

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

For the meeting of February 1, 2010
Agenda Item D-4

Applicant:

Richard Rushton
P.O. Box 173
Fairfax, CA 94978

Case No.:

UP-1003

Property Owner:

Jea S. Kim
156 Oak Springs Dr.
San Anselmo CA 94960

Project Location

156 Oak Springs Drive, San Anselmo, CA, APN 005-281-13

Request

Use Permit for 698 square foot second unit (Code maximum is 500 square feet) located in the R-1 zoning district above 150 msl elevation.

Recommendation

Conditional Approval

I. PROJECT SUMMARY

Previous Action

No previous planning action. The property is currently undergoing a major remodel.

Environmental determination

Categorically Exempt: CEQA Section 15301(e) – Existing Facilities

Authority

SAMC 10-6.207 Residential Second Units - Exceptions to standards. An exception to the maximum size of the second unit may be permitted subject to approval of a conditional use permit in accordance with Article 13.

Timing

A determination must be made within 60 days of the project being deemed complete which is March 22, 2010.

II. STAFF ANALYSIS

	Existing	Proposed	Code
Lot Area (sq. ft.)	9,180	Same	Min. 7,500
Floor Area of Dwelling (sq. ft.)	Total 2,769 Entry Level 1,039 Second Level 1,413 Lower Level 317	Total 2,767 Entry Level 1,039 Second Level 1,413 Lower Level 315	Max. 2,845
Second Unit	0	698	500
Garage (sq. ft.)	422	Same	NA
FAR	30.2%	30.1%	31.8%
On Site Parking	Total 4 Garage 2 Driveway 2	Same	4
Height (feet/stories)	28.6 / 3	Same	35 / 3 (with average slope $\geq 25\%$)
Zoning/ General Plan	R-1 / Single Family	Same	NA
Flood Zone	Zone X	Same	NA

Project Analysis:

The applicant is requesting a Use Permit per Section 10-6.207-Exceptions to Standards, which allows for an exception to the second unit maximum size standard. The code stipulates that the maximum size of a residential second unit located at or above the 150 msl shall not exceed 500 square feet. The proposed 698 square foot second unit will be located on the second and lower levels of the home in areas that were previously used as storage (Attachment 3, Sheet AO.2 A2.2)). The second unit will have a kitchen, living room and dining room on the second level and bedroom and bath on the lower level. The project will not include any expansion of the building footprint. Building permit records show that the lower area was constructed as storage in 1986. The only minor change proposed to the exterior of the building is the removal of a small bathroom window and the removal of a 36' fixed window adjacent in the second unit bedroom (Attachment 3, Sheet AO.2).

The property currently has four parking spaces, two in the garage and two in the driveway. The two driveway spaces, one required for the primary dwelling and the other for the second unit, encroach as much as 2 feet into the public right-of-way. Both of these spaces were created when the house was originally built, however, no encroachment permit was issued. A condition has been added that a revocable encroachment permit is required from the Public Works Department prior to issuance of a Building Permit. A parking variance is not required because the project does not include the creation of the substandard parking spaces, only the recognition that the one additional space is required for the second unit.

III. DISCUSSION OF REQUIRED FINDINGS FOR APPROVAL

Use Permit Finding for Exception to Maximum Square Footage of Second Units.

Section 10-3.1305 for the Zoning Ordinance requires that the following finding must be made to approve a Use Permit: *"The establishment, maintenance, or operation of the use will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of the proposed use, or be detrimental or injurious to property or improvements in the neighborhood or to the general welfare of the Town."*

The proposed second unit will exceed the maximum square footage allowed by 198 square feet; therefore the finding above must be made for a use permit to be approved. Staff is able to make the finding that the additional 198 square feet will not be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of the proposed use, nor will it be detrimental or injurious to property or improvements in the neighborhood or to the general welfare of the Town. The project will not involve the expansion of the building's footprint on the site or the creation of new exterior walls. The second unit will be located on the second and lower levels of the home in areas that were previously used as storage. Only minor exterior changes, the removal of two windows, are proposed to accommodate the second unit. The bulk, mass and design of the home will not change. A rear elevation showing the minor change in visual impact will be provided at the public hearing. The use of the property as a primary residence for the property owner and a second unit will not change as a result of the additional 198 square feet. All other requirements for second units such as parking, setbacks, floor area ratio, architectural design, residency in the primary dwelling and rental limitations have or will be met as conditions of approval.

IV. CONDITIONS OF APPROVAL

1. Planning approval is based on the plans and materials date stamped received by the San Anselmo Planning Department on December 16, 2010.

