

**TOWN OF SAN ANSELMO
PLANNING COMMISSION RESOLUTION NO. 0202**

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF SAN ANSELMO APPROVING THE PRECISE DEVELOPMENT PLAN AND DESIGN REVIEW OF A SINGLE FAMILY DWELLING ON A PORTION OF OLD A/P NOS. 7-241-73, 7-241-74 and 7-241-76 (ACROSS FROM 80 SOUTH OAK AVENUE), TO BE KNOWN AS 49 SOUTH OAK AVENUE

WHEREAS, an application was filed with the Town of San Anselmo on June 14, 2000, requesting precise development plan and design review; and

WHEREAS, the Planning Commission held public hearings on June 3, 2002, and July 15, 2002, and considered the precise development plan and design review. Comments were received from staff and the audience; and

WHEREAS, the Planning Commission approved the precise development plan and design review on July 15, 2002, on the grounds that the required findings of approval could be made, and approved this Resolution of Approval.

Conditions of Approval:

Plans:

1. Approval is based on the precise development plan, site plan, elevations, and Egger landscape plans date stamped received on July 11, 2002, and the Pedersen landscape plans date stamped received on July 15, 2002;
2. Prior to building permit issuance, the applicant shall record the lot line adjustment approved in 2001.

Soils and Drainage:

3. The applicant must adhere to all recommendations established in the Geotechnical Report prepared by Salem Howes, peer reviewed by Herzog Geotechnical on October 19, 2001, and accepted by the Town Engineer.
4. The applicant must adhere to all recommendations established in a Drainage Report prepared by a civil engineer, which will be subject to the Town Engineer's approval prior to building permit issuance.

Road:

5. Prior to building permit issuance, the applicant shall prepare and file with the Public Works Director, a construction management plan, which includes a videotape of the roadway conditions on South Oak Avenue prior to construction. The applicant shall

also post a road improvement bond or provide other assurance to the Town that damage to South Oak Avenue or other public street resulting from construction vehicles will be corrected. The plan should include: 1) constructing the driveway and garage first in order to provide parking for construction vehicles; 2) all construction equipment shall be adequately muffled and maintained; 3) hours of construction; and 4) construction debris fence, etc.

Trees:

6. Prior to building and grading permit issuance, those trees identified to be removed on the landscape plan shall be marked accordingly, i.e., bright color tape with wording indicating the extent of pruning or removal. All pruning shall be in accordance with the Pruning Standards of the International Society of Arboriculture. Pruning should be conducted during the winter when trees are dormant for deciduous species and between July and August for evergreens.

7. Prior to building permit issuance, those trees identified to be preserved shall be protected according to the Town Arborist's recommendations in order to minimize damage to these existing trees during construction of the dwelling and infrastructure. This includes protecting trees during installation of the utility lines. All protection shall remain in place until construction is completed. Everything possible shall be done to save the 12" Oak and 12" Bay trees located on the east side of the proposed home next to the proposed deck, the tall Bay tree on the northwest corner of the house adjacent to the garage, and the 12" Oak tree located on the West side of the proposed dwelling.

8. Prior to building permit issuance, the applicant shall submit and receive approval by the Town arborist of a tree protection plan, including necessary construction methods, e.g., hand trenching, for construction within the driplines of all oak trees.

9. With the exception of those trees so noted on the landscape plan, the removal and pruning of trees, shrubs, and herbaceous plants is prohibited except for reasons of disease, and the need to maintain fire and human safety. Such removal and pruning shall first be subject to Planning staff approval.

10. The replacement ratio for oak and redwood trees is 2:1 with the same species, and 1:1 for other trees with a 6" or greater diameter. Other (non-Oak and non-Redwood) trees should be replaced with native, adaptive trees. All should be at least 15-gallon unless otherwise determined by the Town Arborist and approved by the Planning Director. No eucalyptus trees are to be planted. All replacement trees are subject to a tree maintenance agreement whereby the owner agrees to maintain the trees in a healthy condition for not less than three years and replace any unhealthy trees. An exception to this time period is in Condition No. 11 below;

11. Prior to issuance of the Certificate of Occupancy, the following trees shall be planted and automatically irrigated as shown on the Pedersen landscape plan and Pedersen installation details: 16: 24" box Sequoia Sempervirens 'Aptos Blue' trees and

5:15-galloon *Alnus Rhombifolia* White Alder trees. A licensed landscape architect shall supervise the placement and planting of the trees. These trees shall be maintained indefinitely. Any unhealthy redwood and alder trees shall be replaced as deemed necessary by certified arborist during the first 5 years following issuance of the Certificate of Occupancy. Those plants described on the Egger landscape plan shall also be planted and automatically irrigated as shown on the Egger landscape plan.

