



# TOWN OF SAN ANSELMO

## PLANNING COMMISSION STAFF REPORT

**Date:** August 15, 2022

**To:** Chair Tunny and Members of the Planning Commission

**From:** Richard Smeaton, AICP, Contract Planner

**Subject:** Karin and James Blom Residence, 31 Lincoln Park, Project No. PRO2022-0030

**Recommendation**

The Planning Commission to approve Project No. PRO2022-0030, a Grading Permit to allow a new pool that involves 123+/- cubic yards of cut, 55+/- cubic yards of fill, and the removal of 68+/- cubic yards at 31 Lincoln Park, subject to the findings and conditions in the staff report.

**Property Information:**

Project Address: 31 Lincoln Park  
 Owner/Applicant: Karin and James Blom  
 Assessor's Parcel No.: 006-254-07  
 Zoning District: R-1, Single Family Residential, Below 150 Mean Sea Level  
 General Plan: Single Family, upper portion of site Single Family Conservation  
 FIRM Flood Zone: X (area of minimal flood hazard)

**Project Data:**

	Existing	Proposed	Code
<b>Zoning</b>	R-1 Single Family, Below 150 Mean Sea Level	Same	Same
<b>General Plan</b>	Single Family	Same	Same
<b>Flood Zone</b>	X (not a flood zone)	Same	Same
<b>Lot Size (sq. ft.)</b>	11,227 sq. ft.	Same	7,500 sq. ft.
<b>Lot Coverage (sq. ft.)</b>	3,011 sq. ft.	3,492 sq. ft.	3,929 sq. ft.
<b>Lot Coverage (%)</b>	26.8%	31.1%	35%
<b>Pool Intrusion Into Setbacks</b>	N/A	Rear: 8 ft. Side (North): 0 ft. Side(South): 0 ft.	Rear: 5 ft. Side (North): 5 ft. Side(South): 5 ft.

	Existing	Proposed	Code
<b>Pool Equipment (3 ft. high or less) Intrusion Into Setbacks*</b>	N/A	Rear: 5 ft. Side (North): 0 ft. Side(South): 2 ft.	Rear: 5 ft. Side (North): 5 ft. Side(South): 5 ft.

*\*The pool is proposed to encroach 8 feet into the rear yard setback and will not encroach into either side yard set. As designed, the location of the swimming pool within the 20-foot rear yard setback is permitted and exempted from further review pursuant to Title 10, Chapter 3, Article 4, Table 4B of the San Anselmo Municipal Code.*

**Project Description:**

The applicant is requesting a Grading Permit to allow for the construction of a new pool to an existing single-family residence.

The applicant is proposing the following:

