

**MINUTES**  
**TOWN OF SAN ANSELMO PLANNING COMMISSION**  
**Monday, September 20, 2021**

This meeting was conducted via Zoom.

**COMMISSIONERS PRESENT:** Leyla Hilmi, Daniel Krebs, Gary Smith, David Swaim, Thomas Tunny.

**COMMISSIONERS ABSENT:** Susan Cronk, Tim Heiman.

**1. CALL TO ORDER**

Chair Swaim called the meeting to order at 7:00 p.m.

**2. OPEN TIME FOR PUBLIC EXPRESSION**

There were no comments from the public.

**3. PLANNING DIRECTORS REPORT**

Elise Semonian told the Commissioners that 52 Austin is no longer being heard tonight and that the state legislature passed SB 9, allowing duplex development in single-family residential zones and subdivision of single-family lots.

**4. APPROVAL OF MINUTES**

M/s Krebs/Smith to approve the August 16, 2021, minutes. The motion carried 5-0 (Cronk and Heiman absent).

**5. PUBLIC HEARINGS**

- A. 9 LAUREL AVENUE DESIGN REVIEW AND VARIANCES** Request for 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 one parking space to be created in the north side setback (8-foot side setback required). A second tandem space would be legally located within the front and side setbacks. 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 1,783 sq. ft. 44.8% (maximum allowed 45% +325 sq. ft. with design review)

Planning Director Elise Semonian presented the staff report and recommended approval of the project based on the findings and conditions in the staff report.

Chair Swain asked Elise Semonian about the afternoon on December 23 in the shadow study. Semonian suggested having the applicant address the shadow study question.

Brooke Peterson, co-applicant, indicated that they have been residents of San Anselmo for 24 years and they are hurt by statements that say they are outsiders that have nefarious aims to make a quick profit and show no regard for the neighborhood. Their intent is to update and transform a small 80-year-old structure with two bedrooms into a still small but updated, tasteful, charming and welcoming home that complements the town and the neighborhood.

Hassan Afrookteh, co-applicant, indicated that the drawings are not remarkably different than what they presented in April but include these changes:

- Removing the ADU so they could bring the house within the 45% maximum FAR and not ask for the FAR exception. He believed the house qualified for the FAR exception.
- Demolishing the garage to bring the house in compliance with the lot coverage ratio of 35%.
- More articulated south facade to break up that façade.
- Front door moved to face the streets and away from 15 Laurel.
- Privacy fence, since the garage is removed.
- Podocarpus for screen planting, fast growing effective evergreen screen plant

He reviewed the shadow study. There is little impact in spring. A shadow from just the top of the peak hits 55 Laurel at 3 pm. In summer, there is no impact. September is almost identical to March. On the shortest days of the year. He took raw data from an online sun calculator Sun Calc. Users input date, time, location and height and receive a shadow multiplier. So, for 3 pm, the shadow multiplier for this site is 3.35. So, an object one foot tall will cast a shadow 3.35 feet tall. The underlying line data is the existing height of the house various elements of the house, and what the online application indicates the sun is doing. It is just mathematics.

His position is that yes, there is an impact. But no, it is not a significant impact. Because over the course of the entire year, it is only at the shortest times that there is any impact. He tried to quantify the time differences based on how many hours of daylight there are and came up with percentages. The biggest impact was 15% on the shortest day of the year.

Chair Swain opened the public comment period.

Matt Noel, adjacent neighbor on Laurel, told the commission that the themes and their conversations with the applicants have all been about profits. They are seeking a second story for profit and the applicants have threatened legal action against them. They are objecting to the structure, and it is nothing personal against the applicants. They appreciate that the applicants want to improve the property. They feel strongly that the proposal with its second story will have a significant impact on their privacy and view of the sky to the north. They submitted photos to depict the impact. The project is not aligned with the character of the neighborhood. It is too large and out of scale with other homes in the neighborhood, which are primarily single-story cottage style homes built in the early 1900s. They believe the applicants can achieve their long-term goal of profit with a tasteful one-story remodel that does not have

adverse impacts on the surrounding neighbors. They would like to know if the applicants intend on encroaching on or demolishing the existing fence between the sites and removing their deck, as previously threatened.

