

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

For the meeting February 3, 2014

Agenda Item D-2

Project Address:

134 Madrone Avenue
San Anselmo, CA 94960
APN-007-114-22

Case No.

VAR-1401, VAR-1402, VAR-1403

Owner

Michiko Conklin
134 Madrone Avenue
San Anselmo, CA 94960

Applicant

Jeff Kroot
P.O. Box 246
San Anselmo, CA 94960

Request

The applicant is requesting three variances. The first variance is for a proposed bedroom addition to be 14 feet from the front property line. The second variance is for a proposed carport and covered walkway to be 10 feet 6 inches from the front property line. The third variance is for one of the two required parking spaces to be 5 feet from the front property line. The required front setback is 20 feet. The project site is located at 134 Madrone Avenue in the R-1 Zoning District.

Recommendation

Conditional approval

I. PROJECT SUMMARY

Environmental Determination

Categorically Exempt: Section 15303(a) – New Construction or the Conversion of Small Structures; one single-family residence or a second dwelling unit in a residential zone.

Authority

San Anselmo Municipal Code; Article 14 - Variance

Timing

A determination must be made within 60 days of the project being deemed complete which is March 21, 2014.

II. STAFF ANALYSIS

Existing and Proposed Conditions

	Existing	Proposed	Code
Lot Size (sq. ft.)	4,725	Same	Minimum 7,500
Lot Coverage (%)	24.46	34.67	
Floor Area (sq. ft.)	884	1,249	1,890
Floor Area Ratio (%)	18.71	26.43	40
On-Site Parking	Carport 1 Uncovered 1 (both nonconforming)	Carport 1 Uncovered 1 (both nonconforming)	2
Accessory Structure	None	3 foot by 8 foot storage shed, 8 feet in height	1 shed, less than 120 square feet and 8 feet or less in height
Stories	1	1	2
Maximum height above average existing grade	10 feet, 6 inches	14 feet	30 feet
Zoning	R-1	Same	NA
Flood Zone	X (not in a flood zone)	Same	NA

Project Description

The proposed project is to add a 365 square foot master bedroom and bathroom and a 295 square foot carport and covered walkway to the front of the house. The project also includes a 3 foot by 8 foot storage shed on the west side of the house and the creation of a decomposed granite parking space between the new master bedroom and the front property line.

The single story master suite addition will have a small window in the bathroom facing north and an 8 foot by 8 foot square window facing the street to the south. The exterior of the addition will be stucco to match the existing exterior. The addition would encroach six feet into the required 20 foot front yard setback.

The proposed carport will accommodate one of the two required parking spaces and have a roof area that will be integrated into the roof of the house. The carport and covered walkway would encroach nine feet, six inches into the required 20 foot front yard setback.

The second parking space is proposed between the master bedroom addition and the front property line. The 9 feet wide by 19 feet long space is parallel to Madrone Avenue and will encroach no more than 15 feet into the front yard setback. It will be compacted, decomposed granite.

The project proposes to excavate 7 cubic yards of soil for the new foundation of the addition and no fill material will be imported. The total excavation and fill does not exceed 100 cubic yards, therefore a grading permit before the Planning Commission is not required.

A 72 square foot bioretention area is proposed at the rear of the lot to mitigate the additional impervious surfaces that are being added with the master suite addition and the carport and covered walkway.

The site contains a mature Valley Oak tree with a diameter at breast height (DBH) of 61.8 inches. This tree meets the San Anselmo Municipal Code's definition of a heritage tree because it has a DBH of over 22 inches. In April 2013, the property owner requested permission from the Town to have the tree removed because it posed a threat to the foundation of the house. A tree hearing was held and neighbors expressed their concerns regarding the removal of the healthy heritage tree. The Public Works Director acknowledged that the tree was healthy and structurally sound. However, given the fact that the tree was causing damage to the home, approval was granted for its removal. The decision by the Public Works Director was appealed by a neighbor to the Town Council. On October 8, 2013, the Town Council granted the appeal and permission to remove the tree was revoked (Attachment 2).

