

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

**For the meeting November 18, 2013**

**Agenda Item D-2**

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**Project Address:**

350 Oak Avenue  
San Anselmo, CA 94960  
APN-007-181-09

**Case No.**

UP- 1303, DR-1307

**Owner**

Bart Hopkin  
P.O. Box 421  
Point Reyes Station, CA 94956

**Applicant**

Michael Sands  
14 Fairview Avenue  
Corte Madera, CA 94925

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**Request**

A use permit to demolish the existing single family residence and hillside design review for a new 3,059 square foot, two story, single family residence at 350 Oak Avenue. The project site is located in the R-1-C Zoning District and within the Bald Hill Area Plan.

**Recommendation**

Conditional approval

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**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 13 – Use Permit, Article 15 - Design Review; and the Bald Hill Area Plan

## Timing

A determination must be made within 60 days of the project being deemed complete which is January 7, 2014.

### I. STAFF ANALYSIS

#### Existing and Proposed Conditions

	Existing	Proposed	Code
<b>Lot Size (sq. ft.)</b>	48,469	Same	Minimum 43,560
<b>Floor Area (sq. ft.)</b>	Total 3,020 Residence 2,700 Second Unit 320	Total 3,379 Basement/Lower Floor 724 Residence Main Floor 1,695 Residence Upper Floor 640 Second Unit 320	5,000
<b>Floor Area Ratio sq. ft. (%)</b>	3,020 sq. ft. (6.2%)	3,379 sq. ft. (6.9%)	5,000 sq. ft. (10.3%)
<b>On-Site Parking</b>	Uncovered 2	Uncovered 4	3
<b>Stories</b>	2	2	2
<b>Maximum height above average existing grade</b>	25 feet	28 feet, 9 inches	30 feet
<b>Zoning</b>	R-1-C	Same	NA
<b>Flood Zone</b>	X (not a flood zone)	Same	NA

#### Project Description

The proposed project is to demolish the existing residence and to construct a 3,059 square foot, two story residence. The existing legal, non-conforming 320 square foot second unit at the front of the parcel will remain.

The basement/lower floor of the new residence is proposed to include storage and mechanical areas. The main floor will include the kitchen, the dining and living rooms, two bedrooms, and a guest bedroom and bath. The upper floor will include the master bedroom and bath as well as a laundry room, sun room and roof deck. The crawl space of the basement/lower floor is not considered potential living space because the ceiling is less than 7.5 feet in height (Plan Sheet A.4). The new house will meet all required setbacks, 20 feet from the front and rear property lines and 8 feet from either side property line. The maximum height of the house will be 28 feet 9 inches (code: 30 feet) to the peak of the roof.

The proposed exterior materials include integral color stucco siding, wood clad windows and doors and a composition shingled roof. Color elevations have been provided as well as a color board with samples (Attachment 3). The stucco walls will be a tan color, the door and window trims will be a darker tan and the accent wall on the northwest elevation will be a rust color. A visual analysis, in the form of photos of the existing structure with story poles, has been provided by staff, pursuant to the Bald Hill Area Plan (Attachment 4).

The project also includes replacing the existing swimming pool with a fish pond and deck. Proposed landscaping includes, pittosporum and jasmine along the south side of the concrete patio and wisteria and ferns along the east and west sides of the house. Silverberry olive trees are proposed to screen the new structure from the neighbors to the southeast.

The project proposes to excavate 82.5 cubic yards of soil, which will be used as fill on the site. No material is proposed to be off hauled. The total excavation and fill does not exceed 100 cubic yards, therefore a grading permit before the Planning Commission is not required.

Overall, the project will reduce impervious surfaces by approximately 2,000 square feet through removal of a swimming pool and use of pervious paving materials for one parking spot at the top of the driveway. San Anselmo's Stormwater Runoff Ordinance is aimed at mitigating increases in impervious surface area. The Public Works Department has determined that this project does not require a bioretention facility. To retain water on the site and slow runoff from the driveway, the southeast corner of the lot will be landscaped with some concavity.

Three non-heritage trees are proposed to be removed. The large Monterrey pine on the northeast property line is in poor condition and a hazard to the downhill neighbor. The other two trees, a eucalyptus and a small bay, are within the thirty foot defensible space and have been deemed less important than the oak's crown and canopy by the Fire Inspector, Rob Bastianon.

