

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

For the meeting April 21, 2014

Agenda Item D-2

Project Address:

437 Laurel Avenue
San Anselmo, CA 94960
APN-007-171-24

Case No.

UP- 1401, DR-1402

Owner

Geraldine Wilson
5 Locust Avenue
Kentfield, CA 94904

Applicant

Stacey Ford
20 Corte Toluca
Greenbrae, CA 94904

Request

A use permit to demolish the existing single family residence and hillside design review for a new 1,729 square foot, two story, single family residence at 437 Laurel Avenue. The project site is located in the R-1 Zoning District and within the Bald Hill Area Plan.

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 13 – Use Permit and Article 15 - Design Review.

Timing

A determination must be made within 60 days of the project being deemed complete which is June 11, 2014.

I. STAFF ANALYSIS

Existing and Proposed Conditions

	Existing	Proposed	Code
Lot Size (sq. ft.)	19,240	Same	Minimum 7,500
Floor Area (sq. ft.)	Total 2,429	Total 2,497	3,906
	First Floor 1,223	First Floor 1,291	
	Second Floor 438	Second Floor 438	
	Accessory Building 768	Accessory Building 768	
Floor Area Ratio sq. ft. (%)	2,429 sq. ft. (12.6%)	2,497 sq. ft. (12.9%)	3,906 sq. ft. (20.3%)
On-Site Parking	Uncovered 3	Uncovered 3	3
Stories	2	2	2
Maximum height above average existing grade	24 feet	25 feet	30 feet
Zoning	R-1	Same	NA
Flood Zone	X (not a flood zone)	Same	NA

Project Description

The proposed project is to demolish the existing residence that was badly damaged by fire and to construct a 1,729 square foot, two story residence. The existing unpermitted 768 square foot second unit on the west side of the parcel will remain. The pool is also proposed to remain.

The main floor of the new residence is proposed to include the living room, dining room, kitchen, two bedrooms and a bath. The upper floor will include the master suite. The new house will meet all required setbacks, 20 feet from the front and rear property lines, 8 feet from either side property line and the floor area ratio is significantly below the maximum. The maximum height of the house will be 25 feet (Code: 30 feet) to the peak of the roof.

The proposed exterior materials include lap siding, metal clad windows and doors, and a composition shingled roof. A color elevation has been provided as well as a color and materials board with samples (Attachments 3 and 4). The exterior is proposed to be charcoal gray with white door and window trim. 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 5).

The project proposes a small amount of excavation and fill, because the existing foundation is to be reused. The total excavation and fill does not exceed 100 cubic yards, therefore a grading permit from the Planning Commission is not required.

The site currently has minimal landscaping and no additional landscaping is proposed at this time. A condition has been added that the plans submitted for building will include a vegetation management plan pursuant to the requirements of the Ross Valley Fire Department. No heritage trees are proposed for removal.

The parcel is relatively flat in the front and slopes upward in the rear. Bay trees are the dominate vegetation on the parcel. The nearest residence to the west is approximately 70 feet away and the nearest residence to the east is approximately 65 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.

There are three parking spaces on the lot in front of the accessory building. These spaces were approved by the Town in 1986 when the garage was converted to living space. Although these spaces are within the 20 foot front yard setback, they are legal non-conforming and can remain.

Use Permit for Demolition of Residence

The San Anselmo Municipal Code requires a use permit for the demolition of residential structures. The application includes a use permit to demolish the existing fire damaged home.

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 hillside design review. The project meets the height, setback, floor area ratio, and parking requirements of the Code. The new home is proposed to reuse the existing foundation except for a small addition for the stairs in the rear. The new home will be only 68 square feet larger than the original home and will be 1,409 square feet and 7.4% below the maximum floor area allowed. The height of the home will be 1 foot above the original and 5 feet below the 30 foot maximum height allowed.