Fran Farmer, 28-year resident of adjacent site on Laurel, stated that the shadow the proposed project will cast on her house is excessive and will devalue her quality of life and property value. She also stated that if this project is approved, it will violate the town general plan expressed in Land Use Goals one and two, the land use map, object 11, policy 11.1, and San Anselmo housing element H2.2. She reviewed images of existing conditions and the story poles. She indicated views of the sky and trees would be eliminated completely and an immense amount of shade would be cast onto her house. Currently, even in the winter, the sun clears the current roofline, and she has sun coming in her windows all year round. She believed the photos showing actual sunlight on the side of her house and coming in her windows is much more definitive and accurate than the shadow study. She indicated the structure would shade her house four and a half hours in the winter. She questioned the accuracy of the developer's shade study. She urged them to deny the project and require a single story.

Terry Curly, adjacent property to rear of project site on San Anselmo Avenue, stated the second story will look down on their side yard where they entertain on a regular basis. It also looks down on four of their home's windows. It will affect their privacy. Tall plants cannot mitigate noise or privacy issues. The drought may preclude planting the screening. The second story will directly affect them with sound and the deck at the rear looks through multiple backyards. He questioned the shadow study and indicated the addition would shade their side yard where they grow tomatoes. He supports smart property improvements, but they should not come at the cost of others in the community. He opposed the project with a second story but would be open to a project that includes the use of the garage to gain square footage. They appeal for consideration of the second-floor deck that is over their bedroom and side yard, which is of particular concern to them for its impact on noise and privacy.

Chris Braun, 8 Laurel, Apt 2, said that the proposed project would affect his privacy, light, and air, and it goes against the codes of the town of San Anselmo. He has a view of trees and sky it will be changed into a blank wall with four windows. The second story does not fit into the neighborhood is far too tall and five feet four inches taller than his apartment building. He disputes the developers shade study and says he tried to contact the applicant, but he never responded.

Marstin Tallant, 31 Rowland Court, presented his shadow study using SunCalc. He showed the commission how the proposed project would affect the light that reaches the houses around 9 Laurel Avenue. He was concerned with loss of light, compromised views and loss of privacy for the neighbors. He believed the shade studies should be conducted on the 21st day of each quarter. He is concerned that it does reasonably impair light and air structures on neighboring properties. It will affect the privacy of the neighbors and will be of a bulk and massive design that does not complement the existing character of the surrounding neighborhoods. He also voiced his opposition to the mini parking spot that was proposed.

Jerri Lynn, Laurel resident, stated she is not directly impacted by the developers building, but she supports him remodeling the property and would support him enlarging it by building out rather than up. She added that Fran's quality of life and ability to work is going to be impacted so she is against the second story of the project.

Herb Miller, 16 Laurel, said he opposes the second story addition to 9 Laurel and stated that there are no two-story houses on the block. He liked that the recommendation from staff to move the main entrance from the side of the house to the front of the house and that an ADU is a good idea. The applicant should not be allowed to alter a neighborhood they do not want to live in.

Jo Ann Hartley, 43-year resident of Hazel Avenue, said that the proposed changes do not suit the neighborhood. She suggested an addition to the front or back that does not impede the lifestyle of surrounding residents.

Bradly Long, Laurel, speaking for himself and resident Michael stated that light can be and is beneficial to one's mental wellbeing. He said they are living in a community and there are consequences to their actions. The consequence of the proposed renovation is that the neighbors will be negatively impacted not only their fiscal impact, but also their mental health impact. The project will shade the neighbors and intrude on their privacy. His view of the morning sky will be obstructed. He wondered if the applicant actually asked the neighbor how she feels about her office being put into complete shade. He believed this would place a "box" in the neighborhood and it is not a tasteful design like the quaint cottages of the neighborhood. They respectfully requested that the current renovation plan not be approved.

Terry Sozanski, Laurel Avenue, said that the proposed remodel will negatively impact neighbors light, air and privacy and urged the Commission to reject the second story proposal.

Michael Ferrelli expressed his concerns that the owner has done nothing to improve the site in many years and there is not one plant in the yard. The design will be a square box with two windows and not an improvement. He urged the Commission to deny the project.

Ellen Coldwell, 27 resident of Laurel Avenue, said that the project will negatively affect her light and air. It is important to take into consideration the surrounding neighbors that are impacted by this project. She would support variances for a single story. Keep the project in the character of the neighborhood. They should consider keeping starter homes for people and not pricing them out.

Leon, San Anselmo Avenue resident, stated that he supports everyone that has spoken out against the proposed project.