The current application is to expand the residence without impacting the heritage tree. An arborist's report is attached which includes a root protection plan to reduce impacts to the tree during construction (Attachment 3). The plan also includes requirements for tree protection fencing, the staging of construction materials and that the installation of the carport posts be done under the supervision of an arborist. A condition has been included that all measures outlined in the arborist's report shall be implemented by the applicant, subject to the approval of the Director of Public Works.

Though many of the neighboring residents previously objected to the removal of the tree, the applicant has received numerous letters from neighbors supporting the variance for the addition, the carport and covered walkway and the parking space (Attachment 4).

III. REQUIRED FINDINGS

Front Yard Variance for Bedroom Addition

- 1. That due to the special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict interpretation 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 a 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.*

The special circumstances applicable to this particular property are the location of the heritage Valley Oak tree in relation to the residence and the size of the lot. The location of the heritage tree, adjacent to the front right corner of the house, significantly limits the ability to expand the house forward on the right side of the parcel. To compensate for this unique circumstance, the 365 square foot bedroom addition is proposed, mainly within the building envelope, on the left side of the parcel.

The other special circumstance applicable to this particular property is the size of the lot. The project site is 4,725 square feet, which is approximately 44% smaller than the average size of the 12 surrounding lots. This circumstance limits the applicant's ability to add the proposed bedroom within the prescribed building envelope, which is also approximately 44% smaller than surrounding lots. If the project site was a more typical size with a larger building envelope, then the applicant would have greater flexibility in locating the addition.

The special circumstances of the location of the heritage tree and the size of the lot impose an unnecessary hardship on this particular parcel.

Granting the requested variance for the bedroom addition will not constitute a grant of special privileges because the Town has granted similar variances for additions, proposed on small lots

with limited area to expand. Granting these variances and locating the structures in the front setbacks resulted in projects that are compatible with the site, consistent the development pattern of the neighborhood and do not negatively impact adjacent neighbors.

2. *That 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 the property or improvements in such neighborhood.*

The granting of the front yard variance for the bedroom addition will not materially affect adversely the health or safety of persons residing or working in the neighborhood or be detrimental to the public welfare, property or neighborhood improvements. All construction activities will be reviewed and monitored by Town of San Anselmo staff for compliance with all applicable codes. All recommendations outlined in the December 16, 2013, Arborist's Field Report by Ed Gurka, Consulting Services shall be implemented by the applicant and subject to the approval of the Director of Public Works. Construction will proceed in a timely and efficient manner to minimize impacts on the neighborhood.

Front Yard Variance for Carport and Covered Walkway

1. *That due to the special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict interpretation 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 a 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.*

The special circumstances applicable to this particular property are the location of the heritage Valley Oak tree in relation to the residence and the size of the lot. The location of the heritage tree, adjacent to the front right corner of the house, significantly limits the ability to construct the proposed carport and covered walkway outside of the 20 foot required front yard setback. To compensate for this unique circumstance, the carport and attached covered walkway are proposed, mainly within the building envelope, on the front right side of the parcel. The carport and covered walkway have been located such that they will not impact the tree and extend as little as possible into the front yard setback.

The other special circumstance applicable to this particular property is the size of the lot. The project site is 4,725 square feet, which is approximately 44% smaller than the average size of the 12 surrounding lots. This special circumstance reduces the size of the prescribed building envelope available to place the carport and covered walkway.

The special circumstances of the location of the heritage tree and the size of the lot impose an unnecessary hardship on this particular parcel.

Granting the requested variance for the carport and covered walkway will not constitute a grant of special privileges because the Town has granted variances for carports, garages and parking decks proposed on other small or excessively steep lots, allowing the structures to be closer to the front property lines than typically allowed by code. Under these special circumstances, granting the variances and locating the parking outside of the building envelopes and within the front setbacks resulted in projects that are compatible with the site and the neighborhood and provide valuable onsite parking.

