



## Legislation Text

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**File #:** 22-020, **Version:** 1

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**Design Professional:** Jeff Kroot, Architect  
**Project Address:** 24 Woodland Avenue  
**Assessor's Parcel No.:** 007-252-21  
**Zoning:** R-2 Medium Density Residential (12 units/acre)  
**General Plan:** Downtown Mixed Residential (6-20 Units/Gross Acre)  
**FIRM Flood Zone:** AE (Special Flood Hazard Area)

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### **Request**

Applications for design review and a variance to construct a 164 square foot first story addition and 1,093 square foot second story addition to an existing legal non-conforming single-family residence in an R-2 Medium Density Multifamily Zoning District. A variance is requested to allow the second story to encroach into the front yard setback with a 16-foot setback (20-foot front setback required). The lower-level floor would be elevated 1' 9" to comply with Town flood prevention regulations. The maximum building height would be 26'-6" (up to 30 feet allowed).

### **Recommendation**

That the Planning Commission direct the applicant to eliminate the setback variance for the new construction, as the special circumstance variance finding cannot be made, and continue the application to the February 7, 2022, Planning Commission meeting.

Alternatives available to the Planning Commission:

1. Find the project categorically exempt from review under the California Environmental Quality Act under Section 15301 as an addition to an existing structure and approve the application as proposed based on the Applicant's Findings in Attachment 1, Standard Conditions of Approval in Attachment 7, and special conditions in the staff report, and require the story poles to be removed in 11 days unless and appeal is filed; or
  2. Deny the project for the reasons set forth in the staff report.
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## **PROJECT SUMMARY**

### **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. Findings for a CEQA exemption are above.

### **Existing and Proposed Conditions**

	Existing	Proposed	Code
<b>Zoning</b>	R-2, Medium Density Residential	Same	
<b>General Plan</b>	Downtown Mixed Residential	Same	
<b>Flood Zone</b>	AE (a flood zone)	Same	
<b>Lot Size (sq. ft.)</b>	4,875 sq. ft.	4,875 sq. ft.	7,500 sq. ft.
<b>Lot Coverage (%)</b>	28.3%	33%	35%
<b>Lot Coverage</b>	1,381 sq. ft.	1,607 sq. ft.	1,706 sq. ft.
<b>Floor Area</b>	19.7%	45.7%	no limit
<b>Floor Area (sq. ft.)</b>	1st Floor Gara, 961.0 2nd Floor Total 256.0 1,017.0	1st Floor Garage 2 <sup>nd</sup> 1,135.0 Floor Total 256.0 1,093.0 2,484.0	No limit in R-2 District
<b>Setbacks</b>	<b>Front:</b> 16 feet (approx.) <b>Rear:</b> <b>Sides:</b> 9' (west side) 15' (east side)	<b>Front:</b> 16 feet (approx.) <b>Rear:</b> 27' 0" to rear deck <b>Sides:</b> 12' 6" to house east side 11' to porch on east side 14' to house on west side	<b>Front:</b> 20 feet <b>Rear:</b> 20 feet <b>Sides:</b> 8 feet
<b>On-Site Parking</b>	1 garage (9' x 16' space) 2 driveway spaces	1 garage (9' x 16' space) 2 driveway spaces	2 9' x 19' on site spaces
<b>Stories</b>	1	2	2
<b>Maximum height above average existing grade</b>	15' 5-1/2"	26' 6"	30 feet

### Public Notice

A notice was mailed to all property owners within 300 feet of the site and posted in three places. Correspondence received is attached (Attachment 3). As of the date of this report, no concerns have been expressed to staff regarding the project.

### Background

The project site is Lot 21 of an unrecorded Linda Vista Subdivision, subdivided prior to 1919. The site is adjacent to sites developed with single family residences on all sides. The lots in the subdivision are small and do not meet current standards for subdivision (7,500 square foot minimum lot size). The project site is rectangular in shape and measures 50 feet wide by 97.5 feet deep.

According to County Assessor data, the single-family residential lots in the subdivision range in size from 3,880 to 4,875 square feet, with an average lot size of 3,965 square feet and the median lot size of 4,420 square feet. The County Assessor has average floor area for the single-family residential development in the subdivision at 1,426 square feet, with a median floor area of 1,321 square feet. Many of the sites have not maximized their floor area and have more development potential.

The site is an interior lot on Woodland Avenue between San Anselmo Avenue and Cedar Street. The existing house is a single story 2-bedroom house with a detached single-car garage. According to the County Assessor, the site was developed in 1924 when the required front setback was 15-feet, and the side setbacks could be 4 feet. At that time, no setback was required for garages up to 12 feet tall. The existing residence is now considered legal nonconforming in front yard setback (20-foot front setback required from Woodland Avenue property line) and the detached garage is setback 1 foot from side yard setback (5-foot east side setback required).

### **Project Description**

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

The applicants' project description:

This project is an addition/remodel of the owner's residence at 24 Woodland Ave., San Anselmo, CA. The existing residence is 961 square feet. The lower floor addition is located at the back of the residence and is 174 square feet. The upper floor addition is 1,093 square feet for a total residence area of 2,228 square feet. There will also be a new back deck off the family room of 52 square feet and an upper floor roof deck off the master bedroom of 77 square feet. The existing residence intrudes 4'-0" into the front yard setback. The upper floor addition is directly above the existing residence and will require a front yard variance.

The proposed addition will maintain the hardiplank horizontal siding exterior finish and light yellow color with composition shingle roofing, and wood frame windows, and paint color to match existing siding. The overall building height will increase from 14 feet and 7 inches to 26 feet and 6 inches high. The lower-level floor would be elevated 1' 9" to comply with Town flood prevention regulations.

