

**TOWN OF SAN ANSELMO
RESOLUTION NO. 9601**

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF SAN ANSELMO APPROVING A PRECISE DEVELOPMENT PLAN, DESIGN REVIEW, AND VARIANCES TO CONSTRUCT A NEW HOME AND THREE WATER TANKS ON PROPERTY LOCATED AT 80 SOUTH OAK AVENUE (A/P 7-421-50) AND ZONED R-1-H

WHEREAS, applications for a Precise Development Plan, Design Review and Variance were filed on April 9, 1996, to construct a 3,982 square foot house (including the garage) on a 1.165 acre site at 80 South Oak Avenue; and

WHEREAS, approval of a larger house on this same site had been in 1988 to Robert Yeakey, but was never built; and

WHEREAS, since the approval of the house in 1988, changes to hillside development policies have been made to the General Plan and Zoning Ordinance, including the maximum dwelling unit size limit and Bald Hill Area Plan; and

WHEREAS, the Planning Commission met on June 17, 1996, July 1, 1996, and August 5, 1996, and August 19, 1996, to consider the above referenced request, and took into consideration comments from staff, the applicants, and the public; and

WHEREAS, the Planning Commission hereby approves the above referenced project subject to the following conditions. These conditions include relevant conditions from the 1988 Robert Yeakey approval:

For the purposes of these conditions, "Owners" shall mean the property owners, the contractors, the subcontractors, design and inspection professionals and the utility companies (to the extent the applicant has control over the utilities) associated with the construction at this location.

General

1. The owners shall construct a dwelling in accordance with site and elevation plans date stamped received by the Town of San Anselmo on July 19, 1996, except as noted in the conditions below and with the following change:

- a) The patio area shall not extend below the 80' elevation line; and
- b) In order to compensate for the lose of patio space, the patio may be extended to within 3'6" of the side property line subject to a side yard variance.

Such revisions should be reflected on plans submitted for building permits. A surveyor shall check the location of the house with regard to the existing Oak tree to guard against errors in foundation placement that may result in the loss of the tree.

Water Supply and Fire Protection

2. All conditions contained in Resolution No. 3223, a resolution of the Town Council of the Town of San Anselmo, are applicable to the subject project.
3. The exterior of all major structures, including walls and roofs, shall be made of fire retardant material, approved by the Public Works Director.
4. Prior to issuing any permit associated with clearing, grading or construction on this property, the applicant shall provide to the Town a plan to provide interim fire protection for the property using water available on this site. This plan shall be developed by and certified by a licensed fire prevention expert. This plan shall be subject to the approval of the Ross Valley Fire Service and Town of San Anselmo Public Works Department.
5. Prior to issuance of the certificate of occupancy, all major structures associated with the property shall be serviced by an approved, fully functional Fire Extinguishing System (residential type) capable of suppressing structural fires as required by the Fire Chief of the Ross Valley Fire Service.

Drainage

6. The owner shall place, on those portions of South Oak Avenue which are to be repaved as part of this project, an asphalt concrete leveling course which corrects the cross slope of the road, so that runoff drains toward the uphill side of the road. (Note: Drainage over the downhill side of the road can lead to destabilization of the roadway.)
7. The owner, or their representative, shall submit an analysis of the feasibility of using above ground dispersal structures to restore sheet drainage from the building site versus the v-ditches shown on the submitted drainage plan.
8. The owner shall replace or slipline the 15" pipe fronting the adjacent property with a plastic liner to extend the life of the structure.
9. The owner shall extend the asphalt paving to beyond the inlet of the 15" pipe, in Condition No. 8, crossing the next downstream driveway, continue the positive grade toward the uphill side stated in Condition No. 6. This is to provide an additional back up containment in case the inlet is clogged.
10. The owner shall install a catch basin at the inlet of the pipe.
11. The owner shall seal the cracks of the rip rap outfall on the Treewater property at 1000 South Oak Avenue.
12. The owner shall extend the rip rap further downslope.
13. The owner shall obtain permission from Ms. Treewater (A/P 7-241-51) for sending increased runoff through her drainage system, and for the rip rap improvements.

On Site Stability

14. Construction design, methods and procedures employed for construction at this site shall conform precisely to those designs, methods and procedures described in all the existing and future geotechnical investigations, including peer review comments, for the proposed residence at 80 South Oak Avenue, on file in the office of the San Anselmo Department of Public Works, including those items described as construction observation procedures performed by the geotechnical engineer. In the case of conflicts between requirements, the more restrictive requirement shall apply.

