



# TOWN OF SAN ANSELMO

## PLANNING COMMISSION STAFF REPORT

**Date:** August 15, 2022

**To:** Chair Tunny and Members of the Planning Commission

**From:** Richard Smeaton, AICP, Contract Planner

**Subject:** Nelson Residence, 225 Los Angeles Blvd., Project No. PRO-2021-0030

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### **Recommendation**

The Planning Commission to approve Project No. PRO2021-0030, a Design Review to allow a second story addition and Variance to allow the construction of a porch within the front yard setback at 225 Los Angeles Boulevard, subject to the findings and conditions in the staff report.

### **Property Information:**

Project Address: 225 Los Angeles Blvd.  
Owner/Applicant: Jay Nelson  
Assessor's Parcel No.: 006-011-26  
Zoning District: R-1, Single Family Residential, Below 150 Mean Sea Level  
General Plan: Single Family Residential  
FIRM Flood Zone: AE (in flood area)

### **Project Data:**

	Existing	Proposed	Code
<b>Zoning</b>	R-1 Single Family, Below 150 Mean Sea Level	Same	Same
<b>General Plan</b>	Single Family	Same	Same
<b>Flood Zone</b>	AE (in a flood zone)	Same	Same
<b>Lot Size (sq. ft.)</b>	7,250 sq. ft.	Same	7,500 sq. ft.
<b>Lot Coverage (sq. ft.)</b>	1,450 sq. ft.	2,067 sq. ft.	2,538 sq. ft.
<b>Lot Coverage (%)</b>	20%	28.51%	35%
<b>Floor Area (sq. ft.)</b> <i>*400 sq. ft. of garage not included in FAR</i>	First Story 1,206 Garage 222* Total 1,206	First Story 1,439 Second Story 1,265 Garage 499* Total 2,803	2,828 sq. ft.

	Existing	Proposed	Code
<b>Adjusted Floor Area Ratio sq. ft. (%)</b>	16.6%	38.6%	39%
<b>Setbacks</b>	Front: 8 ft. Rear: 93 ft. 11in. North Side: 5 ft. 3 in. South Side: 4 ft. 3 in.	Front: 3 ft. 8 in. Rear: 79 ft. 6 in. North side: 5 ft. 3 in. South side: 4 ft. 4 in.	Front: 20 ft. Rear: 20 ft. Sides: 8 ft.
<b>On-Site Parking</b>	1-car garage	2-car garage	2
<b>Stories</b>	1	2	2
<b>Maximum Height Above Average Existing Grade</b>	16 feet 6 inches	24 feet 9 inch	30 feet

**Project Description:**

The applicant is requesting Design Review and a Variance to allow for a remodel and additional to an existing legal conforming single-family residence. The existing residence was originally constructed in circa 1941 and is considered to be legal nonconforming because the residence encroaches with the front yard setback.

The applicant is proposing the following:

- First Floor addition that would add 233 square feet to the rear of the building.
- First Floor garage addition that would add 277 square feet to accommodate a two-car garage. Note, pursuant to Section 10-3.412.C.3.g, the first 400 square feet of garage floor area is exempted from the Adjusted Floor Area.
- New Second floor addition that would add 1,265 square feet. The second story addition would result in a 24-feet, 9-inch roof height.
- A new 283.5 square-foot wooden deck in the rear yard. The deck is less than three feet in height and does not count towards the lot coverage.
- Expansion of the driveway to accommodate two parking spaces.
- Expansion of the front porch from 22 square feet to 129 square feet. The front porch would also be constructed 3-feet, 8-inches from the front property line, where an 8-foot setback currently exists.
- Removal of two storage sheds in the rear yard.
- Removal of a tree and planting of two (2) avocado trees within the public right-of-way. The tree proposed for removal does not require a tree removal permit and the Director Public Works would be responsible for the permitting the planting of the street trees.
- Cut of 28.38 cubic yards for the crawl space, cut of 2.59 cubic yards for the foundation, and export of 31 cubic yards.