Hassan Afrookteh, co-applicant, indicated the neighbor's shadow study is not accurate and overstates the height of the project. He addressed the photos provided of 5 Laurel and stated that the photos do not give an accurate representation of the shadows and how they will affect the neighbors. He said that the photos do not disprove his shadow study because the photos

are not taken at the same time as the shadow study he provided. He also addressed Matt Noel's concerns and stated that Noel threatened him with adverse possession. His site plan is based on a recorded survey. He said the proposed project would not cast a shadow on 15 Laurel. The upper-level deck is off a bedroom, arguably the most private part of any house and not associated with excessive noise. He said it was very unlikely nuisance noise would come from a bedroom. What is likely is that nuisance noise would come from a gathering in the side yard of the neighbor's site into the bedroom. "Character of the neighborhood" is the most ambiguous phrase that there can be. Every time there is a hearing the neighbors mob them and control the narrative and limit discussion.

Commissioner Hilmi asked what the plate height of the bedroom is. Hassan Afrookteh responded that the plate height is 7 foot 4 inches in the mechanical room.

Chair Swaim closed the public comment period.

Commissioner Smith asked that if they were to step forward into 2022, would they still have the flexibility to try to manage this to a smaller project of a single unit building without having an ADU on the same lot. Elise Semonian stated that if there was no renter for three years then they could avoid design review under new state legislation. If the site did not have a tenant for 3 years, then they could build additional units on the site.

Commissioner Smith stated that he agrees with the planning department recommendation, both for the parking variance and the variance for the existing structure. He said he walked around the site and the neighborhood to see if the proposed project would fit into the neighborhood. There is a lot of variation from split levels to full two stories to very small cottages and the variation in the type of homes creates the character of the neighborhood, and they are all attractive

Commissioner Krebs indicated the applicant has taken into consideration many of their concerns. He appreciates the neighbors and their strong opposition. The project triggers very strong emotions for neighbors, many of whom have lived there 25 to 40 years. A change like this is very difficult to accept. People do have a right to build on their homes to a certain limit, and they do have a right to make money off those properties. He does not think that the applicants not living in the home should disqualify them from being allowed to make changes, but he understands that if someone lives there, they have more sensitivity to the impact changes have on neighbors. He believed it will have a material impact on the light for 5 Laurel and privacy for 15 Laurel. He questioned if a second floor is reasonable under the circumstances. Whether the design fits the character of the neighborhood depends on if you consider the immediate neighborhood or further out. There are no second floors near the site but many further out. He is frustrated by the conflict and uncertainty of the various shadows studies and does not have a good sense of which ones are accurate.

Commissioner Tunny stated he is torn on this one too and agreed with points made by Commissioners Smith and Krebs. He indicated it is hard to make the design review findings. On the other hand, it is eight feet taller than the existing home and approximately 20 by 25 feet on

the second floor. It is a 1,700 square foot home, which is still modest. It is a great opportunity for some small families in a great neighborhood. But there are significant impacts on more than one neighbor. The design is a little bit wonky since they are working with the existing building. He liked the materials and believed it will look better than other “McMansions” in the neighborhood.

Commissioner Hilmi agreed that it is a difficult decision. She tries to look forward to another 100 years and how the neighborhood might look. It is hard to be the first second story. There are numerous two-story buildings in the area and no restriction on two stories in San Anselmo. She felt the design was bulky given that they are trying to do two stories in a neighborhood that does not currently have two story buildings. If one of their neighbors were to add a story, then it would start to fit in. But they are the first and that does impact how the neighborhood looks. She noted that a design that could pass as a single story would be far more appropriate, such as one and a half stories where there is a steep pitch roof with dormers and the roof slopes away from the neighbors and there are no tall walls. The shade study is just science, and it should not matter what day of the year studies are done so long as they are not doctored. She questioned the town’s policy on rights to light from the side of a house and if people have more right to light and views at the front and rear sides of a structure. Her understanding is that variances are for exceptional circumstances due to the physical constraints of a site. This lot is a little on the small side, but it does not actually qualify for the exception. That the survey indicates part of the land is on the neighboring site could help them to avoid a variance if the lot is narrower. She would like to be consistent with other decisions. She believes the upper level could be tightened up and smaller and still be an effective master bedroom of, for example, around 14 feet by 14 feet. She did not believe the design is there yet. She would like to see a shade study done by an outside party who is not connected with either the neighbors or the owners.

Chair Swaim agrees that it is a difficult decision. He appreciated the applicant’s efforts to modify the design in response to their concerns. He is concerned about the impact on neighbors, especially 5 Laurel because of how the light would be affected, and on 15 Laurel. He did not believe a second story is in keeping with the neighborhood currently. He does not think he would be able to approve this project.

