

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

For the meeting December 17, 2012

Agenda Item D-2

Project Address:

610 Oak Avenue
San Anselmo, CA 94960
APN: 007-154-02

Case No.

DR-1209, GP-1205

Property Owners

John and Kim Lewis
610 Oak Avenue
San Anselmo, CA 94960

Request

Hillside design review for plans to construct a 510 square foot, free-standing, open air “porch” with a 65 square foot half bathroom and a 65 square foot wet bar. The project also includes plans for the construction of a 2,519 square foot sport court. The open air “porch” and sport court are located to the northwest of the existing residence. A grading permit is also requested to excavate over 100 cubic yards of material. The project site is located in the R-1-H zoning district and within the Bald Hill Area Plan.

Recommendation

Staff recommends denial of the hillside design review and the grading permit applications. Staff has been in consultation with the applicant for several months during the review process and has communicated throughout the process that staff would recommend denial of the project as designed.

I. PROJECT SUMMARY

Environmental Determination

Categorically Exempt: Section 15303(a) – New Construction or the Conversion of Small Structures.

Authority

San Anselmo Municipal Code: Article 15 -Design Review and Title 9, Chapter 18-Excavation, Grading and Erosion Control.

Timing

A determination must be made within 60 days of the project being deemed complete. The decision deadline for this project is February 5, 2013.

Previous Action

- 2000 Lot line adjustment.
- 1998 Approval of a precise development plan and hillside design review for a new single family residence.

II. PROJECT ANALYSIS

Existing and Proposed Conditions

	Existing	Proposed	Code																																
Lot Size	140,263 sq. ft. (3.22 acres)	Same	43,560 sq. ft. (1 acre) minimum																																
Floor Area (sq. ft.)	<table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">Total</td> <td style="text-align: right;">4,869</td> <td style="width: 50%;">Total</td> <td style="text-align: right;">5,509</td> </tr> <tr> <td>Entry Level</td> <td style="text-align: right;">2,692</td> <td>Entry Level</td> <td style="text-align: right;">2,692</td> </tr> <tr> <td>Upper Level</td> <td style="text-align: right;">1,443</td> <td>Upper Level</td> <td style="text-align: right;">1,443</td> </tr> <tr> <td>Lower Level</td> <td style="text-align: right;">551</td> <td>Lower Level</td> <td style="text-align: right;">551</td> </tr> <tr> <td>Garage (included in FAR)</td> <td style="text-align: right;">183</td> <td>Open Air "Porch"</td> <td style="text-align: right;">510</td> </tr> <tr> <td></td> <td></td> <td>Half bath</td> <td style="text-align: right;">65</td> </tr> <tr> <td></td> <td></td> <td>Wet bar</td> <td style="text-align: right;">65</td> </tr> <tr> <td></td> <td></td> <td>Garage (included in FAR)</td> <td style="text-align: right;">183</td> </tr> </table>	Total	4,869	Total	5,509	Entry Level	2,692	Entry Level	2,692	Upper Level	1,443	Upper Level	1,443	Lower Level	551	Lower Level	551	Garage (included in FAR)	183	Open Air "Porch"	510			Half bath	65			Wet bar	65			Garage (included in FAR)	183		5,000
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Floor Area Ratio	3.47%	3.93%	3.56%																																
Sport Court (sq. ft.)	NA	2,591	NA																																
On-Site Parking	<table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">Total</td> <td style="text-align: right;">3</td> <td style="width: 50%;"></td> <td style="text-align: center;">Same</td> </tr> <tr> <td>Garage</td> <td style="text-align: right;">2</td> <td></td> <td></td> </tr> <tr> <td>Uncovered</td> <td style="text-align: right;">1</td> <td></td> <td></td> </tr> </table>	Total	3		Same	Garage	2			Uncovered	1				3																				
Total	3		Same																																
Garage	2																																		
Uncovered	1																																		
Stories (Open Air "Porch")	NA	2	3																																
Height (Open Air "Porch")		29 feet	35 feet																																
Zoning	R-1-H	Same	NA																																
Flood Zone	X (not a flood zone)	Same	NA																																

Project Description

The proposal is to construct a 510 square foot, free-standing, open air “porch” with a 65 square foot half bathroom and a 65 square foot wet bar and an attached 2,519 square foot sport court. The proposed open air “porch” and sport court would be located adjacent to the existing 4,869 square foot residence. The “porch” would include a 65 square foot half bath, a 65 square foot wet bar and a fireplace. The “porch” would be open, except for the walls enclosing the half bath and wet bar. The “porch” would have a 5:12 pitch roof and be approximately 29 feet high and include storage areas in the lowest level.