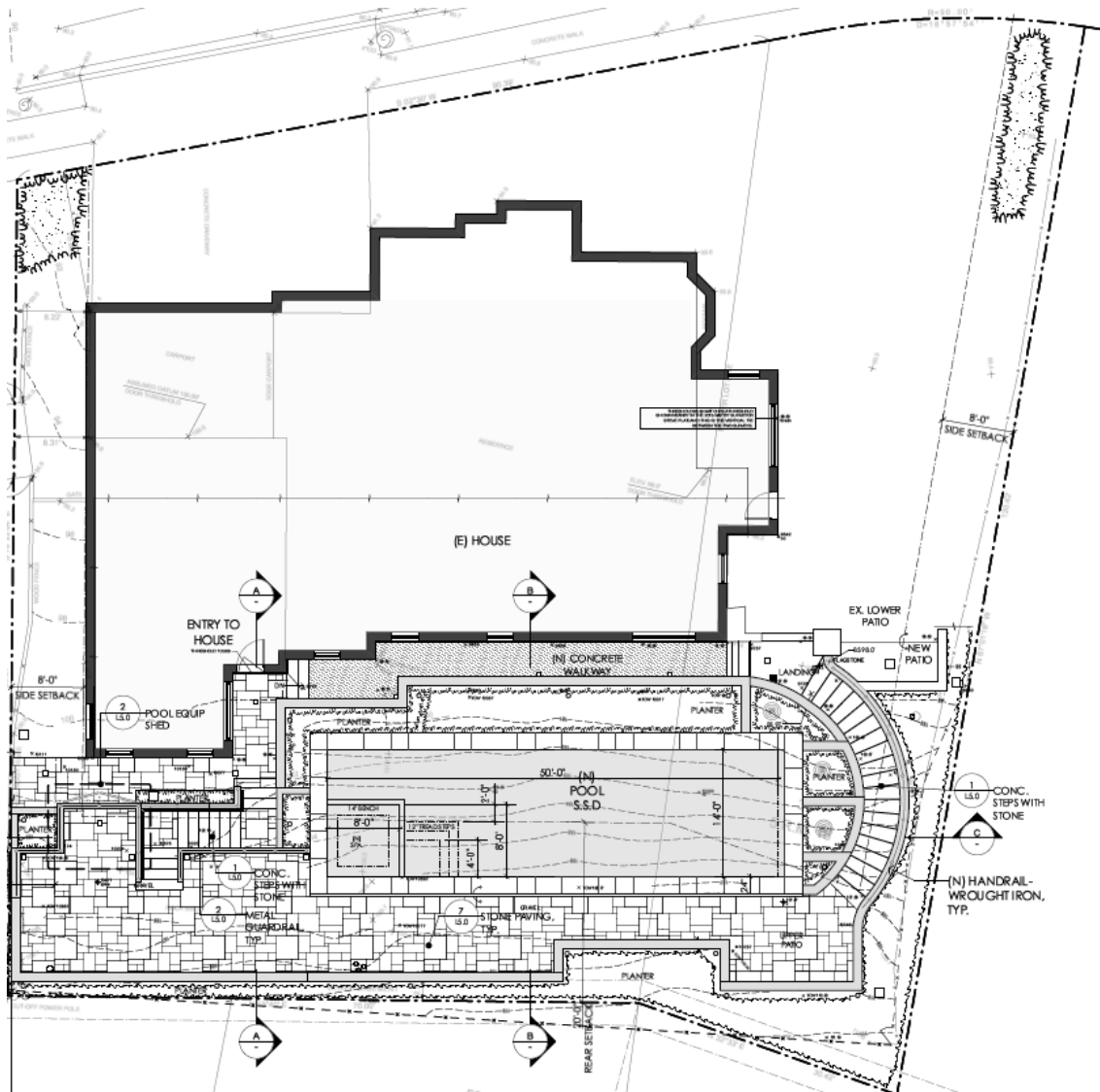
- A grading permit for +/-123 cubic yards of cut, +/-55 cubic yards of fill, and +/-68 cubic yards will be hauled off-site. The proposed pool will be located in a landscaped area within the rear yard of the property. No trees 22” in diameter or greater will be removed.
- A large stone paved patio area above the pool.
- Two concrete staircases with stone steps leading up to the stone paved patio area.
- New landscaping in the rear yard. The new or rehabilitated landscaping and landscape plan will be installed as approved by the Marin Municipal Water District (MMWD).
- Installation of two bio-detention planters near the southwest and northwest property lines, to hold additional stormwater on-site caused by project development.

The proposed project requires a **Grading Permit pursuant to Town of San Anselmo Municipal Code Section 9-18.08(a)** for the excavation, grade, or fill of more than 100 cubic yards of material.

**Project Site:**

The project site is located at the Y-intersection of Lincoln Park and Bank Street and slopes gradually uphill from the street. A map showing an aerial view of the project site outlined in red is provided in Figure 1. The proposed pool and site improvements are shown in Figure 2.