The large parcel is heavily wooded and the new residence will sit on a knoll in the center of the lot. The nearest residence to the north is approximately 140 feet and the nearest residence to the south is approximately 50 feet away, therefore a shadow study was not required. Story poles have been installed to show the public and the Commission the outline of the proposed building.

Four parking spaces are proposed on the lot; one space adjacent to the existing second unit, two spaces side by side east of the second unit and one space on the driveway southeast of the new residence. A parking space for the second unit is not required because the parcel is less than one mile from a transit stop.

### **Use Permit for Demolition of Residence**

The San Anselmo Municipal Code requires a use permit for the demolition of residential dwelling structures. The application includes a use permit to demolish the existing home at 350 Oak Avenue.

### **Hillside Design Review for New Residence**

The San Anselmo Municipal Code requires that all new dwellings greater than five hundred (500) square feet in size on lots located at or above one hundred fifty (150) feet mean sea level require the approval of design review. The project meets the height, setback, floor area ratio, and parking requirements of the Code.

## **Bald Hill Area Plan**

The subject site is located within the Bald Hill Area Plan. This plan was approved in 1996 to provide guidelines for conservation and development of the densely wooded, steep hillsides that are served by narrow, winding roads and where new development on existing lots could pose issues of fire safety. The Bald Hill Area Plan extends uphill roughly from the 150 foot mean sea level contour in the southwest quadrant of the Town.

The overall intent of the visual policies (Section 5.0) in the Bald Hill Area Plan is to “minimize visual building mass from nearby and distant views, removal of mature trees, and visible grading.” The subject site is unusual for a hillside location because it has little visibility and has relatively flat topography. The low visibility is a function of the location of the structure in the middle of the one acre lot and the dense tree cover surrounding the residence. Of the many trees on the lot, only three non-heritage trees are proposed for removal. The proposed 82.5 cubic yards of excavation is required for the structure’s foundation and the excavated soil will be used on site to fill in the abandoned pool.

The building design meets policies addressing height and mass. Policy 5.1.2 states: “The overall height of each building should be varied and as low as possible for each site condition”. The maximum height of the proposed building is 28 feet 9 inches, with 9 and 10 foot plate heights. The lowest point of the building will be approximately 10 feet above grade. The height of the second unit is approximately 20 feet.

Policy 5.2.2 requires non-reflective surfaces and darker earth tones to minimize visibility from distant or intermediate views. The selected rust, tan and brown finishes of the building’s exterior are complimentary to the surrounding area and will result in a low visual profile.

Policy 5.3.2 states, “Upper floors should be stepped back from lower floor footprints to create variety to exterior elevations and to reduce the overall height of exposed downhill walls.” The proposed 640 square foot second story is set back from the main floor exterior walls by 6 to 12 feet, reducing the massing of the building.

No exterior lighting is proposed at this time. However, a condition has been included that if exterior lighting is proposed at some future time, it must be in conformance with Policy 5.6.3, which requires hooded, low-level, low wattage light fixtures, which cast light in a downward direction.

The parcel currently has property line fencing and no new fencing is proposed as part of this application. If fences are proposed in the future, property line fences are required to be transparent and include wildlife openings, pursuant to the Bald Hill Area Plan.

## **II. REQUIRED FINDINGS**

### **Use Permit Findings for Demolition of Residence**

In order to grant the use permit, the Planning Commission must make the following findings:

1. *Failure to approve a demolition permit will cause immediate and substantial hardship because of the conditions peculiar to a particular structure, and such hardship has not been created by an act of the owner in anticipation of action under this chapter.*

*Examples of hardship include health and safety hazards that cause the building to be unsafe. Personal, family, financing difficulties, loss of prospective profits and neighboring violations are not justifiable hardships and;*

- 2. It is necessary to reveal previous architectural features covered up, such features that would be functionally and aesthetically compatible with the existing improvements and the natural elements of the area.*

Staff is able to make both of the findings above relevant to the proposed demolition of the residence at 350 Oak Avenue. Failure to approve the demolition will cause a hardship to the property owner and prevent the development of the new home. A Historic Resources Data Inventory, 1987, regarding 350 Oak Avenue was submitted by the applicant along with an email from Judy Coy, Chairperson, San Anselmo Historical Commission (Attachment 5), indicating that the structure does not have any historical significance.