The project is designed to remove the brick veneer from the front and side elevations and retain the board and batten siding throughout the exterior of the house. The second story will have an open gable roof and a hip roof over the front porch area. Roof eaves will extend from the midsection of the home on all four elevations of the residence. Onyx black asphalt shingles are proposed for the roof. The house would be painted in the Benjamin Moore “dove wing” color with “wrought iron” trim around the windows and doors.

The proposed project requires the following permits:

- **Design Review required pursuant to Town of San Anselmo Municipal Code Section 10-3.1505(d)(2)** to allow for a second story addition.
- **Variance required pursuant to Town of San Anselmo Municipal Code Section 10-3.1401** to allow a deviation from the 20-foot front yard setback development standard.

**Project Site:**

The project site is located a couple homes south of the T-intersection of Los Angeles Boulevard and Monterey Avenue and is approximately 7,250 square feet in size. The lot is relatively flat. A map showing an aerial view of the project site outlined in red is provided in Figure 1 and in Figure 2, it shows the existing house from the street.



**Figure 1 - Project Location**



**Figure 2 – Street View**

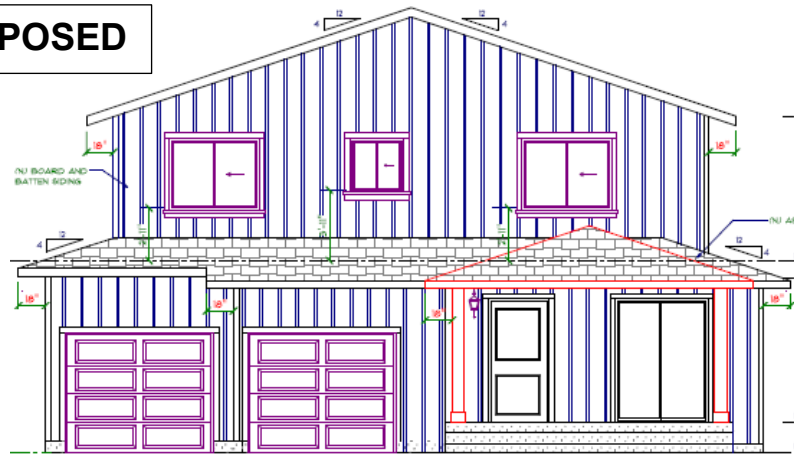
## Existing and Proposed Elevations

**EXISTING**

Front (East) Elevation

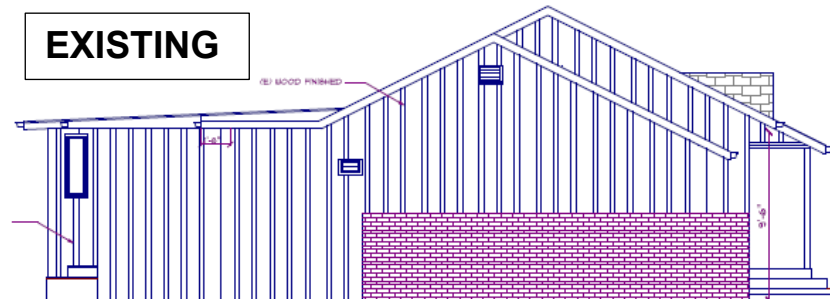


**PROPOSED**

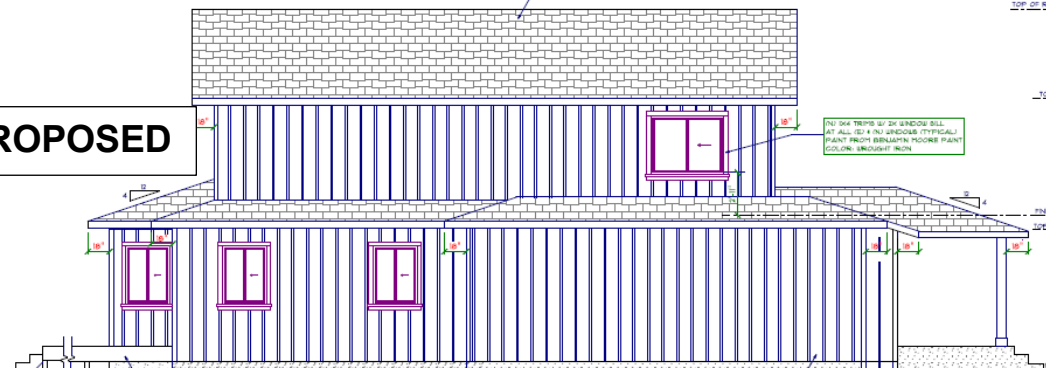


Side (South) Elevation

**EXISTING**



**PROPOSED**



## **Staff Analysis and Discussion:**

### ***General Plan Consistency***

The General Plan land use designation of the site is Single-Family Residential which allows detached single-family units at a density of 1 to 6 units per acre. In order to encourage maintenance of existing structures and to prevent encroachment of higher density development, this designation has been applied to the majority of existing single-family neighborhoods. This project proposes a 1,776 square-foot addition to an existing single-family and does not change the use, therefore, it is consistent with the General Plan.

The proposed project would be consistent with the goal and applicable policies identified below:

- Land Use Goal 1: The small town character, scale, and pace of life in San Anselmo shall be preserved, as shall the Town's close connection with the natural beauty of its setting.
- Policy 11.1: New development, including rehabilitation and expansion projects, shall be of a scale, intensity, and design that integrates with the existing character of the surrounding neighborhood.