15. Prior to the issuance of any building permit for this development, the geotechnical engineer shall do all the following:

- A. Provide a report stating the requirements for proper design of the structures associated with this development including a description of the controls and construction procedures required for proper construction.
- B. Provide an erosion protection plan including short and long term plans for those areas disturbed by development activities. This geotechnical information shall be subject to the review and approval of the Town Public Works Department.
- C. Sign the final plans, certifying the design is safe and consistent with all of the geotechnical engineer's requirements for development of the site.
- D. The owner's geotechnical engineer shall inspect all grading and excavation while in progress and shall provide certification to the Town that this work was accomplished in a safe manner according to ABAG (Association of Bay Area Governments) standards.

16. The owners shall record in the Marin County Records Office a statement, approved by the Town Attorney, acknowledging that there shall be no further development of the property beyond that authorized by the approval of applications PDP-9603, DR-9610, and V-9618 on August 19, 1996, without first receiving approval from the Town of San Anselmo.

17. Upon completion of construction associated with foundations and retaining walls, and prior to proceeding with any framing the owner shall submit to the Town of San Anselmo, written certification by the geotechnical engineer, that all foundation and retaining wall work has been performed in the manner specified by the geotechnical engineer and to the geotechnical engineer's satisfaction. No work shall proceed on the framing of structures until this certification is approved by the Town of San Anselmo Department of Public Works.

18. No existing plant life shall be disturbed by construction operations or subsequent development of the land, beyond that shown on the proposed landscape plan date stamped received by the Town of San Anselmo on July 19, 1996, except as modified by this approval, without first receiving approval from the Town's Planning Commission.

19. Construction Guidelines, prepared by James Lascot, certified arborist, shall be followed prior to, during, and following construction. Said Guidelines are contained in the arborist report for 80 South Oak dated July 12, 1996 and the following:

a) When encountering a root over two inches in diameter within the dripline, the soil shall be removed by hand thus taking care not to harm the root. In addition, a Certified Arborist shall inspect all trenching within root zone areas and exposed roots in order to evaluate the damage to subject tree.

b) When raising the soil grade more than three inches, two to four inches of gravel shall be applied at original grade and perforated PVC pipe with ventilation caps shall be installed at new soil grade.

20. Upon completion of the dwelling and upon completion of the associated site development, and prior to issuance of the certificate of occupancy, the owner shall submit for approval by Town staff, written certification by the geotechnical engineer, that all aspects of development, including the drainage installation have been completed to the geotechnical engineers satisfaction.

Construction Management Plan

21. Prior to issuance of a building permit the applicant shall submit a Construction Management Plan for review by the Public Works Director. The details of these items are addressed in:

- Access Road Stability and Pavement conditions (below); Emergency Access conditions (below); and
- Exhibit A of the Bald Hill Plan - Construction Management Plan (attached).

The Public Works Director shall resolve any potential internal conflicts, if necessary, among these plans and conditions.

Access Road Stability and Pavement

Goal: To maintain the roadways leading to the site during and at the completion of construction in as good or better condition as the roadway exists now, prior to construction.

22. The owner shall, prior to the start of construction repair all existing potholes, marked by the Town Public Works Department, in those portions of South Oak Avenue to be used by the construction equipment.

23. Prior to issuance of the building permit, the owners shall deliver to the Town Works Department a clear, location identifiable, video tape of all the pavement on South Oak Avenue and Oak Avenue from Gerlack, or from a point to be determined by the Public Works Director. This videotape will be placed in the Town records and will be used to determine the validity of damage claims.

24. Prior to issuance of any building permits and in order to ensure the integrity of roadways along Oak Avenue and for the full length of South Oak Avenue, and to ensure a rapid response to a call for repair of damage to the road ultimately and its repaving as provided in Condition No. 31, the owner shall deposit with the Town \$10,000 in cash

which may be used by the Town to repair or repave the roadway upon failure of the applicant to repair roadway related damage or repave the road within ten days of receiving notice to do so at the owner's home at 68 Blossom, San Rafael, CA 94901. Should this initial \$10,000 cash deposit be used in its entirety by the Town, the owners shall deposit within two weeks of written demand, an additional \$10,000 in cash with the Town to be used by the Town in the same manner as described above for the initial \$10,000 cash deposit. Further, the applicant agrees to repair all damages to the road caused by construction operations associated with these improvements which are in excess of that covered by the \$20,000 in cash deposits described herein. All cash deposits will be placed in interest bearing accounts and the remaining balance including any accumulated interest will be returned to the owner upon completion of all work associated with the owner upon completion of all work associated with this development. A failure to comply with any of the terms of this condition shall be grounds for issuing a "Stop Work Order" or withholding the issuance of Certification of Occupancy for the residence.