2. Prior to issuance of a building permit, a deed restriction shall be notarized and recorded with the County of Marin stating that the tenant rent of the second unit shall not exceed thirty (30%) percent of total income of a low income household (San Anselmo Zoning Ordinance Section 10-6.401).
3. Prior to issuance of a building permit, an revocable encroachment permit shall be obtained from the Department of Public Works for the area of the two parking spaces that encroach into the public right-of-way.
4. All requirements of the Town of San Anselmo's, Building Division, Public Works Department and Ross Valley Fire Department shall be met.
5. If the use is not commenced within two years from the date of final action, the planning action becomes null and void. However, this discretionary action may be renewed by the Planning Director for a maximum period of one (1) year provided the applicant places such a request in writing to the Planning Director showing good cause prior to the expiration of the discretionary action.
6. 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 use permit 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.

Report prepared by:



Phil Boyle
Senior Planner

Attachments:

1. Application and attachments
2. APN Map
3. Plans



THE TOWN OF
SAN ANSELMO
PLANNING AND BUILDING DEPARTMENT

Planning Division, 525 San Anselmo Avenue, San Anselmo, California 94960
Tel. (415)-258-4616/FAX 454-4683/email: planning@ci.san-anselmo.ca.us

Attachment 1
16 2009
TOWN OF SAN ANSELMO
Dept. of Planning and Public Works

GENERAL PLANNING APPLICATION FORM

Job Site Address: 156 Oak Springs	Assessor Parcel No.: 005-281-13	Zone: R1
Property Owner(s) Name: Jea S. Kim.	Phone Numbers: Home: 5971-6943 Work:	Fax Number: Cell Phone: E-Mail:
Mailing Address: 85 Redhill Ave.	City: SAN ANSELMO	State/Zip: CA
Applicant(s) Name (contact person): Richard Rushton	Phone Numbers: Home: Work: 457-2802 X205	Fax Number: 457-2873 Cell Phone: E-Mail: RVSHTONCHARTOCK @ COMCAST. NET
Mailing Address: POB 173	City: FAIRFAX	State/Zip: CA 94978-0173

TYPE OF APPLICATION/FEE	ACCOUNT	FEE
Planning Commission action application (Annexation, General Plan Amendment, Rezoning, Design Review*, Use Permit, Variance*, Subdivision, Parcel Split, Lot Line Adjustment* (*applications with an asterisk may be processed administratively as determined by Planning Division staff))	01.57.705	\$ 1,200 ⁽¹⁾⁽²⁾
Environmental Review/Negative Declarations/ Environmental Impact Reports	01.57.705 01.24.20	\$ 1,620 ⁽³⁾⁽⁴⁾ Consultant cost plus 20%
Administrative Design Review (commercial)	01.57.705	\$ 360
Administrative Design Review (residential)	01.57.705	\$ 600
Ministerial Residential Second Unit	01.57.705	\$ 720 ⁽⁵⁾
Administrative Variance	01.57.705	\$ 720
Administrative Minor Exception	01.57.705	\$ 238
Administrative Sign Review (conforming)	01.57.705	\$ 119
Administrative Lot Line Adjustment	01.57.705	\$1,200
Administrative Lot Merger	01.57.705	\$ 238
Administrative Temporary Outdoor Display	01.57.705	\$ 100
Certificate of Compliance	01.57.705	\$ 1,200
Peer Review	01.24.30	Consultant cost plus 20%
Plan Storage	01.24.02	\$ 2 per/sheet
General Plan Maintenance Fee	01.57.710	10% of application fee 120
Planning Technology Fee	01.57.711	5% of application fee 60
Planning Training Fee	01.57.712	5% of application fee 60
Appeal (to Planning Commission or Town Council)	01.57.705	\$ 504
Additional Planning Deposit and Research Fee \$119/hr	01.24.20	
TOTAL APPLICATION FEE		\$ 12,160

Notes:
See Planning Division Acknowledgement of Application Fees

\$ 1,440



DETAILED DESCRIPTION OF PROJECT: Conversion of existing space within the residence into a second unit. No square footage is added & exterior appearance of the building remains the same. The living space is on the 2nd floor & the single bedroom below on the lower level.

GENERAL INFORMATION:

	EXISTING	PROPOSED
Lot Size 9,180 SF		
Dwelling Size 2,767 SF	Total: 1 st story: 1,039 2 nd story: 1,413 Basement/other: 317	Total: 1 st story: 1,039 2 nd story: 1,413 Basement/other: 315
Other Building Size —	Total: 1 st story: 2 nd story: Basement/other:	Total: 1 st story: 2 nd story: Basement/other:
Parking	Number of spaces & dimensions: Garage: 2 - 9x20 Carport: — Uncovered: 0	Number of spaces & dimensions: Garage: 2 - 9x20 Carport: — Uncovered: 2 - 9x19
Deck and Stairs	Deck: 1,901 Stairs: 90	Deck: 1,901 Stairs: 90
Porch		
Lot Coverage or FAR ²	FAR 30.2%	30.1%
Dwelling/Building Height Above Average Grade (roof peak) ³	27'-11"	27'-11"
Number of Stories ⁴	3	3
Zoning		
Flood Zone	NA	NA.

