

**TOWN OF SAN ANSELMO  
PLANNING COMMISSION STAFF REPORT**

**For the meeting of September 20, 2021  
Agenda Item 5A**

<b>Project Address:</b>	9 Laurel Avenue
<b>Applicant:</b>	Hassan Afrookteh
<b>Assessor's Parcel No.:</b>	007-112-11
<b>Zoning District:</b>	Single Family Residential Below 150 Mean Sea Level
<b>General Plan Designation:</b>	Single Family Residential
<b>FEMA Flood Zone:</b>	Zone X (0.2%) – area inundated by 0.2% annual chance flooding

**Request**

Design review for a 536 square foot upper story addition to the existing single-family residence. The existing garage and driveway would be demolished. A variance is requested to allow two parking spaces to be created in the north side setback (8-foot side setback required), with one of the two in the front setback (20-foot setback required). The Planning Commission will also consider a variance to allow an area of pavers in the front setback to be used for an additional, undersized, parking space. A demolition permit is requested since the project includes removal of more than 50% of the exterior walls (54.3% demolition proposed, which includes garage walls). A variance is requested to maintain the existing lower level of the structure 15.94' to 18.97' from the front property line (20-foot setback required for over 50% demolition). The maximum building height would be 24' 8" (up to 30 feet allowed).

Lot Size	3,983 sq. ft.
Existing Lot Coverage	1,317 sq. ft. 33%
Proposed Lot Coverage	1,247 sq. ft. 31% (up to 35% allowed)
Existing Adjusted Floor Area (FAR)	1,039 sq. ft. 26.1%
Proposed FAR with design review)	1,783 sq. ft. 44.8% (maximum allowed 45% +325 sq. ft.)

**Recommendation**

Approve the application based on the findings and conditions in Attachments 4 and 5 and require the story poles to be removed in 11 days unless an appeal is filed.

Alternatives available to the Planning Commission:

1. Deny the application and require the story poles to be removed in 11 days unless an appeal is filed; or
2. Continue the application for modifications.

## I. PROJECT SUMMARY

### Existing and Proposed Conditions

	Existing	Proposed	Code														
<b>Zoning</b>	R-1 Single Family, Below 150 Mean Sea	Same	Same														
<b>General Plan</b>	Single Family	Same	Same														
<b>Flood Zone</b>	Zone X shaded area (0.2 annual chance) <sup>1</sup>	Same	Same														
<b>Lot Size (sq. ft.)</b>	3,983 sq. ft.	Same	7,500 sq. ft.														
<b>Lot Coverage (sq. ft.)</b>	<table border="0"> <tr> <td>First Story</td> <td>1,039</td> </tr> <tr> <td><u>Garage</u></td> <td><u>278</u></td> </tr> <tr> <td>Total</td> <td>1,317</td> </tr> </table>	First Story	1,039	<u>Garage</u>	<u>278</u>	Total	1,317	<table border="0"> <tr> <td>First Story</td> <td>1,247</td> </tr> <tr> <td><u>Garage</u></td> <td><u>0</u></td> </tr> <tr> <td>Total</td> <td>1,147</td> </tr> </table>	First Story	1,247	<u>Garage</u>	<u>0</u>	Total	1,147	1,394 sq. ft.		
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<b><u>Adjusted</u> Floor Area (sq. ft.)</b>	<table border="0"> <tr> <td>First Story</td> <td>1,039</td> </tr> <tr> <td><u>Garage</u></td> <td><u>278<sup>2</sup></u></td> </tr> <tr> <td>Total</td> <td>1,039</td> </tr> </table>	First Story	1,039	<u>Garage</u>	<u>278<sup>2</sup></u>	Total	1,039	<table border="0"> <tr> <td>First Story</td> <td>1,247</td> </tr> <tr> <td>Second Story</td> <td>536</td> </tr> <tr> <td><u>Garage</u></td> <td><u>0</u></td> </tr> <tr> <td>Total</td> <td>1,783</td> </tr> </table>	First Story	1,247	Second Story	536	<u>Garage</u>	<u>0</u>	Total	1,783	1,792 sq. ft. (45%) + 325** = 2,117 plus 400 sq. ft. garage
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<b>Adjusted Floor Area Ratio sq. ft. (%)</b>	26.1%	44.8%	45% + 325 <sup>3</sup> sq. ft. = 53.2%														
<b>Setbacks<sup>4</sup> (main residence)</b>	Front: 15.9 feet Rear: 20 feet North Side: 10.5 feet South Side: 13.1 feet	Front: 15.9 feet Rear: 20 feet North side: 8.2 feet South side: 8.6 feet	Front: 20 feet Rear: 20 feet Side: 8 feet														