25. The owner shall strictly follow all recommendations of the various geotechnical reports involving protection of the access roadways. If this requirement results in any conflicts with other mitigation conditions found in these conditions, the most restrictive conditions shall govern.

26. The owners at all times when development activities are occurring at this site, shall maintain Oak Avenue, from the end of the Town maintained portion up to and through the intersection of Oak Avenue and South Oak Avenue, including all drainage ways associated with these roadways and other areas related to these roadways in as good or better condition as they existed at the time immediately prior to commencement of construction activity. Minor damaged areas are to be excluded. Further, any actions or continuation of actions by the owners, which cause the degradation of the above facilities are to be considered sufficient grounds for stopping the entire project immediately. This project shall remain stopped until repairs to the facilities are made and the method of operation which is causing the degradation is corrected. Questions arising regarding interpretations of this condition shall be resolved by decision of the Director of Public Works. The Director's decision(s) shall be final subject to appeal to the Town Council.

27. Grading shall not be allowed between October 15 and April 15 unless approved by the Public Works Director. Approval requires submittal of a winterization plan which is subject to Public Works Director approval and may require a bond or other guarantee. Failure to conform to approved plans may result in penalties.

28. Hours of construction should be limited to the time period from 8:00 a.m. to 4:30 p.m. weekdays only and no construction on the weekends and holidays, and heavy construction truck trips shall be restricted to non-peak period (10:00 a.m. to 3:00 p.m.). The Public Works Director can authorize construction beyond these hours and days upon written request, including interior work and other work tasks he deems appropriate. Any exceptions granted by the Public Works Director regarding heavy construction truck trips will require notification of residents at 24 hours in advance. Such notification shall be the responsibility of the owners. Furthermore, all construction equipment shall be adequately muffled and maintained.

29. All equipment used to develop this property shall be trailered to the site on pneumatic tired carriers, i.e., no tracked equipment shall be permitted on roadways servicing the site.

30. Once the driveway to the dwelling site is graded, all equipment and all material associated with construction, including, but not limited to grading equipment, concrete trucks, supply trucks and miscellaneous vehicles and supplies associated with construction will be off loaded, loaded, operated and stored off the traveled roadway, in the driveway area. Further, use of all roadways leading to the site including the roadway passing through the owner's property will be limited to the coming and going of these vehicles and not the storing, loading or off loading of said equipment and materials.

31. Prior to the issuance of the certification of occupancy, the owner shall repave the following portion of the existing roadway leading to the site:

South Oak Avenue from the north end of A/P 7-241-47 to the south end of the owner's property (A/P 7-241-50), a distance of approximately 700 feet.

The repaving shall consist of placement of an asphalt concrete leveling course to make the cross slope such that the road surface drains towards the uphill side of the road, followed by 1 1/2" asphalt concrete finish course. The asphalt concrete finish course shall be a minimum of 15 feet wide. The owner shall revise plans, prior to submitting for Plan Check, by submitting average typical sections to show how this 15' widening will be achieved. This approach is recommended by the Public Works Director with the understanding that work can be done without retaining walls and without substantial grading. Timing for construction of the roadway improvement may be adjusted by the Public Works Director based on the timing of development for other vacant property along South Oak Avenue.

If substantial grading or retaining walls are required, plans shall be made available to the Planning Commission and the neighbors at 60, 951, and 1000 South Oak Avenue, for information purposes. If the Commission believes public discussion is needed on the matter, it should direct staff to schedule the item for a public hearing. However, it is not intended that this matter interfere with progress on the house development. The owners shall contribute \$940 toward the long-term roadway improvements to Oak Avenue. This represents their fair share of the total estimated costs of engineering and constructing improvements as part of an Oak Avenue Improvement Plan and funding program to be formulated by the Town pursuant to public hearing(s). The public process shall determine the final list of improvements and applicable standards.

