

**MARIN COUNTY PLANNING DIVISION
ADMINISTRATIVE DECISION**
Seligson Family Trust Etal Design Review

Decision: **Approved**
Date: **September 16, 2022**

Project ID No:	P3579	Applicant(s):	Jaime Romero
		Owner(s):	Seligson Family Trust Etal & Andrew Seligson /TR/ Etal
		Assessor's Parcel No(s):	071-042-41
		Property Address:	87 Upper Toyon Dr., Kentfield
		Project Planner:	Erin Yattaw 415-473-3535 eyattaw@marincounty.org
		Signature:	<i>Erin Yattaw</i>
Countywide Plan Designation:		SF4 (Rural/Residential)	
Community Plan Area:		Kentfield/Greenbrae	
Zoning District:		RR-B3 (Residential Restricted, minimum lot size 20,000 square feet)	
Environmental Determination:		CEQA Guidelines 15301, Class 1 & CEQA Guidelines 15303, Class 3	

PROJECT SUMMARY

The applicant requests Design Review approval to construct new additions totaling 1,735 square feet including a new attached garage, a 400 square foot conversion of an existing garage, a new retaining wall in the rear yard, and a new 410 square foot deck on a developed lot in Kentfield. The 2,135 square feet of proposed building area – of which 1,595 square feet is considered floor area – would result in a floor area ratio of 26 percent on the 19,257 square foot lot. The maximum height and minimum setbacks for the proposed development are provided below.

The proposed additions to the single-family residence would reach a maximum height of 29.75 feet above surrounding grade and the exterior walls would have the following setbacks: 0 feet from the northern front property line; 81 feet from the western side property line; 56 feet from the eastern side property line; 54 feet from the southern rear property line.

The proposed retaining wall would reach a maximum height of 10 feet above surrounding grade and would have the following setbacks: 68 feet from the northern front property line; over 100 feet

from the western side property line; 22 feet, 6 inches from the eastern side property line; 27 feet from the southern rear property line.

The proposed deck would reach a maximum height of 10 feet above surrounding grade and the exterior would have the following setbacks: 44 feet, 4 inches from the northern front property line; over 100 feet from the western side property line; 8 feet from the eastern side property line; 27 feet from the southern rear property line.

Various site improvements would also be entailed in the proposed development, including interior remodeling of bedrooms, kitchen, and bathrooms; new patios; and new doors and windows on the exterior of the residence.

Design Review approval is required pursuant to Marin County Code Section 22.42.020.B because the lot would contain more than 3,500 square feet of floor area with the proposed development. Additionally, Design Review approval is required pursuant to Marin County Code Section 22.54.045.B because a portion of the proposed development occurs within the footprint of a legal non-conforming structure that encroaches into the front yard setback.

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 the irreplaceable removal of a substantial number of mature, native trees.
- 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

Kentfield/Greenbrae Community Plan

The County Planning Division finds that 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 proposed additions and new garage would require minimal grading on the site. The new garage and majority of the additions are proposed to be located at the front of the property in an area of the site that has previously been disturbed and they will be created by further

excavating an existing crawlspace under the residence and patio at the entry of the residence. The rear, first floor addition entails enclosing a portion of an existing covered patio. The proposed second and third floor additions on the second and third levels would not cause further site disturbance. The Building Permit shall be reviewed by the Department of Public Works to ensure that the construction shall not have adverse effects on the drainage system or grading.

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

The project is not subject to clustering requirements as it entails additions to an existing residence. The development is proposed on a property within a ridge and upland greenbelt area. The majority of the additions and the new garage are proposed within the understory of the existing residence and small additions are proposed to the second and third stories of the residence. The proposed project would not greatly increase the mass and bulk of the structure and would not result in a significant visual impact on the ridgeline.

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

The property is located within the Ridge and Upland Greenbelt, normally allowing for a maximum height of 18 feet. However, in this case, there are special circumstances related to the topography of the site that support a minor waiver of this standard. The proposed small second and third level additions are proposed on a portion of the steeply sloped lot that is already level and would prevent further grading and site disturbance that would result from constructing additions elsewhere on the site. Colors and materials should blend with both the natural environment and the surrounding neighborhood. Colors of roofing and siding materials will match existing allowing the structure to continue to harmonize with the surrounding environment.