### ***Zoning Ordinance Compliance***

The zoning for the site is Single-Family Residential District (R-1) which is intended for the development of detached, single-family homes with allowable residential density range from one to six dwelling units per acre. This project proposes a new second story and rear addition to the existing single-family home and does not propose any additional units. The size and design of the residence will be in keeping with other structures in the neighborhood, maintains the side setbacks of the existing structure, and meets the development standards of the R-1 zone, therefore, it is consistent with the Zone Code.

### ***Design Review***

Pursuant to the San Anselmo Municipal Code Article 15, Design Review, Section 10-3.1501, Purpose and Intent, the purpose of Design Review is to minimize adverse effects of poor or inappropriate exterior design of improvements to real property by providing for the review of the design of certain buildings and improvements hereafter constructed in the Town. Examples of appropriate design include ensure that the project would be aesthetically compatible with adjacent property, would not create any adverse impacts on adjacent properties, such as impacts to light, air, and/or privacy, and that the project would not impair the comfort and well-being of the persons using such property. The intent of design review is to ensure the above adverse effects are eliminated or minimized through the imposition, if necessary, of conditions that cause the improvements to comply with the intent of this chapter.

As previously summarized in the Project Description, Design Review is required for the proposed construction of a new second story addition. In order to approve or conditionally approve the Design Review, the Commission must make the findings for Design Review in Section 10-3.1506 of the San Anselmo Municipal Code (SAMC) listed below. Discussions for findings for approval of the Design Review are found in the resolution.

**(a) Commercial, Professional, and Residential R-3 (four (4) or more units, churches, convalescent homes).**

**(1) Is functionally and aesthetically compatible with the existing improvements and the natural elements in the surrounding area;**

**(2) Provides for protection against noise, odors, and other factors which may make the environment less desirable;**

**(3) Will not tend to cause the surrounding area to depreciate materially in appearance or value or otherwise discourage occupancy, investment, or orderly development in such area;**

**(4) Will not create unnecessary traffic hazards due to congestion, distraction of motorists, or other factors and provides for satisfactory access by emergency vehicles and personnel;**

**(5) Will not adversely affect the health or safety of persons using the improvement or endanger property located in the surrounding area; and**