Notes:

- Minimum parking dimensions are 9' wide by 19' long by 7' high.
- Lot Coverage** applies to flatland residential in R-1, R-2, and R-3 zones and to Professional zones. It is defined as the land area covered by all buildings and improvements with a finished height above grade of 36" or more, including all projections except for eaves which project less than 2' from the face of a building.

Floor Area Ratio (FAR) applies to Residential zones R-1-H, R-1-C and R-1 and to all Commercial zones. It is defined as the ratio between the total floor area of a building(s) on a lot and the area of that lot in gross square feet.

- Average Grade: The average slope of the land in the building footprint only.
- Stories: Reference "Story" handout

Jean Lim

Signature of Property Owner

12 | 16 | 09

Date

Rubena Dumbaren

Signature of Applicant

12/15/09.

Date

Size



PLANNING AND BUILDING DEPARTMENT

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USE PERMIT SUPPLEMENTAL QUESTIONNAIRE

Administrative Review (Planning and Building Director): 1) Accessory use that is very low in scale, will not cause a significant increase in intensity of use of the property, and will not alter the primary use of the facility; and 2) Outdoor storage and display of merchandise, plants, and street furniture based upon one of the following: a) within all the commercial (C) districts: outdoor display and sale of merchandise for a limited time period, not exceeding thirty (30) consecutive days and not exceeding more than thirty (30) days in any one calendar year; and b) within all zoning districts: outdoor placement of plants and street furniture on public or private property in limited quantity which, in the opinion of the Planning and Building Director will not hinder the free use of the public sidewalk. Such plants and street furniture shall not bear signs, price tags, or other indications that the plants or street furniture is for sale or rent.

Planning Commission Review: The following applications are acted upon by the Planning Commission: 1) Any of the above applications referred by the Planning and Building Director; 2) All other use permit applications not identified above; and 3) Should a property require more than one planning application, and should any of those applications require Planning Commission review, then all planning applications associated with the property shall require Planning Commission review.

Complete the information below:

What is the most recent use of the building/tenant space prior to your occupancy? If this is an expansion of your existing use, so indicate.

PROPOSED USE: New second unit.

Number of employees associated with the use who would work on-site: _____

	Day of Operation? (Yes or No)	Hours of Operation	Maximum no. of employees on-site at any one time	No. of vehicular trips typically expected (include deliveries/pick ups)	Number of clients/customers typically expected
Sunday					
Monday					
Tuesday					
Wednesday					
Thursday					
Friday					
Saturday					

If this space in this table is inadequate for complete answers, attach this information.



Type of machines, equipment, materials used for business: _____

Floor Area (square footage) of portion of the building intended for subject use:

Basement: _____ 1st Floor: _____ 2nd Floor: _____ 3rd Floor: _____

For Second Living Units in Single Family Residential Zoning Districts:

What was the date the unit was established? _____

For All Use Permit Applications:

List why the establishment, maintenance, or operation of the use will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of the proposed use, or be detrimental or injurious to property or improvements in the neighborhood or to the general welfare of the Town: _____

The proposal is residential use in a residential neighborhood. The new unit is efficient yet functional with access to a good-sized outdoor deck area.

Required parking has been provided. Street is wide and traffic flow is

not an issue. Vehicular visibility is good.

For Gasoline Stations In All Commercial (C) Zoning Districts:

1) For Full Serve and Self-Service Gasoline Stations: Will all operations including storage, excepting service with gasoline, oil, air, and water be conducted within a closed building, as required by Code? _____ (yes or no).

2) For Self-Service Gasoline Stations: List why the granting of the use permit will not adversely affect the public health, safety, or welfare by either diminishing the availability of minor emergency health and safety services, including rest rooms and minor automobile repair: _____

For Uses in Limited Commercial (C-L) Zoning District:

1) Will the use generate traffic at a rate greater than: fifty (50) vehicle trip ends for each 1,000 gross square feet of gross leasable building area? _____

-OR-

2) Will the use generate traffic at a rate greater than the existing number of trips during the a.m. and p.m. peak hours generated by the existing use as of July 22, 1997 (the determination for vacant buildings will be the most recent use between February 26, 1991 and July 22, 1997) on Sir Francis Drake Boulevard (those numbers of traffic trips typically generated for existing and proposed uses shall be obtained from the current edition of Trip Generation, Institute of Transportation Engineers)? _____

For On-Sale and Off-Sale of Beer and Wine in Conjunction with the Sale of Motor Fuel:

List the substantial evidence in view of the whole record to justify the granting of a use permit: _____

Note that in addition to the standards listed in the state Business and Professions Code Licensing Restrictions, the Town has the authority to further condition this type of use permit.

