

1. USE PERMIT 12-6 AND DESIGN REVIEW 12-29 GHOSSEIRI

LAJ

The project is a proposal to renovate existing structures on an 8,741-square foot multi-residential and commercial property. The proposed project would retain two apartment units and one commercial space, reduce the existing total floor area from 3,451 square feet to 3,404 square feet, and reduce the existing floor area ratio from 39.5% to 38.9%. The renovated two-story building would retain the existing maximum height of 29 feet and the following setbacks: 1.75 feet from the westerly front property line, 2.5 feet from the northerly side property line, 19 feet from the southerly side property line, and approximately 92.3 feet from the easterly rear property line. The project entails a 30-square foot addition at the northeasterly rear of the first floor apartment and a 30-square foot, two-story elevator on the southerly side of the building. The project includes a 125-square foot deck addition to an existing 62-square foot deck at the rear of the ground floor apartment that would attain a maximum height of approximately 5.5 feet above existing grade and a new 352-square foot deck along the southerly side of the second floor apartment that would attain a maximum height of approximately 17.6 feet above existing grade. The existing 633-square foot garage would be demolished and replaced with a new 672-square foot carport with four residential parking spaces. The carport would attain a maximum height of 11.1 feet and would be located 1.5 feet from the northerly side property line and 37.5 feet from the easterly rear property line. Six commercial parking spaces are proposed, one of which would provide accessible van parking. Additional site improvements would include landscaping, a 6-foot tall perimeter fence, and trash/utility enclosures. The previous 960-square foot cafe space would be upgraded to meet universal design standards and reduced to 945 square feet. The proposed daily hours of operation would be between 7:00 am to 10:30 pm. The zoning for this parcel is RMPC (Residential Multiple Family Commercial Planned) The subject property is located at **860 College Avenue, Kentfield**, and is further identified as **Assessor's Parcel 074-031-36**.

The Deputy Zoning Administrator (DZA) asked if staff had any additional comments or had received additional correspondence since the staff report was distributed and the staff responded, noting the following:

- Two letters from the adjacent property – Victoria Monahan and Daniel Olsen - expressing concerns for parking and delivery vehicles.
- Eight emails from the community supporting the project

The public testimony portion of the hearing was opened.

The applicant/architect, Daniel MacDonald and David Saunders, and owner, Nazar Ghosseiri, spoke regarding the favorable elements of the project and requested changes to the Conditions of Approval, including the following:

- Expressed their desire to create a beautiful building to enhance the community.
- The project is geared toward pedestrian traffic and would provide additional new parking.
- The project would include stucco relief around the windows with accent color and arched transom windows on the second floor.
- Asked for removal of Condition of Approval 2.a regarding the location of the elevator.

- Asked for removal of Condition of Approval 2.b regarding the size of the awning in front of the building.

Members of the public speaking in favor of the project included: Anne Peterson from Kentfield Planning Advisory Board, Josh Rafner, and Dan Ohleon. Members of the public commented on the renovation being a much needed improvement to the empty building and a welcomed use in the area.

The Hearing Officer explained that the California Building Code allows for awnings to extend beyond the property lines. Cara Zichelli, Department of Public Works, indicated such encroachments would be allowed as long as it met their requirements, which included ADA..

Dan Ohlson, owner of the adjacent property to the south, spoke in objection to the new café use, citing concerns for parking and lack of a loading area for deliveries.

The public testimony portion of the hearing was closed.

The Deputy Zoning Administrator (DZA) made several comments pertaining to the project, including the following:

- The elevator is related to accessibility and therefore acceptable as a minor encroachment into the setback;
- The California Building Code allows for awning extension into right-of-way
- Architectural detail should be incorporated around the window reveals.
- Where possible, add a tall shrub for accent.
- The second floor rear deck could be expanded over the flat portion of the roof.
- Explore creating a 15-minutes loading zone in front of the building.

- Loading zones are not required for a project of this size.

The Deputy Zoning Administrator (DZA) approved the project with the following modifications:

- Delete Condition of Approval 2.a regarding the location of the elevator;
- Revise Condition of Approval 2.b to allow the awning to encroach across the front property line, subject to conformance with the California Building Code;
- The second floor deck may be expanded up to 8 feet from the master bedroom.
- Provide architectural detail of reliefs, e.g. window reveals, bellybands, etc.
- Add a Condition of Approval requiring the applicant to pay the balance due for Planning fees related to the processing of the Use Permit and Design Review applications.
- Consult with the Department of Public Works on the feasibility of reducing the green parking zone in front of the building to 15 minutes.

The Deputy Zoning Administrator (DZA) concurred with staff's findings and approved the Ghosseiri Use Permit and Design Review, subject to the amended Conditions of Approval

The Deputy Zoning Administrator (DZA) informed all parties of interest that this action may be appealed to the Marin County Planning Commission within ten (10) working days.