Commissioner Krebs said a small lot does not constitute a special circumstance. The House is a fairly modest size at 1,700 square feet. He did not prefer the design but does not believe every design has to be craftsmen. It could be a little bit more articulated in some ways. He supported Commissioner Hilmi’s idea of making the upper floor a little smaller. If it was in a sloped roof, it might have less of an impact on light, but that may not make a big difference in privacy. He agreed it would be good to have a professional shade or shadow study done to help them understand the impact. But the project will have an impact on 5 Laurel just given the small size of these lots.

Commissioner Hilmi stated that if you live downtown in a dense neighborhood, privacy is not necessarily a given, even if you had it when you bought the site. There will be changes. She believed they should explore any ways to reduce the shading. She said that the applicants being developers is completely irrelevant.

Commissioner Krebs agreed with Commissioner Hilmi about the applicants being developers and her opinion on privacy. On small sites residents will hear neighbors talking and that is just part of living in a neighborhood.

Commissioner Tunny asked Commissioner Hilmi about reducing the upper level. Commissioner Hilmi answered that she thinks it can still be reduced somewhat and still be a nice upstairs bedroom. She is not considering the financial benefits and whether it is worth doing the project if it is reduced.

Commissioner Smith said that on San Anselmo Avenue three houses over there are two story homes in a row. On Roland Court there are two story homes. They are close together and have very little privacy. The design looks boxy and awkward, which is a trade off with houses of that style on a lot this size.

Chair Swaim asked Elise Semonian if she looked into what they could do with a single story on the lot. Semonian indicated they are very limited by the lot coverage limit. She said that the neighbors said they would support a variance to allow the applicants to keep their house one story, but she does not know if that would be possible to make the findings, because it would have to be a very big variance.

Commissioner Krebs stated that he is leaning towards not approving the project as submitted.

Commissioner Hilmi agreed that she would also vote no to approving the project. She acknowledged that she is looking at the project for the first time and was mindful that the applicant has been to prior hearings. But she just did not believe the design is appropriate for the neighborhood.

Commissioner Smith said he supports the planning departments recommendation to approve the project and it meets the criteria that the owners were given to work with.

Commissioner Tunny stated he is leaning against approving the project, but he said that the applicant was responsive to what they said last time, and now he would like to find ways to give them direction to continue working on this.

Chair Swaim asked Elise Semonian if they can ask the applicants if they would like to continue the project or if they want the commissioners to vote right now. Hassan Afrookteh and Brooke Peterson asked what continuing the project would entail.

Chair Swaim answered that the light and air and privacy issue with the two-story is his biggest concern. He said it may be more than just a tweak, and a complete redesign.

Hassan Afrookteh indicated they redesigned twice to fit within all the town requirements that are outside of opinion. The only exception requested is for moving the parking from one side to the other. So, he was unclear what direction there is for the design. He asked if the Commission considered all the mitigation measures for privacy issues.

Chair Swaim said they need to get a shadow study from an outside source.

Commissioner Hilmi said that they could try a one and a half story house to have less of an impact on the neighbors. She said there is a bit of space on the ground level they could try to work with.

Hassan Afrookteh responded that a one and a half story house would not work. One the roof pitches are brought together there is not adequate ceiling height. That is why they proposed the low walls. They cannot lower the wall on the stairs, and they have no room to relocate the stairs.

Chair Swaim said they may not be able to give the applicants direction with this plan and asked if they should just take a vote.

Semonian would not be able to help the applicant with revising the project based on what she had heard. A major change would be required. She suggested voting but staff should consider returning with a resolution in writing.

Krebs said that he does not see a tweak that would have the commission approve the project. Commissioner Hilmi and Commissioner Tunny discussed reducing the second story to be able to approve the project, but Commissioner Hilmi was not in favor of designing a new project for them at the meeting.

M/s Krebs/Heiman to deny the application since the design will have a material impact on the light and privacy of the neighbors and they cannot find special circumstances for the parking variance. The motion carried 4-1 (Smith opposed and Cronk and Heiman absent).

Chair Swaim announced the ten-day appeal period.

## **6. ITEMS FROM PLANNING COMMISSION**

Commissioner Krebs asked about the Q & A option in the zoom meeting and said they should remove that feature. It was noted that the comments made in the Q & A were completely inappropriate and unacceptable.

## **7. ADJOURN**

Chair Swaim adjourned the meeting at 9:35 p.m.



**MINUTES**  
**TOWN OF SAN ANSELMO PLANNING COMMISSION**  
**Monday, October 18, 2021**

This meeting was conducted via Zoom.