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

The overall structure is well-articulated, with both architectural and material variation that reduces the visual bulk of the improvements. The visible changes in mass and bulk would be minimal because the majority of the proposed additions would occur in the lower level of the residence in the place of an existing crawlspace and would not be otherwise visible from the exterior.

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

Additional exterior lighting should be shielded, downlit and compatible with the aesthetic of the structure.

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

No tree removal is proposed. The rear lawn is proposed to be extended and new fire-resistant planting is proposed in the rear yard at the base of the proposed new deck.

ACCESS: Development standard C; Design Guidelines A-1.5

No changes to the existing access are being proposed in the scope of this project.

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

The height of the additions conforms to the maximum permitted height of 30 feet.

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

The materials are proposed to match the existing enabling the structure to continue to remain compatible with the surrounding neighborhood. The architectural design of the structure is consistent with homes in the neighborhood. The proposed development would add limited visible mass to the structure.

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 overall height of the structure is not being increased from the existing height of the three-story residence. As a result, there will be no elimination of significant sun and light exposure impacts. Exterior lighting should be directed downward, minimizing the potential for glare and light pollution on neighboring residences.

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 project site is located entirely on private property. Therefore, the project would not encroach onto adjoining private properties, public lands, public easements, trails, and rights-of-way.

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.

No trees are proposed to be removed and new fire-resistant planting is proposed at the base of the proposed new deck.

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 Variance and Design Review approval authorizes the construction to a new 1,530 square foot addition including a new attached garage, bike room, mechanical room, bar room, mud room, and storage; a 400 square foot conversion of an existing garage into an office; an 89 square foot guest room/powder room addition; a 79 square foot dining room addition; a 37 square foot bedroom addition; a new retaining wall in the rear yard; and a new 410 square foot deck on a developed lot in Kentfield. The 2,135 square feet of approved building area – of which 1,595 square feet is considered floor area – shall result in a floor area ratio of 26 percent on the 19,257 square foot lot. The maximum height and minimum setbacks for the approved development are provided below.

The approved additions to the single-family residence shall reach a maximum height of 29.75 feet above surrounding grade and the exterior walls shall have the following setbacks: 0 feet from the northern front property line; 81 feet from the western side property line; 56 feet from the eastern side property line; 54 feet from the southern rear property line.

The approved retaining wall shall reach a maximum height of 10 feet above surrounding grade and the exterior walls shall have the following setbacks: 68 feet from the northern front property line; over 100 feet from the western side property line; 22 feet, 6 inches from the eastern side property line; 27 feet from the southern rear property line.

The approved deck shall reach a maximum height of 10 feet above surrounding grade and the exterior walls shall have the following setbacks: 44 feet, 4 inches from the northern front property line; over 100 feet from the western side property line; 8 feet from the eastern side property line; 27 feet from the southern rear property line.

Various site improvements would also be entailed in the proposed development, including interior remodeling of bedrooms, kitchen, and bathrooms; new patios; and new doors and windows on the exterior of the residence.

2. Plans submitted for a Building Permit shall substantially conform to plans identified as Exhibit A, entitled “Custom Remodel & Addition at Seligson’s Residence,” consisting of 34 sheets prepared by Nova Designs & Builds, received in final form on June 21, 2022, 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 2022” with respect to all of the standard conditions of approval and the following special conditions: 3.

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 Water District

Sanitary District No. 01

Kentfield Fire Protection District

Kentfield Planning Advisory Board

Seligson Family Trust Etal & Andrew Seligson /TR/ Etal, 87 Upper Toyon Dr., Kentfield, CA 94904

Jaime Romero, 315 Alden Ave., Rohnert Park, CA 94928

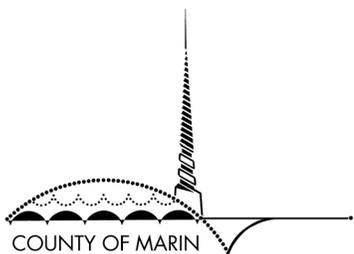
Fabien Lannoye, 297 C Kansas St., San Francisco, CA 94103

Sent to Andrew Seligson via email to aseligson@gmail.com

Sent to Jaime Romero via email to rrdesignersgroup@gmail.com

Attachments:

1. Marin County Uniformly Applied Conditions 2022



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

2022

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.