33. Prior to issuance of a Certificate of Occupancy, the owners shall remit an amount for reimbursement for studies paid for by owners of the Oak Avenue Development Agreement project which directly benefit the subject property. Said amount shall be set by the Town Council, but shall not exceed \$2,384.37.

Utilities

34. Gas and electricity shall be provided by Pacific Gas and Electric Co.

35. Sanitary Sewage Disposal: The owner shall dispose of sanitary sewage in the public sewage system. No disposal of sewage in an on-site system shall be permitted, due to the potential for on-site disposal to destabilize the land. Routing of the sewer shall be cross-country unless determined by the Sanitary District to be infeasible. If a cross-country sewer route is determined to be feasible, , an initial study should be prepared, and

the Precise Development Plan amended, by the Planning Commission, prior to issuance of building permits.

Building Envelope

36. The Building Envelope is that area within which a house, accessory structures, and private yard may be located. The building area for this property shall be generally that area shown on Exhibit B and reflected on the landscape plan. Thus the landscape plan shall be revised prior to the issuance of Building Permits to indicate the Building Envelope showing new plant material and existing trees to remain. Outside the Building Envelope, removal of non-heritage trees, or trees and plants required for screening, may occur only for reason of disease, and the need to maintain fire or human safety. Native plants should be retained unless inconsistent with fire safety. Pruning must be done in such a way as to not endanger or shorten the life of any tree. (Note: Removal of a heritage tree requires a permit).

Visual Impact

37. Texture: The exterior of the building is to of stucco, with wood trim around windows as shown on the elevations. The roof is to be composition shingle. All guardrails and handrails shall be of open rail construction rather than a solid stucco wall to minimize the visual impact.

38. Color:

The concrete and water tank color (gray) shown on the Color Board date stamped Received by the Town of San Anselmo August 15, 1996, is hereby approved. The other colors are to be decided at a noticed public hearing following the placement of 4' x 8' color panels on site which reflect the retaining wall, building stucco, and trim and window colors. The panels shall be visible from distant views. The Planning Commission intends to resolve the color issue within two weeks of the color panel installation. It is intended that the house colors will be decided after the foundation is poured and water tanks are installed.

House material: stucco

Retaining walls: stucco

Retaining walls: poured concrete The color shall reduce reflectivity.

Wood siding: Resawn cedar Window color: Metal flashing: paint a dark color

Water tanks: paint a color similar to the poured concrete retaining walls.

Roof: composition shingle; dark gray

All colors shall be stipulated on plans submitted for building permits.

Precise height of water tanks and length of eaves shall be stipulated on plans submitted for building permits. Eave depth shall be 2' except in area near existing Oak tree.

39. Retaining walls: Visible retaining walls shall be covered by landscape screening at the bottom and/or landscape draping at the top.

40. Landscaping: Landscaping and the associated irrigation system, shall be installed and maintained as shown on the plans date stamp received by the Town of San Anselmo on July 19, 1996 (including Landscape and Irrigation instructions by Henning Associates dated July 18, 1996). In addition, said plans shall be revised, prior to building permit submittal, to show the following:

- a) Four (4), 5 gallon Oak trees in the area between the driveway and South Oak Avenue, unless otherwise determined by the Town Arborist;
- b) One (1), 15 gallon tree in the area marked as Phase II near the house entrance. It is intended that the tree selected for this area provide screening and be approved by the Planning Director; and
- c) Vines for retaining wall screening shall be planted at 4' intervals.

No Certificate of Occupancy shall be issued until all required landscaping and the associated irrigation system is installed and completely functional. A deed restriction shall be recorded stating that existing trees and new trees planted per the landscape plan shall be maintained in perpetuity.

41. If ultimate removal of any of the existing Oak trees is required during construction, the issue shall return to the Planning Commission for possible modification of the house or approval to remove the tree.

42. Lighting: Lighting design and installation shall be as shown on plans date stamp received by the Town of San Anselmo on July 19, 1996. Exterior lighting shall be designed to eliminate off-site spread of light through the use of hooded, low-level, low wattage light fixtures which cast light in a downward direction. Such lighting should be permitted for safety and security purposes only and must be unobtrusive and maintain privacy. A light fixture such as the "Shield Wall Bracket" shall not be used. Lighting the interior of the house shall also be low profile in order that the house does not "glow" on the hillside. Exterior light fixtures and interior lighting shall be reviewed by staff prior to issuance of Building permits and a Certificate of Occupancy.