### **Hillside Design Review for New Residence**

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

The new home will be placed at almost the identical location of the existing home, approximately 80 feet from the street and approximately 50 feet from the nearest neighbor. The maximum height of the proposed residence is 28 feet, 9 inches, which is 3 feet 9 inches higher than the existing residence. The roof is designed with a low 3.5:12 slope to minimize visual impact. The earth tone colored stucco is also designed to blend with the natural elements in the area.

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

The new home is proposed near the center of the 1 acre plus lot and will not generate noticeable negative impacts to adjacent properties. Once the construction is complete, the residence should not create excessive noise, odors or other less desirable environmental conditions. Four parking spaces are provided to minimize parking impacts. Construction will follow all San Anselmo requirements.

- 3. Will not tend to cause the surrounding area to depreciate materially in appearance or value or otherwise discourage occupancy, investment, or development in the area.*

The proposed project will bring value back to the site as well as the adjacent parcels through improved appearance of the structure and the surround landscaping. The proposed improvements will create a residence that is connected with and sensitive to the natural landscape. 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.

- 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.*

The project will not create any unnecessary traffic hazards. Four off-street parking spaces are provided where only three are required. The Ross Valley Fire Department reviewed the proposed plans and confirmed that there is satisfactory access for 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.*

Engineering for the proposed foundation and the site drainage improvements are required to meet all San Anselmo codes and regulations. The project will adhere to wildland urban interface requirements and all applicable building codes to protect the health and safety of persons on the property and in the surrounding area.

6. *Does the project have adequate screening?*

The large parcel, with mature vegetation, is well screened from adjacent properties and the valley below. The three trees that are proposed to be removed, a 10 inch diameter acacia, a 6 inch diameter bay and a 36 inch diameter Monterrey pine are not considered heritage trees. The new residence will be adequately screened with the existing natural vegetation and the placement of the structure in the center of the one acre lot. The landscape plan also includes silverberry olive trees to screen the new structure from the neighbors to the southeast.

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

The structure's bulk, height and mass, its earth tone colors and placing the structure in the middle of the one acre lot will all result in a low visual profile. The second story is set back from the exterior walls of the first story which is consistent with the recommendations of the Bald Hill Area Plan. The proposed 3.5:12 roof pitch will also reduce the visibility of the home.

### **III. CONDITIONS OF APPROVAL**

1. Planning Commission approval is based on the plans and materials titled Hopkin Home, by Michael Sands Architecture and Planning, date stamped received by the San Anselmo Planning Department on October 21, 2013.
2. All conditions of approval shall be printed at the top of sheet 1 of the building permit drawings.
3. 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](http://townofsananselmo.org/building) for requirements and further information.
4. Hours of construction must be in conformance with the Bald Hill Area Plan, which are weekdays 8:00 a.m. to 4:30 p.m. and no construction on weekends and holidays.
5. Prior to issuance of a building permit and consistent with the Bald Hill Area Plan, the applicant should post a road improvement financial guarantee (bond, cash, certificate of deposit, etc.) in a form and in an amount determined by the Director of Public Works, or

provide other assurances to the Town, as determined by the Director of Public Works that the damage to such roads resulting from construction vehicle access will be repaired upon completion of construction.

6. Plans submitted for a building permit shall show the proposed main residence addressed as 350 Oak Avenue and the second unit as 350A Oak Avenue.
7. At the time of building permit submittal or any time in the future, if plans are submitted that include exterior lighting, the lighting must be in conformance with the Policy 5.6.3. This policy requires that fixtures have lighting faced downward to eliminate off-site spread of light.
8. At the time of building permit submittal or any time in the future, if plans are submitted that include new fencing, it shall be transparent with wildlife openings, as required in the Bald Hill Area Plan.
9. If a complete building permit application has not been submitted to the Town within one year 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 and shows good cause prior to the expiration of the discretionary action.
10. Plans submitted for building permit must meet the Green Building requirements of the Town of San Anselmo.
11. A Vegetation Management Plan listing and illustrating all proposed plantings shall be submitted and approved by the Ross Valley Fire Department prior to issuance of a building permit.
12. 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 and supplemental questionnaire
2. Site photos
3. Color and materials palette
4. Visual analysis
5. Email from Judy Coy, Chairperson, San Anselmo Historical Commission and Historic Resources Data Inventory, 1987, regarding 350 Oak Avenue
6. Plans