The sport court would be 50 feet by 50 feet with a concrete deck and a 3.5 foot high cedar railing. The sport court would be constructed with concrete piers and steel grade beams. Its height to the top of the railing would be 16.5 feet from average grade, 34 feet 1 inch from the lowest point of grade and 8.5 feet from the highest point of grade. In addition, the proposed sport court would be engineered to support the load of vehicles for parking and could be used as a fire truck turn-around. A storm water storage tank is proposed to collect and use all run-off from the “porch” and sport court for landscape irrigation. No lights are proposed for the sport court.

The San Anselmo Municipal Code requires a grading permit application be reviewed by the Planning Commission if the project involves the movement of more than the 100 cubic yards of material. This project requires approximately 198 cubic yards of material to be excavated for the “porch” and sport court and approximately 148 cubic yards of material are proposed to be off hauled. The proposed off haul route is down Oak Avenue to Bolinas Avenue to Sir Francis Drake Boulevard and then to the yet undetermined transport site. The applicant estimates the project would require the off-hauling of approximately 148 cubic yards of material or approximately 15 truck loads.

The proposed exterior colors and materials of the open air “porch” include wood siding, trim and asphalt shingles to match the existing residence. The sport court will have a blue-gray concrete finish, wood cedar railing and wood lattice with vines to screen the support structure.

A total of 15 trees, all Bays except for one Palm, are proposed to be removed (Sheet A1.2). Trees that are proposed for removal would be replaced per the minimum required tree replacement ratio of 1:1 for Bay and Palm trees. New landscaping is also proposed between the new open air “porch” and the existing driveway and between the Oak Avenue Trail and the open air “porch”.

A shade study was not required because there are no residences whose natural light would be impacted by the proposal.

II. REQUIRED FINDINGS

Hillside Design Review

To approve the Hillside Design Review application the Planning Commission must make each of the following findings:

1. The project is functionally and aesthetically compatible with the existing improvements and the natural elements in the surrounding area.

The 510 square foot, free-standing, open air “porch” with a 65 square foot half bathroom and a 65 square foot wet bar and an attached 2,519 square foot sport court is not functionally and aesthetically compatible with the existing improvements and the natural elements in the surrounding area. A porch is commonly defined as an exterior appendage to a building, forming a covered approach or vestibule to a doorway. The proposed “porch” is not attached to the main residence and is a stand alone structure with a half bathroom and wet bar.

The intent of the R-1-H zoning district is to *...preserve and maintain the natural land forms and vegetation of the Town's primary ridges and ridge zone areas by limiting development as defined by the Town's General Plan...and to recognize and work in concert with the environmental opportunities and constraints of these unique and sensitive areas. The General Plan accomplishes these goals ... by providing for a thorough and tiered review and approval process for new development on undeveloped land, for certain reconstruction of existing development, and for certain expansions of existing development.* The intention of the hillside floor area ratio requirements is to ensure quality exterior design which will result in a low visual profile.

Table 4E, footnote #1 of the San Anselmo Municipal Code–10-3.411 (attached) states: *Adjusted Floor Area is defined as the gross exterior floor area (as measured from the exterior framing of the outside wall) in the main dwelling PLUS:*

- (a) Any garage space after the first 500 square feet;*
- (b) Any enclosed accessory buildings; and*
- (c) Any potential living space with minimum dimensions of 8 feet by 10 feet and 7.5 feet head room.***

Staff has made the determination that the proposed 510 square foot (±32 feet by ±19 feet) open air “porch” area (not including the half-bath and wet bar) qualifies as potential living space as defined in footnote #1 of Table 4E and therefore should be counted as adjusted floor area. This determination was communicated to the applicant early in the application review process. Including this area with the areas of the proposed half-bath, wet bar and the existing house, results in a total floor area of 5,509 square feet which is 509 square feet over the maximum area allowed by the San Anselmo Municipal Code. The goal of the hillside floor area ratio ordinance is to limit the bulk and mass of structures beyond the limitation imposed by setbacks and height limits. This is especially true of residences on large lots where the total floor area would have

no limits, except for setbacks and height, if a floor area ratio had not been established. Specifically, footnote #1 of Table 4E addressing potential living space, was adopted to prevent the creation of areas that could easily be converted to living space after the home had been constructed.