<sup>1</sup> "As with the 100-year flood, the most common misconception is that a 500-year flood is a flooding event that happens once every 500 years. The 500-year flood zone is a designated area that has a 1 in 500 (0.2%) chance of being met or exceeded in any given year. The 500-year flood would likely be more catastrophic than the 100-year flood which would be more catastrophic than a 20-year flood, etc. When a structure is within the 500-year flood zone, there is a 6% chance of being flooded over the life of a 30-year mortgage. Flood insurance is not required by Federal Emergency Management Agency in the 500-year flood zone, but it is strongly suggested." ("[What does '500-year flood' mean?](#)" WTG Flood Resource Center Frequently Asked Questions (2017))

<sup>2</sup> First 400 square feet of garage floor area is not including in Adjusted Floor Area ([San Anselmo Municipal Code Section 10-3.412\(c\)\(3\)\(g\)](#))

<sup>3</sup> Maximum Adjusted Floor Area Exception. The maximum Adjusted Floor Area may be exceeded on a lot by up to 325 square feet subject to Design Review ([SAMC § 10-3.412\(c\)\(3\)\(e\)](#))

<sup>4</sup> Existing and proposed setbacks taken from July 15, 2021; plans submitted by applicant.

	Existing	Proposed	Code
<b>On-Site Parking</b>	1 in garage + 2 on driveway in south side/front setback	2 (9' x 19') on driveway in north/front setback, 1 undersized in front setback	2 that comply with all setbacks
<b>Stories</b>	1	2	2
<b>Maximum Height Above Average Existing Grade</b>	16 feet 6 inches	24 feet 8 inches	30 feet

### **Timing**

Pursuant to the Permit Streamlining Act (California Government Code Section 65950 et. seq.) the Planning Commission must approve or disapprove the project by within 60 days of the project being deemed complete and exempt from CEQA. Staff recommends finding the project exempt from CEQA (See Attachment 6).

### **Public Notice**

A notice was posted at the site and mailed to all residents and property owners with 300 feet of the project site. Correspondence received for the last public hearing meeting may be viewed here:

[https://sananselmo-ca.granicus.com/GeneratedAgendaViewer.php?view\\_id=1&clip\\_id=545](https://sananselmo-ca.granicus.com/GeneratedAgendaViewer.php?view_id=1&clip_id=545)

Staff has received additional correspondence in opposition to the project (Attachment 3). The primary concerns are that the second story is out of scale and character with the neighborhood and will have a negative impact on light, views and privacy for neighbors. Several neighbors would like additional information and verification regarding the accuracy of the shadow study.

### **Background**

For site background, see prior staff report for April 19, 2021.

[https://sananselmo-ca.granicus.com/GeneratedAgendaViewer.php?view\\_id=1&clip\\_id=545](https://sananselmo-ca.granicus.com/GeneratedAgendaViewer.php?view_id=1&clip_id=545)

On January 6, 2020, the Planning Commission denied the first design for the site.

[http://sananselmo-ca.granicus.com/GeneratedAgendaViewer.php?view\\_id=1&clip\\_id=395](http://sananselmo-ca.granicus.com/GeneratedAgendaViewer.php?view_id=1&clip_id=395)

On April 19, 2021, the Planning Commission considered a second design for the site and unanimously supported continuing the hearing for modifications to the design (Swaim and Hilmi absent). Planning Commissioners supported the proposed Accessory Dwelling Unit but did not support the floor area exemption for the main residence addition. Several commissioners did not support the third undersized parking space.

### **Project Description**

See project plans and Applicant's statement (Attachment 2).