**(6) Is consistent with the Town General Plan.**

**(b) Residential R-1, R-2, and R-3 (three (3) or fewer units) sites below one hundred fifty (150) feet Mean Sea Level (flatland):**

**(1) Conformance to findings in [Section 10-3.1506\(a\)](#);**

**(2) Will not unreasonably impair access to light and air of structures on neighboring properties;**

**(3) Will not unreasonably affect the privacy of neighboring properties including not unreasonably affecting such privacy by the placement of windows, skylights and decks;**

**(4) Will be of a bulk, mass and design that complements the existing character of the surrounding neighborhood; and**

**(5) Will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not be materially detrimental to the public welfare or injurious to property or improvements in such neighborhood.**

**(e) Residential R-1 and R-2 design review for additions to existing dwellings and accessory structures originally and legally built less than eight (8) feet but not less than five (5) feet from the interior side property line:**

**(1) Conformance to findings in [Section 10-3.1506\(b\)](#) above; and**

**(2) Is of a scale, intensity, and design that complements the existing character of the surrounding neighborhood.**

Upon review of the project, and as supported in the Exhibit B, Findings, of the attached Resolution, staff suggests the requisite Design Review findings can be achieved as follows:

1. The project will be functionally and aesthetically compatible with the existing improvements by utilizing similar materials and maintain a mass and scale suitable to the project site and surrounding residences.
2. The project will be conditioned to require a construction management plan to minimize construction impacts related to noise and odors.
3. The project is designed to include an additional enclosed on-site parking space, thus creating less impact on the existing on-street parking.
4. The project is consistent with the General Plan related to density and use.
5. The project is consistent with the Zoning Ordinance, with the exception of the front yard setback requirements. However, the existing residence has a legal nonconforming front yard setback and the project would deviate slightly from the setback in order to allow the architecture and aesthetics of the residence to be enhanced by providing a more balanced mass and scale related to the project.
6. The project is designed to not create any adverse impacts related to light, air, and privacy as demonstrated by the project plans.
7. The project will be consistent with recent two-story developments that have been constructed in the neighborhood. Although the original 1940-1960's development pattern for many of the residences are single-story structures, as the properties are sold, new owners are constructing additions to the homes consistent with the R-1 development standards.

### **Variance**

Pursuant to the San Anselmo Municipal Code Article 14, Variance, Section 10-3.1401, Purpose and Intent, the purpose of the Variance is to allow a deviation from the Development Standards Table 4A. In order to approve or conditionally approve the Variance, the Planning Commission must determine whether the project is in conformance with the required Variance Findings in Section 10-3.1405 of the San Anselmo Municipal Code (SAMC) below. Discussions for findings for approval of the Variance are found in the resolution.