43. All cuts and fills shall be rounded and contoured to blend with the existing topography.

Emergency Access

44. South Oak Avenue is a particularly narrow street with only one means of access. closure of this road is not only an inconvenience to those persons trapped by the closure, but is potentially hazardous to their health, safety and property. The owners shall, therefore, conduct operations according to the following conditions for the duration of the project:

- A. Unnecessary closures of the road shall not be permitted.
- B. The street must remain open to emergency vehicles at all times.
- C. Work associated with construction of the residence which will result in closure of the road of any duration shall be limited to weekdays (i.e., Monday through Friday), and non-holidays, between the hours of 8:00 a.m. and 4:30 p.m.
- D. South Oak Avenue must remain open and fully passable to traffic at all times outside the work hours.

E. When it becomes necessary to close the road in order to perform construction operations, including utility operations, for a period longer than 45 minute, the owners shall:

- I. Notice each property affected by the road closure and the Town's Police, Fire and Public Works Department, of the intended road closure, 48 hours prior to the closure. Said notification shall include the start and stop hours of each time the road is proposed to be closed.
- II. Provide for the full duration of the closure, a vehicle and driver at the intersection of Oak Avenue and South Oak Avenue to transport residents between their parked cars and their residence.
- III. Provide a sign that shall be posted at the corner of Oak and South Oak Avenue to state dates and times of closure. This notice is to be posted a minimum of 48 hours in advance of the closure.

F. During the course of construction activities other than described in Condition No. 44E, the owner shall not park or place any construction related vehicles, equipment or material on the South Oak Avenue pre-project pavement for a period longer than 45 minutes (i.e., minor closure). There shall be at least 30 minutes between minor closures of any duration. There shall be no more than a total of two hours of closures on any given day.

G. Construction of the access driveway, to a point where it will allow for the off street operation and storage of vehicles shall be the first item of work. Construction vehicles shall not encroach upon the private driveways of neighboring developed properties without written permission.

H. The road shall not be closed for more than a cumulative maximum of five days for all construction efforts related to this development unless an increase is approved by the Town Department of Public Works.

45. That is this development which has received conditional discretionary approval and has not begun within one year from the date of final action, the permit shall become 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 request in writing to the Director showing good cause prior to the expiration of the discretionary action.

Failure to adhere to the conditions of this permit are deemed a threat to the health and safety of the community. Therefore, should the owners fail to adhere to these conditions, the project shall be subject to a "Stop work Order." Upon issuance of a "Stop Work Order" all work shall cease immediately and shall not resume in any fashion until the act or omission causing the issuance of the Order is corrected to the satisfaction of the Town Department of Public Works.

The Town reserves the right to monitor and review the effectiveness of the above conditions as related to safety, as contraction progresses and to make modifications only as necessary to protect the public health, safety or welfare in the prosecution of the development and construction approved by applications PDP-9603, DR-9618, V-9618.

It is understood that additional conditions may be placed on this development as a result of building permit code review.

NOW, THEREFORE, the Planning Commission of the Town of San Anselmo DOES HEREBY FIND as follows:

Section 1. Findings required for approval of a Precise Development Plan application pursuant to Section 10-3.1101, a Design Review application pursuant to Section 10-3.1501, and Variances pursuant to Section 10-3.1401 of the San Anselmo Municipal Code are as follows:

Precise Development Plan

- (a) *That the Precise Development Plan protects and preserves the natural and existing land forms and vegetation of the hillside and ridges, water courses, and any unique habitats located on the property.*

As conditioned, this project preserves the natural and existing land forms and vegetation by preserving the remaining existing mature trees and following the contours of the land to the greatest extent possible.

- (b) *That the precise grading plan is designed to retain the natural and existing features of the land, that cuts and fills are minimized, and that all graded areas are rounded and contoured to blend with the existing topography.*

Except for the area of the house and drive, and the area immediately surrounding the house, the hillside is to be retained in its natural condition. Graded areas are shown as being contoured to blend with the existing topography. Cut and fill is part of this project in order to reduce the height of the house and bury it into the hillside. The driveway follows the only logical contour in order to minimize grading.

- (c) *That both on-site and off-site roadways are structurally suitable and adequate to carry projected traffic, and that the proposed development will not generate traffic which cannot be adequately accommodated by the roadway network outside the project area;*

As part of this project, a portion of South Oak Avenue will be repaved and widened to enhance a safer traffic and circulation condition in this area. In addition, the applicant, like other developers of vacant land, will contribute to a fund for improving a section of Oak Avenue below South Oak Avenue to be widened thereby improving conditions for emergency vehicles, as well as general circulation improvements.