The redesign addresses most of the April 2021 recommendations by staff and the Planning Commission. The third parking space that was not supported by some Planning Commissioners remains on the plans. As stated by the applicant:

The current proposal removes the ADU and reduces the floor area of the project by 278 sq. ft. making the lot coverage 31% and FAR 44.8% of the lot area.

This proposal moves the front door of the residence to the front façade facing Laurel Ave. and redesigns the south façade with additional articulation to break up a large expanse of wall on a single plane.

With the elimination of the ADU, the elevated deck is held back to the edge of the main residence, a second privacy fence is added to the south side of the deck, and tall screen plantings are added along the south setback to eliminate any possibility of privacy impacts.

The screen plantings in the rear yard are changed to Podocarpus, which is a fast growing, and fire-safe evergreen alternative to Pittosporum.

The following entitlements are required to approve the project:

***Demolition Permit***

The Town Council adopted a new ordinance that went to effect in October 2020 that requires a demolition permit to demolish more than 50% of the exterior walls of a structure. At 50% demolition, a residence is essentially a new home and must have design review and be brought into conformance with all zoning regulations unless variances are approved. Since 9 Laurel is a small house, the combination of the garage demolition and the house demolition exceeds the new demolition permit threshold of 50% and a Demolition Permit is required. Only 25.3% (502 sq. ft. out of a total of 1,984 sq. ft.) of the demolition is for the residence, the rest is demolition of garage walls.

***Design Review*** is required based on the extent of the demolition and for a second story addition, including deck area.<sup>5</sup> The project creates 536 square feet of new living space on the upper level plus an upper-level covered deck with solid railings.

***Variance for New Parking Spaces in Setbacks*** The applicant proposes to convert the garage and driveway to a different use. San Anselmo Municipal Code Section 10-3.504(b) provides that “No parking space either uncovered or within a garage or carport, having minimum dimensions of eight (8) feet in width by seventeen (17) feet in depth, shall be converted to a use other than for vehicular parking, unless ... [e]ach converted parking space [is] replaced with one (1) legal parking space that complies with all provisions for setbacks, siting, configuration, and size.” The zoning

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<sup>5</sup> [SAMC §10-3.1505\(d\)\(2\)](#)

code allows lots 52 feet wide or narrower to have tandem parking with one space in the front and side setbacks.<sup>6</sup> The project site is 53 feet wide and, therefore, two non-tandem parking spaces that meet the 20-foot front, 20-foot rear and 8-foot side setbacks are required.

The applicant proposes a two-vehicle wide curb cut on Laurel Avenue to serve a new onsite parking area with three spaces in the front and side setbacks. One space does not meet the minimum parking space dimensions of 9 feet by 19 feet<sup>7</sup>, but would be about 16 feet in length and long enough for a small vehicle to park and not block the sidewalk.

### ***Front Setback Variance to Maintain Residence in Front Setback***

About 50 square feet of the existing and proposed residence extends slightly into the front yard setback. Since the exterior wall demolition exceeds 50%, the residence must be brought into conformance with the 20-foot front setback unless findings can be made for a front setback variance.

## **II. DISCUSSION**

### ***Design Review***

The purpose of design review is to “minimize adverse effects of poor or inappropriate exterior design” that “adversely affects the health, safety, and welfare of the residents of the Town by creating conditions which: (a) Endanger the lives of persons using adjacent streets and property; (b) Decrease property values in the surrounding area or the Town as a whole; (c) Impair the comfort and well-being of the persons using such real property; and/or (d) Are aesthetically incompatible with adjacent real property.” The intent of design review is to ensure these adverse effects are eliminated or minimized through the imposition of conditions, if necessary. “The Town shall seek to encourage creativity and variety in design...”<sup>8</sup>

The required findings are detailed in Attachment 6 and the applicant has submitted a detailed statement (Attachment 2). The applicant indicates the upper-level windows will not provide views into adjacent sites (see Sheet A 18). The applicant provides Sheets A20-A23 with shade studies to show the impact the addition has on the adjacent neighbors. The applicant explains on Page 10 of Attachment 2 that the existing residence shades the residence to the north and the project would result in the shade reaching that house about 30 minutes to 1.5 hours sooner.

