

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

For the meeting August 4, 2014

Agenda Item D-2

Project Address:

47 Tamalpais Avenue
San Anselmo, CA 94960
APN-007-212-12

Case No.

UP-1402, DR-1403

Owners and Applicants

Suellen and Mario Lamorte
45 Entrata Avenue
San Anselmo, CA 94960

Request

Use permit to demolish the existing single-family residence and flatland design review for a new 2,080 square foot, two-story, single-family residence and a 280 square foot garage at 47 Tamalpais Avenue. The project site is located 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 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 September 22, 2014.

I. STAFF ANALYSIS

Existing and Proposed Conditions

	Existing	Proposed	Code
Lot Size (sq. ft.)	7,500	Same	Minimum 7,500
Floor Area (sq. ft.)	Total 1,743	Total 2,080	2,850 sq. ft.
	Lower Floor 1,000	Lower Floor 1,034 Upper Floor 1,046	
	Second Unit 743 (includes covered entry)	Second Unit 388 (does not include covered entry)	
Garage (sq. ft.)	Total 0	Total 635 Garage of main residence 280 Garage of second unit 355	NA
Floor Area Ratio sq. ft. (%)	1,743 sq. ft. (23.2%)	2,703 sq. ft. (36.04%) (235 sq. ft. of garage counted towards FAR)	2,850 sq. ft. (38%)
Lot Coverage sq. ft. (%)	1,743 sq. ft. (23.2%)	2,175 sq. ft. (29.7%)	(35%)
On-Site Parking	Uncovered 2	Covered 2 Uncovered 1	2
	Stories 2	2	
Maximum height above average existing grade	15 feet	27 feet	30 feet
Zoning	R-1	Same	NA
Flood Zone	AE- Based Flood Elevation of 52.5 ft.	Same	NA

Project Description

The proposed project is to demolish the existing residence and to construct a 2,080 square foot, two-story residence. The existing non-conforming, 743 square foot second unit at the rear of the parcel will be converted back to a 388 square foot second unit and 355 square foot garage.

The main floor of the new residence will include the living room, dining room, kitchen, music room and bath. The upper floor will include a master suite, family room, second bedroom and bath. The new residence will meet all required setbacks, lot coverage and floor area ratio requirements. The maximum height of the house will be 27 feet (Code: 30 feet) to the peak of the roof. The parcel is in the flood plain and, therefore, the finished floor is 53.58 feet above sea level which is 3.58 feet above grade, pursuant to FEMA requirements. An elevation certification by a licensed land surveyor was submitted and approved by the Town (Attachment 3).

The proposed exterior materials include white-painted Hardieplank siding, bronze wood-clad windows with white-painted Hardieplank trim and a light grey composition shingle roof. A color board has been provided (Attachment 4).

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

An application to remove a heritage palm tree, 28 inches in diameter, was submitted and approved by the Department of Public Works (Attachment 5). The tree is in the path of the proposed driveway and will be relocated to another site. The site currently has adequate mature landscaping even with the removal of the palm tree and no additional landscaping is proposed at this time.

Use Permit for Demolition of Residence

The San Anselmo Municipal Code requires a use permit for the demolition of residential structures. The use permit is required to be reviewed and approved by the Planning Commission.

Flatland Design Review for New Residence

The San Anselmo Municipal Code requires that projects on parcels which are below 150 mean sea level and involve residential construction that is over 400 square feet on the second or third floor go through design review. This project meets the height, setback, lot coverage, floor area ratio, and parking requirements of the Code. The maximum height of the residence is 27 feet.

Public Notice

A notice was sent to all residents and property owners within 300 feet of the project. No comments were submitted to the Town in response to the notice. The applicant provided letters from four 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 existing residence. The residence proposed for demolition was constructed before 1909. The applicant provided an email from Judy Coy of the San Anselmo Historical Museum stating that there is nothing to indicate that the residence has any historical significance. Failure to approve the demolition will cause a hardship to the property owner and prevent additional development of the site.

Flatland Design Review Findings for New Residence

1. *The project will not unreasonably impair access to light and air of structures on neighboring properties.*

The shade studies provided as part of the design review application are designed to show the impact of the project on the adjacent neighbors (Attachment 6). In this case, the two adjacent homes potentially impacted are on either side of 47 Tamalpais Avenue to the east and west. The studies model the shading that is created by the existing home and the proposed home at the start of each season at 9am, noon and 3pm. Overall, the studies show that the project will not unreasonably impair access to natural light to the two neighboring properties, 43 Tamalpais Avenue and 51 Tamalpais Avenue. The project is also not expected to unreasonably impact access to air.