- (d) *That the intensity of development will not have the potential to make a residential street traffic dominated.*

This property is to be developed with a single family home which is in conformance with the General Plan and Zoning Ordinance. It is served by residential street and, subject to conditions, will not make a residential street traffic dominated.

- (e) *That building site locations and the access to said building sites are selected to minimize visibility of the development from the remainder of the community, and are geologically stable.*

This site is highly visible to the remainder of the community. The project has been redesigned and conditioned to minimize its visibility as much as possible given its prominence on the hillside. A soils report has been prepared and peer reviewed, which finds that development of this site is feasible provided the recommendations of the reports are followed.

- (f) *That development is located so as to be screened by portions of the site where existing topography provides screening or by existing woodlands. Development within existing woodlands may be allowed if tree removal is minimal.*

This site is not well screened. However, the existing trees across South Oak Avenue and those located around the house, will be retained to provide a modest level of screening.

- (g) *That landscaping is provided to screen, maintain or improve the overall visual quality of the project as it relates to the community, that said landscaping stabilizes erodible soil; and that said landscaping camouflages the visually harsh aspects of improvements such as cuts, fills, and retaining walls. That the type and character of plant materials employed in said landscaping are reasonably related to plants in the surrounding areas. That said landscape plans demonstrate a recognizable pattern or theme for the overall development by choice and location of plant varieties.*

A landscape plan has been prepared which concentrates on plant material for soil erosion and fire resistant purposes. A total of 13 additional Oaks will be planted around the perimeter of the site to eventually assist in providing some screening. Groundcover is proposed to both camouflage cut and fills areas, as well as help stabilize the soil. Vines are planned to camouflage retaining walls.

- (h) *That pedestrian easements are provided where pedestrian facilities are not contained within streets. That continued use of established local trails and trails associated with the accepted Countywide Trails Plan is preserved.*

No existing or proposed trails pass through this property. However, South Oak Avenue runs through the subject property and serves as a road for vehicular and pedestrian traffic.

- (i) *That where developable land exists beyond the development being considered, that road easements and dedications are provided to the appropriate bodies. That such easements are to the same standards as other public roads within the development.*

South Oak Avenue passes through this property and beyond, and is shown on maps as an easement for roadway access and utility purposes. Beyond the subject property are two existing homes which gain access from this roadway and three other vacant properties. This development will not interfere with development of the remaining properties.

- (j) ***That where developments include dedication of public open space, or that where developments abut existing public open space, that access to said public open space is provided for the public, including public emergency, and public open space management vehicles and equipment.***

This property is not designated in the Open Space-Conservation Element as potential land for public open space; neither are the adjoining parcels of land. Therefore, this finding is not directly relevant to this property.

- (k) ***That construction, if any, within the ridge zone meets the following findings:***
(1) ***That construction within the ridge zone is permitted only when the applicant has demonstrated to the satisfaction of the Planning Director and the Planning Commission that construction outside of the ridge zone would be detrimental with respect to soil and geologic conditions, vegetation removal, drainage and such other factors as are determined to be pertinent; and***
(2) ***That construction allowed within the ridge zone, under this Article, is kept to a low visual profile, the acceptance of which shall be determined in the Design Review process.***

This property is well below the ride zone. Therefore, this finding does not directly apply.

- (l) ***That the Precise Development Plan does not adversely affect the health or safety of persons in or adjacent to the area or endanger property located in the surrounding area.***

As conditioned, this project will not adversely affect the health or safety of persons in the surrounding area. The project calls for improvements to the roadway system, public sewer, and drainage systems.

- (m) ***That the Precise Development Plan is in conformance with the San Anselmo General Plan, with specific reference to the applicable sections of the General Plan.***

A single family home on this site is in conformance with the General Plan which allows for a maximum of one home on this parcel. General Plan policies relevant to this property include:

Policies 3.1 and 9.1 in terms of land use density.

Policies 1.2, 3.2, 12.2 and 13.2 relative to public water or use of water wells.

Policies 9.5, 9.6, and 10.4 relative to the Land Use Element

Policies 10.1, 10.2, and 10.3 relative to the Circulation Element

Policies 2.1, 9.2, 9.3, 9.4, 9.7, 9.8, 10.3, 10.5 11.1 and 11.2 relative to protection of visible hillsides.

