



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: Kathryn Phillips & Andrew McCune Residence, 49 Sunnyside Ave., Project No. PRO-2022-0018

Recommendation

The Planning Commission to approve Project No. PRO2022-0018 for a Grading Permit to allow a new foundation that involves approximately 200 cubic yards of cut, 130 cubic yards of fill, and off-haul of 70 cubic yards at 49 Sunnyside Avenue, subject to the findings and conditions in the staff report.

Property Information:

Project Address: 49 Sunnyside Avenue
Owner/Applicant: Kathryn Phillips & Andrew McCune
Assessor's Parcel No.: 007-263-24
Zoning District: R-1, Single Family Residential, Below 150 Mean Sea Level
General Plan: Single Family Residential
FIRM Flood Zone: X (area of minimal flood hazard)

Project Data:

	Existing	Proposed	Code
Zoning	R-1 Single Family, Below 150 Mean Sea Level	Same	Same
General Plan	Single Family	Same	Same
Flood Zone	X (not a flood zone)	Same	Same
Lot Size (sq. ft.)	8,346 sq. ft.	Same	7,500 sq. ft.
Lot Coverage (sq. ft.)	1,601 sq. ft.	1,460 sq. ft.	2,921 sq. ft.
Lot Coverage (%)	19.2%	17.5%	35%

	Existing	Proposed	Code
Floor Area (sq. ft.) <i>*400 sq. ft. of garage not included in FAR</i>	First Story 556.5 Second Story 1,560.9 <u>Garage</u> Total 2,117.4	First Story 966.9 Second Story 1,410.3 <u>Garage 82.9*</u> Total 2,460.1	
Adjusted Floor Area Ratio sq. ft. (%)	25.4%	29.4%	35%
Setbacks	Front: approx. 81 ft. 6 in. Rear: 22 ft. 9 in. North Side: 3 ft. 9 in. South Side: 12 ft. 9 in.	Front: 77 ft. 6 in. Rear: 39 ft. 1 in. North side: 5 ft. 1 in. South side: 11 ft. 9 in.	Front: 20 ft. Rear: 20 ft. Sides: 8 ft.
On-Site Parking	1-car garage	2-car garage	2
Stories	1	2	2
Maximum Height Above Average Existing Grade	31 feet 6.5 inches	31 feet 1 inch	30 feet

Project Description:

The applicant is requesting a Grading Permit to allow for a new foundation to an existing legal conforming single-family residence. The existing residence was originally constructed in circa 1941 and is considered to be legal nonconforming because the residence encroaches into the required side yard setback.

The applicant is proposing the following:

- A grading permit for 200 cubic yards of cut, 130 cubic yards of fill, and 70 cubic yards will be hauled off-site. The existing one-car garage, basement, and crawlspace below the main floor will be converted into a two-car garage and habitable space consisting of a bedroom, bathroom, laundry room, storage, mudroom, and project room. This will require grading and the construction of a new concrete foundation.
- Demolish a 150-square-foot laundry room at the rear of the home.
- Improvements to the front elevation with the removal of a hip roof over the front entry, new garage door, new exterior staircase to the front door, concrete exterior for the lower level, and planter boxes.
- Improvements to the rear yard with a 384 square-foot deck and low site walls. The deck is less than three feet in height and does not count towards the lot coverage.

With the new foundation, the height of the single-family will be reduced by five (5)-inches to an overall height of 31-feet 1-inch. The new foundation will move the placement of the house closer to the street by 4-feet 2-inches and will shift the house southward, increasing the north side yard setback from 3-feet 9-inches to 5-feet 1-inch. The required side yard setback is 8 feet; the existing home has a legal, non-conforming side yard setback. The shifting of the home would reduce the nonconformity and this reduction in the nonconformity does not trigger any other discretionary permits.

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 T-intersection of Sunnyside Avenue and Ross Avenue, across from Wade Thomas Elementary, and slopes gradually uphill from the street with an average slope of 16.46 percent. A map showing an aerial view of the project site outlined in red is provided in Figure 1 and in Figure 2, it shows the existing house from the street.