**Figure 1 - Project Location**



**Figure 2 – Proposed Pool & Site Improvements**

## **Staff Analysis and Discussion:**

### ***General Plan Consistency***

The General Plan land use designation of the site is Single-Family Residential which allows detached single-family units at a density of 1 to 6 units per acre. In order to encourage maintenance of existing structures and to prevent encroachment of higher density development, this designation has been applied to the majority of existing single-family neighborhoods. This project proposes a new pool, landscaping, and patio area to an existing single-family residence and does not change the use, therefore, it is consistent with the General Plan.

The Town General Plan does not address water supply except to provide that, “projects shall not overburden the water supply ...”.<sup>1</sup> In 2019 the Town Council adopted the Marin County Multi-Jurisdictional Local Hazard Mitigation Plan which does not include drought as a local hazard.<sup>2</sup> The Town Climate Action Plan 2030 encourages water conservation and program W-1 provides the Town will reduce outdoor water use by working with the Marin Municipal Water District (MMWD) and other organizations to “promote water conservation programs and incentives” and “Ensure all projects requiring building permits, plan check, or design review comply with State and MMWD regulations.”

MMWD enforces water conservation requirements within the Town. MMWD can limit filling or refilling pools to protect the District’s water supply. If MMWD’s rules are followed, the proposed pool will not result in a health and safety impact.

MMWD has experienced two successive dry winters in 2020 and 2021 with historically low rainfall and runoff. The MMWD Board called for voluntary water conservation actions in February. MMWD has continued to receive below average rainfall throughout the spring months. As of April 1, 2021, MMWD’s reservoir storage was 43,385-acre feet (AF), 54.5% of total capacity, and nearly 41% below the District average of 73,543 AF. On April 20, 2021, MMWD declared a water shortage emergency and has adopted mandatory water conservation measures and water use restrictions. The use restrictions do not currently restrict filling new pools or refilling existing pools.<sup>3</sup>

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<sup>1</sup> Town of San Anselmo General Plan Conservation Element, Conservation and Environmental Policy Guideline 10.

<sup>2</sup> Marin County Multi-Jurisdiction Local Hazard Mitigation Plan (2018) <https://www.marinwatersheds.org/sites/default/files/2020-07/Marin%20County%20Multi-Jurisdictional%20Local%20Hazard%20Mitigation%20Plan%202018.pdf>. The 2018 San Anselmo Local Hazard Mitigation Plan included drought as a hazard and included two mitigation measures to conserve water: 1. Incorporate drought tolerant or xeriscape practices into new Town landscape designs to reduce dependence on irrigation; and 2. Use permeable surfaces where feasible to reduce runoff and promote groundwater recharge.

<sup>3</sup> See staff report <https://www.marinwater.org/sites/default/files/2021-04/04-20-2021%20Agenda%20Packet%20-%20Board%20of%20Directors.pdf>

The MMWD Water Resources Plan 2040<sup>4</sup> calls for prohibiting use of potable water for refilling pools in water shortage Stages 3, 4 and 5 and prohibiting filling new or existing pools in Stage 5. During Stage 3, the water supply shortage is severe and triggered when MMWD's total reservoir storage is less than 40,000 acre-feet on April 1. As a result, MMWD demand must be reduced by at least 25 percent for MMWD to meet the immediate needs of its customers.<sup>5</sup> During Stage 5, a 50 percent or greater reduction in water use is required for MMWD to meet the immediate needs of its customers. This stage is triggered when total reservoir storage on December 1 is projected to be in the vicinity of, or less than, 25,000 acre-feet. At this stage filling new or existing pools with potable water from MMWD is prohibited.<sup>6</sup>

### ***Zoning Ordinance Compliance***

The zoning for the site is Single-Family Residential District (R-1) which is intended for the development of detached, single-family homes with allowable residential density range from one to six dwelling units per acre. The project requires grading for the pool excavation and grading to make a level area surrounding the pool and does not propose any additional units. The pool, landscaping, and paved space would increase the site coverage from 26.8% to 31.1%, which is still below the maximum allowable coverage of 35%. The size and location of the pool and pool equipment meets the setback development standards for pools and pool equipment in the R-1 zone, therefore, it is consistent with the Zone Code.