**COMMISSIONERS PRESENT:** Tim Heiman, Thomas Tunny, Leyla Hilmi, Gary Smith, Susan Cronk.

**COMMISSIONERS ABSENT:** Chair David Swaim, Daniel Krebs.

**1. CALL TO ORDER**

Tim Heiman called the meeting to order at 7:00 p.m. and announced how the public may participate in the meeting.

**2. OPEN TIME FOR PUBLIC EXPRESSION**

No one wished to speak during open time.

**3. PLANNING DIRECTORS REPORT**

Planning Director Elise Semonian noted that the Town Council appointed Jennifer Asselstine to the planning commission and reappointed Tim Heiman.

**4. APPROVAL OF MINUTES**

There were no minutes to approve.

**5. 9 LAUREL AVENUE - Resolution memorializing the Planning Commission's September 20, 2021, findings to deny design review, variances and demolition permit application for 9 Laurel Avenue.**

The applicant read a letter dated October 18, 2021, from his attorney John E. Sharp to Elise Semonian, Planning Director. Semonian indicated that if the draft resolution does not reflect the decision that they made, they can suggest modifications to staff. They also do not need to take any action on the resolution and the record from the meeting would stand. She recommended approval of the resolution so that the Town Council has written findings from the Planning Commission. It was noted that only four of the seven planning commissioners that were at the September meeting are present.

The applicant indicated that he felt that he was provided direction by the Planning Commission, and he followed it. He believed the decision was arbitrary. The commissioners discussed the resolution.

There was no motion to approve the resolution.

**6. PUBLIC HEARINGS**

**A. 570 SAN ANSELMO AVENUE CONDITIONAL USE PERMIT** - Request for a conditional use permit to sell alcohol for a proposed retail wine store.

Goodwin, applicant, informed the commissioners that there are many neighbors that do support their plans and have no problems with the roof deck.

Commissioner Tunny closed the public comment period.

Commissioner Heiman stated that tearing down the shed just to make just to bring it under a threshold for design review is unnecessary even though it makes sense from a bureaucratic standpoint. He said the shed does not have a negative impact on the neighborhood. He stated that the only thing they can do is minimize the deck and he would like to see dimensions for the smaller deck. He would like to make the deck smaller and be moved further away from the front roof edge. He agrees that the plants along the railing to protect privacy are temporary and can be changed so they do not guarantee privacy for neighbors.

Commissioner Krebs stated he will approve the trellis and agrees that the shed does not have to be removed because it does not impact the neighbors. He stated he believes that the roof deck needs to be reduced.

Commissioner Smith said he appreciates the architecture but recognizes that the mass of the building is not in sync with the mass of other structures in the neighborhood. He does not think that trellis or shed are an issue. He agrees with his fellow commissioners to further modify the deck and mitigate the consequences and reduce the impact on the neighborhood.

Commissioner Cronk said the shed has a very minimal impact. She agrees with the applicants that the railing will finish off the design and create a balance. She also stated that if the all the commissioners want to reduce the deck, they could give the applicant specific modifications so they d not have to come back to another public hearing.

Commissioner Tunny stated he agrees about the shed and the trellis being approved and agrees with Commissioner Cronk about the railing. He thinks it a matter of pulling the east edge back towards the structure.

M/s Heiman/Cronk to approve the application including the trellis and allowing the existing shed to remain and the addition with a modification to the proposed roof deck such that the rail along the south elevation be moved back such that it is no more than six feet from the face of the addition. The motion carried 7-0.

Commissioner Tunny announced the ten day appeal period.

## **6. PUBLIC HEARING ON PLANNING APPLICATIONS**

- A. 9 LAUREL AVENUE** Public hearing to consider application for design review for an upper story addition to the existing single-family residence and an exception to allow the addition to be 274 sq. ft. over the maximum adjusted floor area. A lot coverage variance is necessary for the addition, which exceeds the maximum 35% lot coverage

by 136 square feet. A setback variance and design review are requested to allow parking spaces to be created in the front and side setbacks in the northwest area of the site. The existing garage would be converted into an Accessory Dwelling Unit.

Lot Size	3,983 sq. ft.
Existing Lot Coverage	1,317 sq. ft. 33%
Proposed Lot Coverage	1,530 sq. ft. 38.4%
Existing Adjusted Floor Area	1,039 sq. ft. 26.1%

Elise Semonian presented the staff report and answered commissioner questions.

Hassan Afrookteh, applicant, further explained the plans for his property.

John Sharp stated that there is nothing in the ADU law that says a person has to consider an ADU separately.