Two story buildings are allowed and building heights vary from one to two stories in the neighborhood. The area has a mix of architectural styles and staff believes the proposed building design would be compatible with the mixed visual character of the area.

The applicant has provided a landscape plan that includes screening landscaping. Conditions of approval would require landscaping in compliance with the approved vegetation management plan to be installed prior to project final. Landscaping cannot be installed during the drought and

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<sup>6</sup> [SAMC Parking Standards Table 5A Note 4](#)

<sup>7</sup> [SAMC §10-3.507](#)

<sup>8</sup> [SAMC §10-3.1501 Purpose and intent](#)

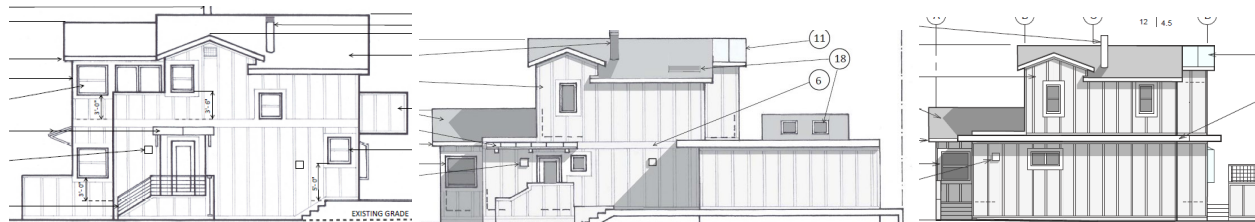
a bond or deposit could be required to ensure the landscaping is installed after the drought.

All parking and deck areas will be pervious surfaces. Only approximately 136 square feet of new impervious surface will be added to the site.

The bulk and mass of the second story have been reduced by stepping the front and north elevations back from the lower level. The rear elevation massing is broken up by the deck and recessed master bedroom wall. The south elevation has one and two-story elements. The lower-level plate height is 8' 4.5". The upper-level plate heights vary, but several areas have a plate height of 7' 4.5", which is low and will minimize the mass of the upper level. The applicant has articulated the two-story wall on the south elevation.



Front Elevation Plans 1, 2 and 3



Right Side Elevation Plans 1, 2 and 3

### **Parking Setback and Size Variance and Setback Variance for Residence**

Staff believes a new residence on this site that complies with a 20-foot front setback and has two code-compliant parking spaces and up to 400 square feet of garage area would be much larger and more massive than what is currently proposed. A new home would likely have taller plate heights at the lower level and have a larger second story, like the first plan for this site. The small lot size and angled front property line are also unusual circumstances that make it difficult to comply with the 20-foot front yard setback requirement.

Staff believes the tandem parking spaces will not have a negative aesthetic impact on the neighbor and are not uncommon in the area. The addition of one additional parking space in the front setback will encourage parking to be off-street, which will be a benefit in the long term as the Town adds more red curb lanes in neighborhoods to ensure roads are accessible for emergency vehicles, which often reduces on street parking. In addition, the Town is expecting other property owners to convert garages to ADUs, which will continue to increase demand for street parking spaces. However, since many of the Planning Commissioners did not support the short third space, a condition of approval requires it to be removed from the plan.

***Demolition Permit***

Staff supports the demolition permit as most of the demolition is for the non-conforming garage structure walls and not the existing residence. As stated above, the proposed design has less mass than what would typically be proposed for a new residence. In approving the demolition permit, the Planning Commission could allow the residence to be demolished in full or limit demolition to what is proposed. Staff recommends a condition of approval that allows up to 35% demolition of the residence exterior walls in the event additional demolition is necessary during construction. The applicant would need to return to the Planning Commission to exceed that threshold.

Prepared By:

Elise Semonian  
Planning Director

**Attachments:**

1. Project Plans
2. Application Materials and Findings
3. Neighborhood Communication/Correspondence since April 2021 (additional correspondence at links below)
4. Draft Findings and Conditions of Approval
5. Standard Conditions of Approval
6. Minutes of April 19, 2021 and January 6, 2020
7. [April 19, 2021, Hearing Materials \(hyperlink\)](#)
8. [January 6, 2020, Hearing Materials \(hyperlink\)](#)