Policies 13.1, 14.1, 14.2 and 14.3 relative to fire safety.

Policies 1.2, 3.1, 3.2, 3.3, 10.4, 10.5, 10.6, 11.1 and 11.2 relative to traffic and circulation.

- (n) ***That each individual phase of development, as well as the total development, can exist as an independent unit.***

This project will be constructed in one phase.

Design Review

1. ***Is functionally and aesthetically compatible with the existing improvements and the natural elements in the surrounding area.***

The architectural design, while somewhat contemporary for this area, is not inconsistent with the architectural style of this neighborhood. Wall surfaces are stepped back to create shadows and colors are intended to blend with the natural surroundings.

2. ***Provides for protection against noise, odors, and other factors which may make the environment less desirable.***

The property will be developed with a single family home. During the construction phase, the neighborhood will experience an increase in noise. However, this condition will be short term.

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

Development of this property should not cause the surrounding area to depreciate in value. The structure's appearance from South Oak Avenue will likely be imposing due to the steep slope and proximity to the roadway. However, there do not appear to be alternative locations on this site for construction. Efforts are being made through the screening of retaining walls and open railings to minimize the appearance and thereby not cause a depreciation of value.

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 be developed with a single family home which generates approximately 10 trips per day. Given the upgrade to the roadway, this project will not create unnecessary traffic hazards. During construction, additional traffic loads will occur. Therefore, conditions have been imposed in an attempt to minimize these impacts.

5. ***Will not adversely affect the health or safety of persons using the improvement or endanger property located in the surrounding area.***

This project will not adversely affect the health or safety of persons using the improvement or endanger property in the surrounding area. Attempts have been made to create a fire safe development through the use of stucco, fire safe rated roof, installing fire sprinklers, and installing fire resistant plant material.

Variance (Rear Yard Setback for Water Tanks within 2' of rear property line)

- a) ***Due to special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the controlling zoning ordinance or regulation deprives the property of privileges enjoyed by other property in the vicinity and under an identical zoning classification, and***

the granting of the variance will no constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated; and

This property is steeply sloped uphill. Placement of the water is proposed behind the house very near the rear property line. By locating the tanks behind the house, the tanks will be hidden from downslope views by the roof line. The lot is also long and somewhat narrow. Therefore, its shape creates a certain constraint in meeting the rear yard 20' setback requirement in that they are to be located behind the house. Therefore, for reasons of lot shape and topography, staff is able to support this Variance.

- b) ***The granting of the variance, under the circumstances of the particular case, 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.***

This project, as conditioned, will not materially affect adversely the health or safety of persons in the neighborhood. Placement of the water tanks, at the rear of the lot, behind the house, will eliminate a potential visual impact on the neighborhood. The property is located adjacent to a 3.5 acre undeveloped property owned by the San Francisco Theological Seminary. Mature trees are located uphill of the tank site that would help screen any view of the tanks from future development on the Seminary property.

Variance (South Side Yard Setback for Patio Wall within 3'6" of property line)

- a) ***Due to special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the controlling zoning ordinance or regulation deprives the property of privileges enjoyed by other property in the vicinity and under an identical zoning classification, and the granting of the variance will no constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated; and***

That due to the steep conditions of the property, the limited developable areas on the site, and the existence of a 16" oak, staff is able to support encroachment of the patio wall within the side yard. More specifically, if the patio area is pulled back away from the root zone of the oak tree, it is felt that expanding the patio toward the south property line will not be detrimental because of the trade off in helping preserve the tree and providing some outdoor living space for property which is very steep.

- b) ***The granting of the variance, under the circumstances of the particular case, 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.***

This side of the property abuts a vacant lot. The building pad of such lot is not near the south property line of this property and therefore will not have a

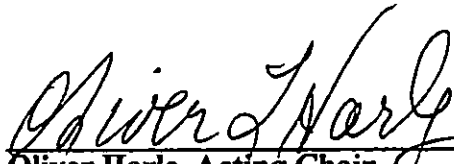
detrimental impact to that property. The extension of the patio area, unlike a solid structure, will not be detrimental to the neighborhood in that the large oak tree will have a better chance of survival. Its removal would be more detrimental than the presence of the patio area.

PASSED AND ADOPTED by the San Anselmo Planning Commission at a regular scheduled meeting on August 19, 1996, by the following roll call vote:

AYES: Harle, Duys, Wittenkeller, Cronk

NOES: None.