Commissioner Heiman asked for the elevation of the wrap around deck.

Afrookteh answered a little over two feet.

Commissioner Heiman asked what is in the utility room.

Afrookteh answered that part of it is storage and it was be used as a laundry room as well.

Commissioner Tunny opened up the public comment period.

Fran Farmer, neighbor at 5 Laurel, stated that the project would adversely affect the light coming into her home which would devalue her quality of life and her property value. She also stated that approving this project would set a precedent that would put all starter homes in jeopardy. She offered a solution that the commissioners approve a variance for the applicant to add a modest addition to the back of the home.

Matthew Noel, neighbor at 15 Laurel, would like the applicant to make a two-story house that looks like a one-story house. He stated that approving this project will take away the charm of the neighborhood and encourage future property owners to take similar measures to maximize profits.

Rosalind Jackson, neighbor at 1055 San Anselmo, stated her primary concerns are overbuilding on lot, privacy and sound concerns and what else will come next for a project of this size considering how the property owner has gone about the project so far. Her husband said he was concerned that the ADU would become a main living space.

Chris Braun, neighbor at 8 Laurel, stated that the project will create lighting issues for his home and is uncharacteristic for the neighborhood. He also stated that the addition will create parking issues because more people would live in the house meaning there will be more cars.

Marstin Tallant, neighbor at 31 Rowland, informed the council that the project will contribute to the drain in the neighborhood clogging and cause flooding. He opposes the project.

Herb Miller, neighbor at 16 Laurel, oppose the project. He stated it is too big for the lot and uncharacteristic of the neighborhood.

Ellen Caldwell, neighbor at 25 Laurel, presented photos of other houses in the neighborhood in order to show the bungalow theme that the project would not fall into.

Jerri Linn and Terry Sozanski, neighbors at 20 Laurel, stated that other two-story houses in the neighborhood have much bigger lots than the applicant's lot.

Nancy Taylor, neighbor, stated that she thinks this is a modest proposal of a great development that improves the neighborhood. She is in favor of the project and does not think it impacts the adjacent houses as much.

Peter Pfau, neighbor, supports the position that staff outlined and thinks it is a big improvement over the previous plan.

Tracey, neighbor, supports the project and does not think it is fair or correct to say that the proposed addition will make the house uncharacteristic of the neighborhood when it is building across from an apartment building. She also does not think it is fair to be upset with the property owner about the process being slow.

Jason, neighbor, supports the project and stated that he was impressed by the owner's changes in the second submission that addresses many neighbor concerns. He also questioned how someone is supposed to build a two-story house that looks like a one-story house. He stated it is a bad precedent to not allow the applicant to build a second story just because the neighbors do not want it.

Aviva Kamler, neighbor, stated that the bungalow homes are very unique to San Anselmo and does not believe a homeowner should be able to remodel their home to increase the value of their property while simultaneously decreasing the privacy, light and space of the surrounding homes. She also believes the proposed project is too big for the lot.

Leon Kouyoumjian, neighbor, stated that the proposed project is uncharacteristic of the neighborhood.

Al and his wife, neighbors, approve of the project because the applicant considered aesthetics.

Jo Ann Hartley, neighbor, suggested the applicant build out instead of up and hopes that the proposal is rejected.

Chris Braun, neighbor, stated that all the people that have spoken in support of the project are not taking into consideration the hardship that it is causing the adjacent neighbors.

David Broome, neighbor, supports the project and thinks it is a great aesthetic improvement to the neighborhood. Also thinks not approving the project would set a dangerous precedent that an organized group of neighbors could prevent someone from improving their house.

Michael Ferrelli, neighbor, stated that only people that live on the street should have a say on the project.

John Sharp, applicant, stated the government mandate that affordable housing needs to be addressed which ADUs help with.

Commissioner Tunny closed the public comment period.

Commissioner Krebs stated that he still thinks that there are still problems with the project that need to be addressed, such as the size of the house compared to the lot. He is in favor of trying to promote ADUs but does not think that should allow people to expand beyond what the town allows.

Commissioner Cronk believes that the proposal has greatly improved. She also stated that the house is not bungalow style and does not think it is particularly attractive and could use improvement. She said that she is in support of the parking and setbacks as requested and the lot coverage variance is reasonable to her. She cannot get behind the exception of the FRA.