2. *That 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 the property or improvements in such neighborhood.*

The granting of the front yard variance for the carport and covered walkway will not materially affect adversely the health or safety of persons residing or working in the neighborhood or be detrimental to the public welfare, property or neighborhood improvements. All construction activities will be reviewed and monitored by Town of San Anselmo Staff for compliance with all applicable codes. All recommendations outlined in the December 16, 2013, Arborist's Field Report by Ed Gurka, Consulting Services shall be implemented by the applicant and subject to the approval of the Director of Public Works. Construction will proceed in a timely and efficient manner to minimize impacts on the neighborhood.

Front Yard Variance for Parking Space

1. *That due to the special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict interpretation 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 a 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.*

The special circumstances applicable to this particular property are the location of the heritage Valley Oak tree in relation to the residence and the size of the lot. The location of the heritage tree, adjacent to the front right corner of the house, significantly limits the ability to locate the second required 9 foot by 19 foot parking space outside of the 20 foot required front yard setback. Because of this unique circumstance, the parking space must be located completely within the front setback.

The other special circumstance applicable to this particular property is the size of the lot. The project site is 4,725 square feet, which is approximately 44% smaller than the average size of the 12 surrounding lots. The unusually small lot has a building envelope which is approximately 2,100 square feet, 300 square feet of which is inaccessible in the rear yard, resulting in the need to place the required parking space within the front setback. The granting of the variance for the parking space will benefit the neighborhood by providing off street parking in an area with narrow streets and limited parking.

The special circumstances of the location of the heritage tree and the size of the lot impose an unnecessary hardship on this particular parcel.

Granting the requested variance for the parking space will not constitute a grant of special privileges because the Town has granted variances for parking spaces proposed on small or excessively steep lots, to be closer to the front property line than permitted. In these special circumstances, granting the variances and locating the parking within the front setback, resulted in projects that are compatible with the site and the neighborhood and provide valuable onsite parking.

2. *That 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 the property or improvements in such neighborhood.*

The granting of the front yard variance for the parking space will not materially affect adversely the health or safety of persons residing or working in the neighborhood or be detrimental to the public welfare, property or neighborhood improvements. All construction activities will be reviewed and monitored by Town of San Anselmo Staff for compliance with all applicable codes. All recommendations outlined in the December 16, 2013, Arborist's Field Report by Ed Gurka, Consulting Services shall be implemented by the applicant and subject to the approval of the Director of Public Works. Construction will proceed in a timely and efficient manner to minimize impacts on the neighborhood.

IV. CONDITIONS OF APPROVAL

1. Planning Commission approval is based on the plans and materials titled Addition and Remodel for Michiko Conklin, 134 Madrone Avenue, by Jeff Kroot Architect, date stamped received by the San Anselmo Planning Department on December 23, 2013.
2. All conditions of approval shall be printed at the top of sheet 1 of the building permit drawings.
3. All recommendations outlined in the December 16, 2013, Arborist's Field Report by Ed Gurka, Consulting Services, shall be implemented by the applicant subject to the approval of the Director of Public Works.
4. The name, contact information and scope of work of the certified arborist hired to oversee the project shall be included on the approved building permit set of plans.
5. A building permit must be obtained prior to the start of any construction work that requires a permit per the Town of San Anselmo regulations. Please contact the San Anselmo Building Department at 415-258-4616 or townofsananselmo.org/building for requirements and further information.
6. Plans submitted for building permit must meet the Green Building requirements of the Town of San Anselmo.
7. The property owner shall indemnify and hold harmless the Town of San Anselmo and its officers and/or employees in the event of any legal action related to or arising from the granting of this approval and shall cooperate with the Town in the defense of any such action, and shall indemnify the Town for any award of damages and/or attorneys' fees and associated costs that may result.

Prepared By:

Phil Boyle
Senior Planner

Attachments:

1. Application, supplemental questionnaire and letter from applicant
2. Town of San Anselmo Town Council minutes, September 24, 2013 and October 8, 2013
3. Arborist's Field Report by Ed Gurka, Consulting Services, December 16, 2013
4. Letters of support
5. Plans