The shade studies show that the home at 43 Tamalpais Avenue, to the east of the project site, will not be significantly shaded by the new home at 47 Tamalpais Avenue. The shade studies for 3pm on March 21st and September 21st show minimal shading to the parking area and west sidewall of 43 Tamalpais Avenue and no additional shadows at 9am and noon on either date. The small outdoor area that is shaded in the late afternoon is a utility and refuse area, which should not significantly affect the residences (Attachment 7). The two small windows that are briefly shaded are a powder room and storage room/home office. The shade studies for June 21st, indicate shading only on the parking area at 3pm with no impact on the residence itself. The shade study for 3pm on December 21 indicates considerable shading. At this time of the year (mid-winter) the sun is low on the horizon. Bald Hill and adjacent trees shade the majority of the neighborhood. Like most homes on narrow lots, the windows that are used for the enjoyment of the property and provide natural light are to the front and back of 43 Tamalpais Avenue and are unaffected by the new home at 47 Tamalpais Avenue. Furthermore, the applicant provided letters supporting the project from the owners of 43 Tamalpais Avenue (Attachment 8)

The home at 51 Tamalpais Avenue, to the west of the project site, will not be significantly affected by early morning (9am) shading. There is a tall thick landscape screen located along the mutual property line (Attachment 9). The screen was likely planted to protect the privacy of 51 Tamalpais Avenue so it is unlikely that it will be removed. If the landscape screen is removed, there are only two windows along the eastside wall that would be shaded at 9am on December 21st. At this time of the year (mid-winter) the sun is low on the horizon and has not risen above the trees in the neighborhood. Like most homes on narrow lots, the windows that are for the enjoyment of the property and add sunlight to the interior are to the front and back of 51 Tamalpais Avenue and are unaffected by the new home at 47 Tamalpais Avenue.

Staff is able to make the finding that the project will not unreasonably impair access to light and air of structures on neighboring properties.

2. *The project will not unreasonably affect the privacy of neighboring properties including not unreasonably affecting such privacy by the placement of windows, skylights and decks.*

There are no issues of privacy on the lower floor with the neighboring properties. Between the proposed residence and its neighbor to the west at 51 Tamalpais Avenue there is a tall full landscape screen that will maintain mutual privacy. Between the proposed residence and its

neighbor to the east at 43 Tamalpais Avenue there is an 8 foot high fence which will also effectively create privacy for both residences on the lower level.

The majority of the windows on the upper floor of the proposed residence face the front and the back of the property. These elevations provide the best views and natural light. The windows on the west side of the new upper floor will also have minimal impact on privacy to 51 Tamalpais Avenue because of the extensive landscape screening and minimal number of windows previously mentioned. The windows on the east side of the new upper floor of 47 Tamalpais Avenue have raised sills (5 and 6 feet from floor) and will not create any privacy impacts to 43 Tamalpais Avenue. Again letters of support were provided by the owners of 43 Tamalpais Avenue (Attachment 8).

3. *The project will be of a bulk, mass and design that complements the existing character of the surrounding neighborhood.*

The home was designed to be compatible with the older gable-roofed homes along Tamalpais Avenue. The design is to mimic the gable roofs, overhangs, fenestration and detailing of surrounding homes. Most of the homes on the street are two stories with a three-story apartment building three parcels to the east and a one-story home to the west. Although the home to the west is one story, the project site has three two-story rental units adjacent to it. The roofline of the proposed residence is broken into three gables, one running north/south and two running east/west, to reduce the bulk and mass. The front elevation has a lower gable and the upper floor is set back to complement the one-story home to the west.

The project site is within the FEMA Flood Zone designation of AE. To comply with FEMA requirements, the main floor of the home must be raised at least 3 feet, 6 inches above grade for the floor joists to be above the flood plain. The plate heights vary throughout the building: 8 feet at the garage, entry, and upper floor family room, 9 feet at the lower floor, and 9 feet 8 inches on the upper floor. The roof slope is 7:12.

Staff analyzed the five adjacent structures to the east and west on both sides of Tamalpais Avenue and determined that the proposed residence has less bulk and mass and is lower than several homes, apartment buildings and other structures in the surrounding neighborhood. Overall, staff is able to make the finding that the project is of a bulk, mass and design that complements the existing character of the surrounding neighborhood.

4. *The project 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 property or improvements in such neighborhood.*

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. The new home is replacing a structure that is in poor condition, thus the project should improve the health and safety of the neighborhood.

III. CONDITIONS OF APPROVAL

1. Planning Commission approval is based on the plans and materials titled New Residence for Mario and Suellen Lamorte, date stamped received by the San Anselmo Planning Department on July 23, 2014.
2. Plans submitted for building permit shall conform to all of the requirements of the approved elevation certificate submitted to the Town dated stamped received May 7, 2014.
3. The removal of the heritage palm tree shall comply with the approved November 20, 2013, Tree Removal Application.
4. All conditions of approval shall be printed at the top of sheet 1 of the building permit drawings.
5. Plans submitted for building permit shall include the conversion of the unpermitted studio at the rear of the parcel back into a garage.
6. Plans submitted for building permit shall include the legalization of the entry area between the second unit and the garage. The scope of work shall include, at a minimum, the removal of the existing window, walls and patio door on the east side of the entry.
7. A building permit must be obtained prior to the start of any construction work that requires a permit per 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. 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.
9. Plans submitted for building permit must meet the Green Building requirements of the Town of San Anselmo.
10. 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:

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Senior Planner

Attachments:

1. Application and supplemental questionnaire
2. Plans
3. Elevation certificate
4. Color board
5. Tree application
6. Shade studies of proposed project and existing residence
7. Photos of 43 Tamalpais Avenue from applicant
8. Letters of support
9. Photos of 51 Tamalpais Avenue from applicant

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