Commissioner Heiman stated that it would be very difficult for the applicant to add to the first story instead of adding a second story. He does not see a reason that could make him support the bonus to the FRA and thinks the project needs to be reworked. He suggests the second-floor deck off the bedroom could be removed because it hinders privacy. He supports the other modifications of the plan that were suggested by staff and agreed to by the owner such as relocating the front door and eliminating the deck around the ADU. He is in favor of the variance for the two-car tandem parking in the front and side setback, but he is not in favor of the third parking space in the front setback. He is fine with the lot coverage.

Commissioner Smith stated there are elements of the proposal which could be refined and some of which can mitigate conflicts, specifically with the FRA. He does not see a reason for denial but agrees with Commissioner Heiman that the third stall of parking is not necessary. Overall, he is in support of the staff opinion that this plan can be improved but he does not think it is unreasonable to seek a second-floor addition in the neighborhood.

Commissioner Tunny stated he also does not like the third parking space and likes all of staff's recommended changes. His main concern is the FRA and would like the applicant to get under the limit.

Hassan Afrookteh, applicant, said he will remove the ADU and come back with new plans but said he will go to the California Housing Authority, Office of Transparency and Compliance because he does not think what the commissioners are doing is legal.

Commissioner Cronk stated that no one is contesting the ADU and the applicant is welcome to go get a permit for it tomorrow.

Commissioner Tunny also wanted to clarify that even if they are not counting the ADU in the FAR that they are finding the main dwelling to be too large.

M/s Heiman/Cronk to continue the project and the applicant resubmits the plans taking into account the comments that have been made at the hearing and to keep it within the FAR. The motion carried 5-0.

- B. 316 GREENFIELD AVENUE** Public hearing to consider a Conditional Use Permit application for a new 480 square foot detached Accessory Dwelling Unit (ADU) proposed partially within the 20-foot required setback from Greenfield Avenue (10-foot setback from property line proposed). Due to the width of the public right-of-way, the front wall of the ADU would be 21' 3" from the sidewalk, in line with the main residence and neighboring development. The proposed ADU is setback 8 feet from the west side property line where a 4-foot setback is required.

Elise Semonian presented the staff report and answered commissioner questions.

James Alai, applicant, stated that the ADU is for his mother. He wants to keep the aesthetics and be in alignment with the other homes on the street and it keeps him from having to dig back into his hillside.

Commissioner Tunny opened up the public comment period.

Paul Nyulassie, architect, said he can do some architectural changes to the façade.

Cece, neighbor, stated that she and her husband are in total support of the project.

Commissioner Tunny closed the public comment period.

Commissioner Cronk appreciates the neighbor support and would like there to be design changes that could make it more street friendly.

Commissioner Krebs agrees with commissioner Cronk and would support her request to change some of the design elements facing the street.

M/s Krebs/Cronk to approve the staff report. The motion carried 5-0.

Semonian presented the staff report. Staff included findings submitted by the applicant. The lot does have an unusual small size. Staff recommended approval of the minor exception and Planning Commission discussion of the variance findings. She answered commissioner questions.

Eric Spletzer, project applicant, presented the project and answered commissioner questions

The majority of the Planning Commission supported the project and variance requested based on the small size of the deck area, the steepness of the slope, small lot size, location of a protected tree in an area that encumbers the property, and since no square footage is added to the house. The project is a minor expansion of an existing deck at the front of the house that is not visible from the street and the privacy or views of the adjacent property owner are not being impacted.

M/s, Daniel Krebs, Matt Brasler, to approve the lot coverage variance and minor exception for the deck at 8 Island Drive subject to the conditions in the staff report. AYES: Tim Heiman, David Swaim, Pete Pedersen, Matt Brasler, Susan Cronk, Daniel Krebs. NOES: Bill Engelhardt. ABSENT: None.

B. **9 LAUREL AVENUE - DESIGN REVIEW, VARIANCES, GRADING PERMIT, FLOOR AREA EXCEPTION**

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

Request: Design Review for an addition and substantial remodel to an existing single-family residence and for a Maximum Adjusted Floor Area Exception to allow the residence to be 319 sq. ft. over the maximum adjusted floor area. The project would lift the existing first story to create a new second story. Grading permit for 90 cubic yards of fill and 52 cubic yards of cut, primarily to elevate the level of the rear yard for drainage. Setback variance for new construction within the front setback and to increase the height of the existing structure in the front setback approximately 15 feet from the front property line (code: 20 feet). Variance to replace a legal non-conforming garage and second parking space in the rear and south side yard setbacks with a garage at the lower level of the residence, partially within the front setback, and to create a new uncovered space within the front and north side setbacks. The proposed height of the residence is 28 feet (code: 30 feet). Proposed materials include white board and batten siding, white vinyl trim, and light gray composition shingle roofing and cedar fencing.

