin County Code (MCC Sections 22.16.030.D.1, 22.16.030.D.4, and 22.16.030.I.1.b) and the Single-Family Residential Design Guidelines (Guidelines C-1.3 and D-1.5).

## **RECOMMENDATION**

Staff recommends the Planning Commission review the administrative record, conduct a public hearing, deny the Appeal and sustain the Planning Division's Design Review decision conditionally approving the Gottesman Revocable Trust Et al Design Review, based on the findings and subject to the conditions contained in the attached resolution.

### Attachments:

1. Recommended PC Resolution
2. CEQA Exemption
3. Uniformly Applied Conditions 2023
4. Photographs from Site Visit, December 28, 2022
5. Petition for Appeal with attachments, October 24, 2023
6. DPW Transmittal Response
7. Email from KPAB
8. Project Plans, July 21, 2023