ABSENT: Israel, Sargent, Mihaly


Oliver Harle, Acting Chair

ATTEST:


Debbie Stutsman, Town Clerk

EXHIBIT A

Construction Management Standards

A construction management plan, prepared by the applicant's contractor, may be required prior to the any grading or building. Such plan would be applicable to both infrastructure work and new home construction and should address the following:

1. Dust Control: In order to reduce dust generation, the applicant's contractor and landscaper should agree to implement the following measures and incorporate them into the construction management plan:

- a) Suspend earth moving or other dust producing activities during periods of high winds when dust control is not effective.
- b) Provide equipment and personnel for watering for all exposed or disturbed soil surfaces as needed. An appropriate dust palliative or suppressant, added to water before application, should be utilized.
- c) Water or cover stockpiles of debris, soil, sand or other materials that can be blown by the wind.
- d) Sweep construction area and adjacent streets of all mud and debris since this material can be pulverized and later resuspended by vehicles traffic.
- e) Water, seed, cover or apply dust suppressants to completed cuts or graded areas as soon as grading activities are ceased.

2. Refueling of Equipment: Refueling and maintenance of vehicles or equipment within 100 feet of all drainage courses shall be prohibited. All equipment used in or near drainages shall be clean of grease and free of fuel or hydraulic leaks. Emergency provisions shall be in place at all drainage crossings prior to the onset of construction in the event of unintentional spills.

3. Tree Protection Plan: Damage to existing trees identified to be preserved should be minimized to the greatest extent possible during construction of the infrastructure and homes.

A tree protection plan, prepared by a certified Arborist and approved by the Town, should be submitted prior to the issuance of any grading or building permits for the infrastructure or a house. The plan shall be subject to the review and approval of the Planning Director.

The tree protection plan shall address the following:

- a) The trees in a building envelope, or adjacent to proposed driveways or roadways, should be evaluated and characterized by their health and susceptibility to damage by construction equipment.
- b) The Arborist should note those trees which will be preserved and recommend methods to protect them during construction such as fencing and allowing no

development activities within the fenced off areas. All construction activities will then be confined to that area.

- c) Tree protection measures should be in place prior to any construction.
- d) The addition or diversion of surface and subsurface water during and following construction should be considered.

4. **Construction/Traffic/Road Maintenance:** In order to reduce potential traffic delays for local motorists, reduce fire hazards, and reduce noise impacts during construction, the following should be addressed:

- a) Construction delivery routes approved by the Department of Public Works.
 - Construction schedule (deliveries, worker hours, etc.).
 - Notification to area residents.
 - Emergency access routes.
 - Procedures and prohibitions during high fire hazard days in accordance with fire safety standards per the Ross Valley Fire Service, including no construction activity during "red flag days" which would impair fire truck access and residents' ability of egress/evacuation.
 - Designation of an individual responsible for implementing the plan.
- b) The applicant should prepare a temporary roadway improvement plan, which also addresses maintenance, for review and approval by the Town Engineer.
- c) The applicant should prepare, and file with the Public Works Director, a video tape of the roadway conditions (including shoulders) of roads which will be used by construction vehicles or equipment prior to project construction.
- d) The applicant should post a road improvement bond, for an amount determined by the Public Works Director, or provide other assurances to the Town that damage to such roads resulting from construction vehicle access will be repaired upon completion of construction.
- e) Hours of construction should be limited to the time period from 8:00 a.m. to 4:30 p.m. weekdays only and no construction on the weekends and holidays, and heavy construction truck trips shall be restricted to non-peak period (10:00 a.m. to 3:00 p.m.). The Public Works Director can authorize construction beyond these hours and days upon written request, including interior work and other work tasks he deems appropriate. Any exceptions granted by the Public Works Director regarding heavy construction truck trips will require notification of residents at least 24 hours in advance. Such notification shall be the responsibility of the applicants. Furthermore, all construction equipment shall be adequately muffled and maintained.

5. Erosion control plan consistent with the San Anselmo Municipal Code.

6. During construction, contractor or applicant may be held financially responsible for any damage to preserved trees and may be required to post a bond to be held by the Town to ensure that damages are recovered. If damage occurs, the Town's arborist will estimate the value of damage and that amount will be used for tree replacement or environmental enhancement of this project. In addition, destroyed or damaged trees should be replaced on-site.