Lot Size 3,983 sq. ft.  
Existing Lot Coverage 1,312 sq. ft. 33%  
Proposed Lot Coverage 1,347 sq. ft. 34% (code: 35%)

Existing Adjusted Floor Area	1,039 sq. ft. 26%
Proposed Adjusted Floor Area	2,111 sq. ft. 53% (code: 45% + 325 sq. ft.)

Semonian presented the staff report and recommended denial of the project.

Hassan Afrookteh, the applicant, presented the project and answered commissioner questions.

Fran Farmer, Laurel Ave resident, expressed concerns regarding how her light and sun exposure will be affected by this new construction and the potential for mold and lack of solar energy possibilities due to shade.

Jerry Lynn, Laurel Ave resident, expressed his concerns that the proposed project is not compatible with the character of the neighborhood and is too big.

Herb Miller, Laurel Ave resident, expressed concerns that the project does not fit well with the neighborhood as it is a big house on a small lot.

Terry Sozanski, Laurel Ave resident, expressed his concern regarding the negative impact on neighbors with regards to privacy, light and air, and the project being out of character with the neighborhood.

Colleen Noel, Laurel Ave resident, expressed concern that the project does not fit in with the character of the neighborhood, overbuilds the lot and negatively impacts privacy, and light.

Steve Lamb, Laurel Ave resident, expressed his concerns and echoed other residents' concerns. Lamb questioned the content of the supplemental form for demolition that was submitted by the applicant.

Ellen Caldwell, Laurel Ave resident, expressed her concerns, specifically regarding drainage and grading.

Christopher Braun, Laurel Ave resident, expressed his concerns, specifically about the proposed project blocking the sunlight and the sky to the apartment across the street.

Terry Curly, San Anselmo Ave resident, expressed his concerns regarding light, privacy, grading, and drainage.

Rosaline Jackson, San Anselmo Ave resident, expressed her concerns regarding the impact of the project on the community.

Matt Noel, Laurel Ave resident, expressed his concerns regarding the overbuilding the lot, the project being out of character with the neighborhood, privacy, light and property line litigation.

Dennis Mowbray expressed his concerns about the project.

Michael Farrelli, Laurel Ave resident, expressed his concerns with regards to the project being out of character with the neighborhood.



Leon, San Anselmo Ave resident, expressed his concerns with regards to the project being out of character with the neighborhood.

Patrick Torres Jr, on behalf of his parents living at Laurel Ave, expressed concerns with regards to the project being out of character with the neighborhood. He also mentioned concerns regarding drainage out to the street, parking, light, and noise.

The applicants responded.

Commissioner Brasler asked about the property line issues raises. The applicant said that they will have to take it to court or have the surveyors figure it out.

The majority of the commission indicated the design was out of character and scale with the neighborhood. They did not support the variances requested, although some indicated support for the setback variance for the parking, which would replace parking that is currently in a setback. More information on grading and drainage was requested. Some Planning Commissioners indicated a second story might be supported with an appropriate design and no variances.

M/s, Matt Brasler, Daniel Krebs, to deny the design review, variances, grading permit and floor area exception for 9 Laurel Avenue based on the findings in the staff report. AYES: Bill Engelhardt, Tim Heiman, David Swaim, Pete Pedersen, Matt Brasler, Susan Cronk, Daniel Krebs. NOES: None. ABSENT: None.

C. 1214 SAN ANSELMO AVENUE - USE PERMIT - THIS ITEM WILL BE CONTINUED TO A FUTURE MEETING

Project Address: 1214 San Anselmo Avenue

Applicant: Bryan Hendon

Assessor's Parcel No.: 007-051-21

Zoning District: C-1 Neighborhood Commercial

General Plan Designation: Neighborhood Commercial

Request: After-the-fact request for a use permit to convert an office use to a residential dwelling unit. Residential use requires a conditional use permit in the Neighborhood Commercial zoning district. No exterior changes are proposed.

This item was continued to a future meeting date due to a change in the application.

**6. CONSIDER ORDINANCE TO AMEND ACCESSORY DWELLING UNIT (SECOND UNIT) REGULATIONS Consider "An Ordinance of the Town Council of the Town of San Anselmo Amending Title 10 (Planning and Zoning) Chapter 6 (Accessory Dwelling Units) Articles 1-3 to Bring the Town Accessory Dwelling Unit Regulations into Conformance With 2019 State Housing Bills" and make a recommendation to the Town Council.**