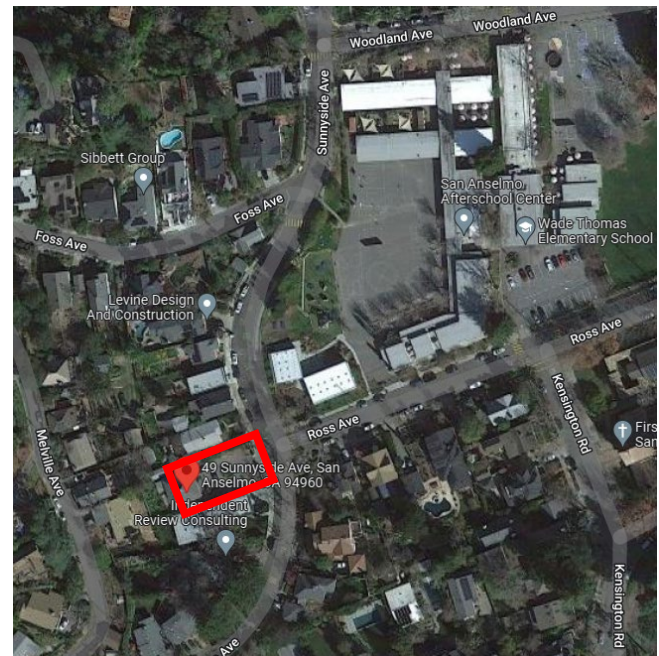


Figure 1 - Project Location



Figure 2 – Street View

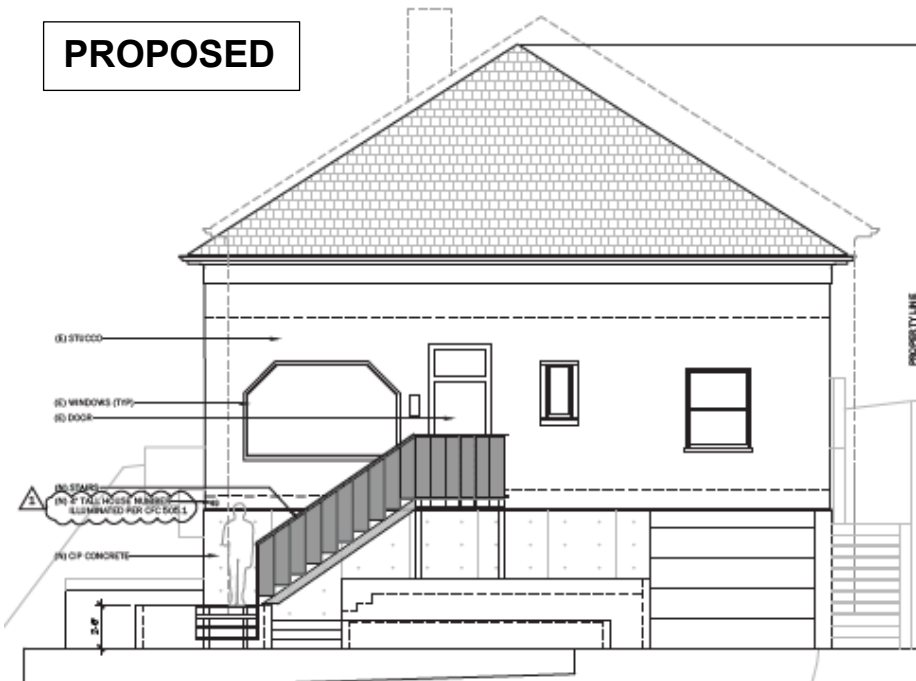
Existing and Proposed Elevations

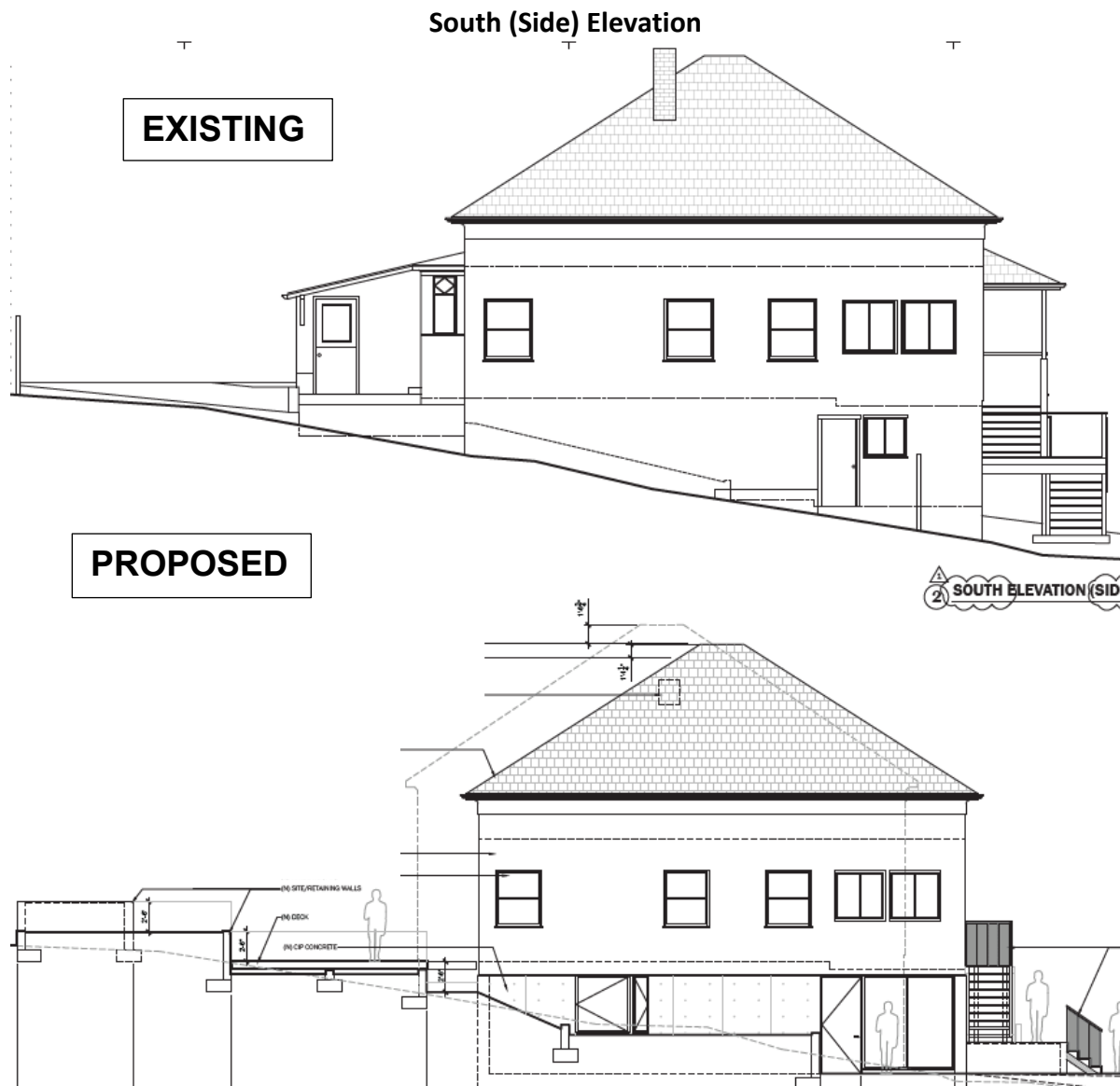
Front (East) Elevation

EXISTING



PROPOSED





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 foundation, conversion of crawl space into habitable space, and improvements to an existing single-family and does not change the use, therefore, it is consistent with the General Plan.

The proposed project would be consistent with the goal and applicable policies identified below:

- Land Use Goal 1: The small town character, scale, and pace of life in San Anselmo shall be preserved, as shall the Town's close connection with the natural beauty of its setting.
- Policy 11.1: New development, including rehabilitation and expansion projects, shall be of a scale, intensity, and design that integrates with the existing character of the surrounding neighborhood.

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. This project proposes a new foundation, conversion of crawl space into habitable space, and improvements to the existing single-family home and does not propose any additional units. The size and design of the residence will be in keeping with other structures in the neighborhood, maintains the side setbacks of the existing structure, and meets the development standards of 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.”¹ Hillside instability would be a health and safety issue.

The applicant has provided a preliminary Geotechnical Report that found the project site to contain relatively weak and compressible fills and native soils which are subject to differential settlement due to foundation loading. If the report recommendations are followed, grading and wall construction will be stable and that the risk of future instability is within the range generally accepted for construction on hillsides in the Marin County area.

As previously summarized in the Project Description, a Grading Permit is required for the proposed new foundation and conversion of crawl space into habitable space. 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 Design Review are found in the resolution.

- 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;***

¹ [San Anselmo Municipal Code Section 9-18.08](#)

- 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 proposed project involves a new foundation, conversion of crawl space into habitable space, and improvements to an existing single-family home. 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 1 categorical exemption for “existing facilities.” (14 CCR Section 15301(d) and (e)) The proposed grading work is within the existing footprint of the existing building. 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 Herzog Geotechnical Consulting Engineers, dated July 11, 2022
4. Neighbor Acknowledgement Forms