Staff is not able to make this design review finding.

2. The project provides for protection against noise, odors and other factors which may make the environment less desirable.

Once the construction is complete, the proposed project should not create any odors which would make the environment less desirable. Lights are not proposed for the sport court and will require design review if they are proposed in the future. Noise generated from the sport court may be a factor for hikers using the Oak Avenue Trail. However, this would be a temporary impact until the hikers are out of range.

3. The project will not tend to cause the surrounding area to depreciate materially in appearance or value or otherwise discourage occupancy, investment, or orderly development.

The project could cause the surrounding area to depreciate in appearance. The large 50 by 50 foot sport court, though not visible from neighboring parcels, will be visible from the Oak Ave Trail. While staff believes the sport court is unsightly, we are unaware of any evidence that it would cause the surrounding area to depreciate materially in appearance or value or otherwise discourage occupancy, investment, or orderly development.

4. The project 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.

The sport court is proposed to be designed to accommodate a fire truck turnaround, which will be beneficial for emergency access. During construction, the contractor will be required to adhere to the rules and regulations regarding safety and accessibility as well as the specific regulations of the Bald Hill Area Plan.

5. The project will not adversely affect the health or safety of persons using the improvement or endanger property located in the surrounding area.

Construction will be required to be in compliance with all adopted building codes thereby ensuring the health and safety of persons in or near the property.

6. The project has adequate screening.

The existing vegetation, including trees surrounding the site is extensive. All Bay trees that are proposed for removal are proposed to be replaced at a 1:1 ratio. No trees proposed for removal are heritage trees. The landscape plan submitted proposes the planting of 3 Western Redbud trees, 11 Pacific Wax Myrtle trees and 12 Strawberry trees between the Oak Avenue Trail and the proposed project. The landscape plan also includes planting 11 Coast Live Oak trees approximately 40 feet below the proposed sport court.

7. The selection of architectural features and colors enable the structure to blend with its environment and which results in a low visual profile.

The architectural features and colors of the open air “porch” are complimentary to the existing house and blend with the surroundings. The most visible part of the 50 by 50 foot sport court, the blue gray concrete deck, though not visible from neighboring parcels, will be visible from the Oak Avenue Trail and is not typically found in hillside residential areas. If the sport court area is used for parking or storage the area could become even more visible.

Staff is not able to make this design review finding.

8. The project will not be materially visible offsite.

Based on the story poles and the plans submitted, the project will be visible offsite from the Oak Avenue Trail.

Staff is not able to make this design review finding.

9. The project is of a scale, intensity and design that integrates with the existing character of the surrounding neighborhood.

The 510 square foot, free-standing, open air “porch” with a 65 square foot half bathroom and a 65 square foot wet bar and an attached 2,519 square foot sport court are not of a scale that integrates with the existing character of the surrounding neighborhood. The total floor area of the open air “porch” and existing home exceeds the maximum square footage allowed by the hillside floor area ratio requirements by 509 square feet. At its highest point the sport court is proposed to be 34 feet above grade and is not integrated with the existing contours. The sport court is about the size of a typical tennis court. Staff is not aware of any other sport courts of this size in the surrounding neighborhood.

Staff is not able to make this design review finding.

Grading Permit

To approve the Grading Permit the Planning Commission must make each of the following findings:

1. The health, welfare and safety of the public will not be adversely affected.

Although staff is recommending denial, if the Planning Commission can make the findings to approve the project, it is not anticipated that the health, welfare and safety of the public will be adversely affected by this project beyond some temporary disruption during construction.