The entitlements requested:

- **Design Review** for second story addition and new first story and second story decks.
- **Variance** to allow 4-foot encroachment into the 20-foot front yard setback for new upper level to allow the upper level to be flush with the lower level.

**Design Review** is required based on the extent of the demolition and for a second story addition, including deck area at the rear of the house. The project creates 1,093 square feet of new living space on the upper level plus a 77 square foot upper-level covered deck with solid railings. Only 33.6% (546 sq. ft. out of a total of 1,627 sq. ft.) is proposed for demolition of the existing residence.

### ***Front Setback Variance for Upper Level***

About 69 square feet of each the existing lower level and proposed upper level would extend into the front yard setback for 138 square feet in total. As only 33.6% of the exterior walls would be demolished, the house does not need to be brought into conformance with the 20-foot front setback if findings can be made for a front setback variance. See variance discussion in the next section below. [SAMC §10-3.1505\(d\)](https://library.municode.com/ca/san_anselmo/codes/code_of_ordinances?nodeId=TIT10PLZO_CH3ZO_ART15DERE_10-3.1505PRSUDERE)

[\(2\)](https://library.municode.com/ca/san_anselmo/codes/code_of_ordinances?nodeId=TIT10PLZO_CH3ZO_ART15DERE_10-3.1505PRSUDERE)

## I. DISCUSSION OF REQUIRED FINDINGS

### General Plan Consistency

The project is consistent with the Town General Plan as the improvements with recommended design modifications do not detract from neighborhood character. The addition of an upper floor does not change the use of the parcel or violate any policy in the General Plan.

### 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...”

For privacy of adjacent neighbors, the applicant provided window-sill heights in a manner to not view into adjacent sites as shown on Sheet 2 on the upper floor at above 3 feet on the south and west sides; above 3.5 feet adjacent to the stairs and children bedroom and above 5 feet at the walk-in closet on the east side; and above 3.5 feet at the master bedroom. The applicant provides a shade study on Sheet 5 to show the impact the addition has on the adjacent neighbors. The applicant has stated that at 3pm is the only time a shadow caused by 24 Woodland can reach the adjacent house at 20 Woodland Avenue.

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. While the first and proposed second story would be flush at the front (south) elevation with the guest bedroom on the upper level above the living room on the lower level, the second story has been recessed back 12 feet above the first story entry porch. This change in plane at the front building elevation breaks up the mass and bulk in a pleasing manner compatible with the architecture of the home.

The bulk and mass of the rear (north) building elevation is broken up at the upper level with two hipped roofs and a 7-foot deep by 11-foot-wide upper-level deck off the recessed master bedroom.

The side elevations (east and west) are stacked, the upper level on the east elevation has a dormer near the center of the elevation to break up the mass.

The overall lower-level plate height is 9'-4" while the upper-level plate height is 9 feet.

[SAMC §10-3.1501 Purpose and intent <https://library.municode.com/ca/san\\_anselmo/codes/code\\_of\\_ordinances?nodeId=TIT10PLZO\\_CH3ZO\\_ART15DERE\\_10-3.1501PUIN>](https://library.municode.com/ca/san_anselmo/codes/code_of_ordinances?nodeId=TIT10PLZO_CH3ZO_ART15DERE_10-3.1501PUIN)

### Variance Findings - Front Yard Setback Variance for Upper Level

The Planning Commission is required to make findings to approve the front yard setback variance under SAMC Section 10-3.1405. Staff is unable to make the first finding related to special circumstances as the site is physically similar to others as it is flat and is a small lot that does not have unique circumstances that differ from others on this blockface. If the Commission would like to approve the project you may approve it based on the applicant's Findings attached and Standard Conditions of Approval (refer to Attachments 1 and 7, respectively).

The second finding can be made in the positive as the proposed design does not impact the surrounding neighborhood. The upper floor of the house is proposed to be flush with the lower level and continues the 16-foot front yard setback with landscape behind the property line fence fronting Woodland Avenue. Other residences in the area have similar circumstances as the properties were developed before the zoning standards were adopted. The driveway access is not changing, and two vehicles may continue to park on the driveway and, as recommended in the condition of approval, one car can park in the detached garage structure. Therefore, there is no impact on the street frontage. The materials are compatible with the existing development of the parcel.

## **II. CONDITIONS OF APPROVAL**

Should the Commission wish to approve the project, staff recommends that the Commission approve the design review and variance based on the findings based on the applicant's findings and subject to conditions:

1. Planning Commission approval is for the plans for 24 Woodland Avenue prepared by Jeff Kroot Architect and Associates, revised and received on November 10, 2021, as reviewed by the Planning Commission on January 10, 2022.
2. Two 9' x 19' parking spaces that comply with the front and rear setback requirements shall be maintained. No fencing is allowed that will preclude access to these parking spaces. The project shall be subject to Attachment 4 the Standard Conditions of Planning Approval.
3. Demolition of exterior walls shall not exceed 50% of existing exterior walls, measured in square feet. The approved demolition plan shall be included with the plans submitted for a building permit. The project structural engineer shall verify in writing that the proposed demolition plan prepared by the project architect is consistent with the structural plans. The Town will stop work at the site if project demolition 50% of the existing exterior walls and a Planning Commission demolition permit and variances from the setback and parking requirements shall be required.

Prepared By:

Lorraine Weiss, Contract Planner

Attachment 1 - Applicant's Design Review and Variance Findings

Attachment 2 - Project Plans

Attachment 3 - Correspondence and Acknowledgements

Attachment 4 - Surrounding lot sizes, floor area

Attachment 5 - Photos of neighboring structures

Attachment 6 - Photos of existing residence

Attachment 7 - Standard Conditions of Approval