### ***Grading Permit***

Pursuant to the San Anselmo Municipal Code Chapter 18, Excavation, Grading, and Erosion Control, Section 9-18.01, Purpose, the purpose of the Grading Permit review is to establish controls on excavation, grading, and fill within the Town. The controls are established for reasons of safety, erosion control, sound, soil engineering practice, aesthetics, Environmental Protection, and water quality protection.

To approve the grading permit the Planning Commission must find, "the health, welfare and safety of the public will not be adversely affected."<sup>7</sup> Hillside instability and loss of adequate potable water supply would be health and safety issues. The applicant has provided a preliminary Geotechnical Report that indicates the pool and patio area grading and wall construction "are in substantial compliance with [their] geotechnical recommendations".

As previously summarized in the Project Description, a Grading Permit is required for the proposed new pool. In order to approve or conditionally approve the Grading Permit, the Commission must make the findings for Grading Permit in Section 9-18.08(c) of the San Anselmo Municipal Code (SAMC) listed below. Discussions for findings for approval of the Grading Permit are found in the resolution.

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<sup>4</sup> MMWD Water Resources Plan 2040 (2017) <https://www.marinwater.org/sites/default/files/2020-09/Water%20Resources%20Plan%202040.pdf>

<sup>5</sup> Ibid page 8-9

<sup>6</sup> Ibid page 9

<sup>7</sup> [San Anselmo Municipal Code Section 9-18.08](#)

- 1. The health, welfare and safety of the public will not be adversely affected;**
- 2. Adjacent properties are adequately protected by project investigation and design from geologic hazards as a result of the work;**
- 3. Adjacent properties are adequately protected by project design from drainage and erosion problems as a result of the work;**
- 4. The amount of excavation, grading, or fill proposed is not more than is required to allow the property owner reasonably beneficial use of his or her property;**
- 5. The visual and scenic enjoyment of the area by others will not be unreasonably adversely affected by the project;**
- 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;**
- 7. The time of year during which construction will take place is such that work will not result in excessive siltation from storm runoff nor prolonged exposure of unstable excavated slopes;**
- 8. The proposed excavation, grading, or fill does not violate the Town's General Plan or zoning Codes; and**
- 9. Sufficient erosion control measures will be employed to offset any impact by the proposed excavation, grading, or fill.**

Upon review of the project, and as supported in the Exhibit B, Findings, of the attached Resolution, staff suggest the requisite Grading Permit findings can be achieved.

#### **CEQA Determination**

The project is categorically exempt from review under the California Environmental Quality Act since it falls under the types of projects which the California Secretary of the Resources Agency has determined do not usually have a significant effect on the environment under a Class 3 categorical exemption for “construction and location of limited numbers of new, small facilities or structures” “Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences.” (14 CCR Section 15303(e)) The proposed grading work in association with a landscape plan that would also be exempt under Class 4 of the CEQA exemptions (14 CCR § 15304(b)). No exception set forth in Section 15300.2 of the CEQA Guidelines applies to the project including, but not limited to, Subsection (a), which relates to impacts on environmental resources (area proposed for grading has no trees or creek); (b), which relates to cumulative impacts (although utilities may be working in the area, this project’s construction time will not last long); Subsection (c), which relates to unusual circumstances (grading amount not unusual); or

Subsection (f), which relates to historical resources (site is not associated with historical events or persons, not architecturally significant).

**Public Notice and Comments**

A notice was mailed to all property owners within 300 feet of the site and posted in three places. Apart from receiving the attached Neighbor Acknowledgement Forms, staff has not received comments as of the distribution of this report.

Attachments:

1. Draft Resolution
2. Project Plans
3. Geotechnical Investigation Report prepared by Salem Howes Associates, Inc. dated December 13, 2021
4. Geotechnical Investigation Report Conformance Letter prepared by Salem Howes Associates, Inc. Dated April 29, 2022
5. Neighbor Acknowledgement Forms