2. Adjacent properties are adequately protected by project investigation and design from geologic hazards as a result of the work.

Although staff is recommending denial, if the Planning Commission can make the findings to approve the project, adjacent properties will be protected against geologic hazards as a result of the grading. A soils study and approval by the Public Works Director will be required at the building permit submittal.

3. Adjacent properties are adequately protected by project design from drainage and erosion problems as a result of the work.

Although staff is recommending denial, if the Planning Commission can make the findings to approve the project, the project will not significantly change any local drainage patterns because, as in Finding 2, the Public Works Department will require a drainage study at the building permit phase. Public Works staff is concerned about the proposed increase in impervious areas and the steepness of the hillside. A tank for stormwater catchment and irrigation is proposed in the submitted plans. Staff has advised the applicant about the incongruous roles of irrigation water storage and flood water attenuation in these systems, and will require additional measures such as bioretention. Retaining wall footings and bioretention planting soils will increase the cut and fill volumes. Erosion concerns are addressed in Finding 7.

4. The amount of excavation, grading, or fill proposed is not more than is required to allow the property owner reasonable beneficial use of his or her property.

The amount of excavation, 198 cubic yards, 148 cubic yards of which will be off hauled, is more than is required to allow the property owner reasonable beneficial use of his or her property. The 3.2 acre parcel is already developed with a 4,869 square foot residence, a ± 500 square foot pool and ± 3,000 square foot terrace and yard.

Staff is not able to make this grading permit finding.

5. The visual and scenic enjoyment of the area by others will not be unreasonably adversely affected by the project.

The most visible part of the 50 by 50 foot sport court, the blue gray concrete deck, though not visible from neighboring parcels, will be visible from a small section of the Oak Avenue Trail and is not typically found in hillside residential areas. The grading work itself will not have an unreasonably adverse affect on the visual and scenic enjoyment of the area.

6. Natural landscaping will not be removed by the project more than is necessary and that any removed vegetation will be replanted in a timely manner.

The existing vegetation, including trees surrounding the site is extensive. Although staff is recommending denial, if the Planning Commission can make the findings to approve the project, all Bay trees that are proposed for removal will be replaced at a 1:1 ratio. The landscape plan submitted proposes the planting of 3 Western Redbud trees, 11 Pacific Wax Myrtle trees and 12 Strawberry trees between the Oak Avenue Trail and the proposed project. The landscape plan also includes planting 11 Coast Live Oak trees approximately 40 feet below the proposed sport court. Natural landscaping will not be removed beyond what is required by the Ross Valley Fire Department as part of the approved vegetation management plan.

7. The time of year during which construction will take place is such that work will not result in excessive siltation from storm runoff or prolonged exposure of unstable excavated slopes.

If this project is approved by the Planning Commission, construction which disturbs soil will only be permitted between April 15th and October 15th to reduce the likelihood of erosion and siltation from storms. Staff has concerns about the effects of heavy machinery on the steep hillsides below the sport court and will require erosion control measures and/or permanent landscaping for a building permit.

8. The proposed excavation, grading, or fill does not violate the Town's General Plan or Zoning Codes.

The proposed excavation, grading and fill are not specifically addressed in the Town's General Plan. However, because staff is not able to make finding #4 above, the proposed excavation, grading and fill does violate the Town's Excavation, Grading and Erosion Control Ordinance, which is part of the Town's Municipal Code.

Staff is not able to make this grading permit finding.

9. Sufficient erosion control measures will be employed to offset any impact by the proposed excavation, grading, or fill.

Although staff is recommending denial, if the Planning Commission can make the findings to approve the project, a complete erosion control plan will be required at the time of building permit submittal. The plan will be reviewed by town staff to assure it meets all town erosion control requirements.

Staff is not able to make four of the nine Hillside Design Review Findings and two of the nine Grading Permit Findings and, therefore, is recommending denial of the project.

Prepared By:

Phil Boyle
Senior Planner

Attachments:

1. Section 10-3.411 Table 4E of the San Anselmo Municipal Code
2. Application and Supplemental Questionnaire
3. View Study/Photo Map
4. Materials Board
5. Photos of Existing Conditions
6. Construction Management Plan
7. Plans

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