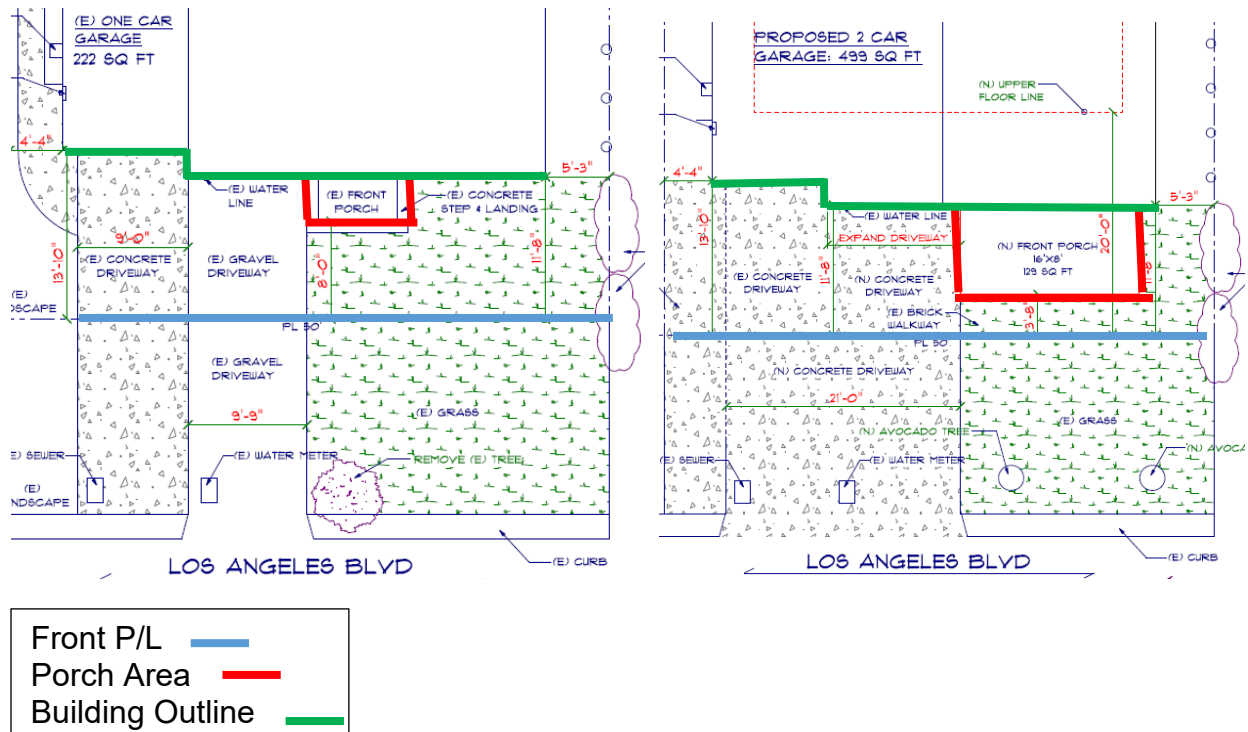


**(a) Due to special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the controlling zoning ordinance or regulation deprives the property of privileges enjoyed by other property in the vicinity and under an identical zoning classification, and the granting of the variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated; and**

**(b) The granting of the variance, under the circumstances of the particular case, will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not be materially detrimental to the public welfare or injurious to property or improvements in such neighborhood.**

The existing residence currently has a legal nonconforming front yard setback of 8-feet, where a 20-foot front yard setback is currently required. The proposed variance would allow the porch to be 3 feet 8 inches from the front property line. The applicant has designed the porch relative to the mass and scale of the second story addition to help break up the massing of the front elevation.

Upon review of the project, and as supported in the Exhibit B, Findings, of the attached Resolution, staff suggest the requisite Variance findings can be achieved. Specifically, the Variance can be supported in that special circumstances associated with the existing residence, as well as other surrounding residences were constructed with substandard front yard setbacks and the proposed encroachment within the front setback would be compatible with the development pattern of the neighborhood.





### **CEQA Determination**

The proposed project is an addition and improvements to an existing single-family home. The project is categorically exempt from review under the California Environmental Quality Act since it falls under the types of projects which the California Secretary of the Resources Agency has determined do not usually have a significant effect on the environment under a Class 1 categorical exemption for “existing facilities.” (14 CCR Section 15301(e)) No exception set forth in Section 15300.2 of the CEQA Guidelines applies to the project including, but not limited to, Subsection (a), which relates to impacts on environmental resources (area proposed for grading has no trees or creek); (b), which relates to cumulative impacts (although utilities may be working in the area, this project’s construction time will not last long); Subsection (c), which relates to unusual circumstances (grading amount not unusual); or Subsection (f), which relates to historical resources (site is not associated with historical events or persons, not architecturally significant).

### **Public Notice and Comments**

A notice was mailed to all property owners within 300 feet of the site and posted in three places. Apart from receiving the attached Neighbor Acknowledgement Forms, staff has not received comments as of the distribution of this report.

#### **Attachments:**

1. Draft Resolution
2. Project Plans
3. Neighbor Acknowledgement Forms