Bald Hill Area Plan

The subject site is located within the Bald Hill Area Plan (BHAP). 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 BHAP 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 BHAP is to “minimize visual building mass from nearby and distant views, removal of mature trees, and visible grading.” The subject site is at the base of the BHAP, has little visibility beyond adjacent residences and has relatively flat topography. No heritage trees are proposed for removal. The only trees that maybe removed are non-heritage bay trees that were damaged by the fire.

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”. Staff has worked with the architect through revisions to the overall height of the proposed residence and the proposed design now has a maximum height 25 feet, with 7 feet 8 inches and 9 foot plate heights.

Policy 5.2.2 requires non-reflective surfaces and darker earth tones to minimize visibility from distant or intermediate views. The selected charcoal gray and white finishes of the new residence and the existing garage's exterior will be 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 438 square foot second story is set back from the front porch 8 feet, 21 feet from the east lower floor elevation and 11 feet from the west lower floor elevation.

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 of the BHAP, which requires hooded, low-level, low wattage light fixtures, which cast light in a downward direction.

The parcel currently has solid wood fence along the front property line. A condition has been included which requires the existing front fence be relocated out of the public right of way. The height and type of fence must meet the requirements of the BHAP, which requires fences to be of transparent construction and may integrate the use of vegetation. Fences shall be designed to allow wildlife to travel freely between properties. Solid fences should not be used.

Public Notice

A notice was sent to all residences and property owners with 300 feet of the project. No comments were submitted to the Town in response to the notice. The applicant did provide signatures from nine adjacent neighbors in support of the project.

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 almost completely destroyed, fire damaged residence. Failure to approve the demolition will cause a hardship to the property owner and prevent their development of the fire damaged site. The residence proposed for demolition was constructed in 1972. The San Anselmo Historical Museum has no information that the building has any historical significance.

Hillside Design Review Findings 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 as the existing fire-damaged home, 20 feet from the front property line and approximately 65 feet from the nearest neighbor. The maximum height of the proposed residence is 25 feet, which is 1 foot higher than the existing residence. The roof is designed with a 6:12 slope on the first level and a 5:12 slope on the second level to minimize visual impact. The gray and white colored exterior is 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 at the same location as the original home 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. Three 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 new home will bring value back to the site, as well as the adjacent parcels, after the home was destroyed by fire. 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. Three off-street parking spaces are provided. 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 improvements 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 parcel, within a narrow valley and not visible from beyond adjacent properties, is not highly visible. The new front property line fence is required to adhere to the BHAP requirements which include the use of vegetation on open wire fencing that will provide some screening.

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 on the lower portion of the lot, level with the street, 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 requirements of the Bald Hill Area Plan. The modest second story accounts for about a third of the area of the first level. The proposed 6:12 roof pitch on the second story element will also reduce the visibility of the home.

III. CONDITIONS OF APPROVAL

1. Prior to issuance of a building permit for the new residence, the accessory structure shall be legalized as a second unit or the kitchen removed and all unpermitted work legalized.
2. Prior to issuance of a building permit for the new residence, the existing front fence shall be relocated out of the public right of way and meet the requirements of the BHAP. The BHAP requires fences to be of transparent construction and may integrate the use of vegetation. Fences shall be designed to allow wildlife to travel freely between properties. Solid fences should not be used. A fence permit is required from the Department of Public Works.
3. Plans submitted for building permit must include a vegetation management plan to be reviewed and approved by the Ross Valley Fire Department.
4. Planning Commission approval is based on the plans and materials titled Geraldine Wilson Residence, by Stacey Nichol Ford Architect, date stamped received by the San Anselmo Planning Department on April 17, 2014.
5. Plans submitted for building permit shall include a sidewalk along the frontage of the property in accordance with current Town Standards.
6. All conditions of approval shall be printed at the top of sheet 1 of the building permit drawings.
7. 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.
8. 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.

9. 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.
10. 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 of the BHAP which requires hooded, low-level, low wattage light fixtures, which cast light in a downward direction.
11. 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.
12. Plans submitted for building permit must meet the Green Building requirements of the Town of San Anselmo.
13. 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 elevation
4. Color and materials sample board
5. Visual analysis
6. Plans