12. Trees located in the Sanitary easement between Oak and South Oak Avenue include several Oaks and Bays ranging between 6 and 24" in diameter. Hand-trenching of the water line installation will be required.

Hours of Construction:

13. Work will be limited to weekdays and non-holidays between the hours of 8 a.m. and 4: 30 p.m. Large vehicles and heavy equipment are restricted to the hours between 10 a.m. and 3 p.m. No work will be allowed on any holiday observed by the Town. To deviate from these work hours, a written request must be submitted to the Public Works Director for consideration. If approved, affected residents must be notified at least 24 hours in advance.

Lighting:

14. 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.

Fences:

15. Fences, which follow along property lines, shall be of transparent construction and may integrate the use of foliage. Such fences shall be designed to allow wildlife to travel freely between properties and to the open space areas. Solid fences should not be used.

Fencing within the building envelope area should integrate with the setting. It may be of solid material, provided it is setback a minimum of 6' from the road right of way. Such fencing should be made of natural wood, stone, or other natural material, or painted with dark earth tones to blend with the natural setting and should be screened with natural vegetation.

Fences within 20' of the front property line shall be subject to a Public Works permit. No fence shall exceed 6' in height above grade at any point.

Exterior Colors and Materials:

16. The exterior color of the building and trim shall be determined by staff at the time the building is constructed following the placement of 4' x 8' panels on site which reflect the building siding and trim colors. The panels shall be visible from distant views. Using "low visual profile" as a theme, the applicant shall use tones that will blend with the natural environment and maximize receding of the house into the hillside. The Bald Hill Plan states that structures should be darker earth tones and non-high gloss materials, which blend with the natural environment and do not have a significant visual impact on surrounding properties or other significant viewpoints located off-site. All surfaces other than glass shall meet this criteria.

Roof: Asphalt shingle: Timerline: Black
Siding: Western Red Cedar – see above paragraph
Trim: Western Red Cedar – see above paragraph
Fascia
Gutters: see above paragraph
Windows: Wood with true divided lights– see above paragraph

General:

17. Should construction not begin within one year from the date of this approval, the approval shall be considered null and void. A one-time-only, one-year extension can be requested in writing to the Planning Director prior to the expiration date.

18. Prior to building permit issuance, a deed restriction listing the above conditions nos. 9, 10, 11, 14, 15, and 16 shall be signed by the applicant, notarized, and recorded at the County.

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

Section 1. Precise Development Plan Findings for Approval

1. 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.

The precise development plan preserves the natural and existing landforms and vegetation in that minimal grading and tree removal are proposed.

2. 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 area are rounded and contoured to blend with the existing topography.

See No. 1

3. *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.*

The driveway has been engineered and the road will be widened in front of the driveway. Traffic will be that typically generated by a single-family dwelling.

4. *That the intensity of development will not have the potential to make a residential street traffic dominated.*

See No. 3 above.

5. *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.*

The soils engineer and Fire Department prefers this site on the property for development of a home. The dwelling is located within the trees, but it appears perimeter trees can be protected.

6. *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.*

See No. 5 above.

7. *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.*

The 13: 24" box Sequoia Sempervirens 'Aptos Blue' trees and 5:15-galloon Alnus Rhombifolia White Alder trees shall be automatically irrigated and be maintained indefinitely. Any unhealthy trees shall be replaced as deemed necessary by a qualified arborist during the first 5 years following issuance of the Certificate of Occupancy.

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

Not applicable.

9. *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.*

Two additional houses are proposed beyond this project, both accessed off South Oak Avenue. Both properties have rights to use this road for access.

10. *That construction, if any, within the ridge zone meets the required findings.*

This property is not in the ridge zone.

11. *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.*

The property is somewhat visible from nearby, mid-range and distant views. The current design has been placed near the road and will retain as many trees as possible, which is supported by both the soils engineer and Fire Department. Additional landscaping has been approved. The project should not adversely affect the health or safety of persons or endanger property in the area.

12. *That the Precise Development Plan amendment is in conformance with the San Anselmo General Plan, with specific reference to the applicable sections of the General Plan.*

The project is consistent with the General Plan, specifically:

"Policy 2.1: All land use decisions within the Town and the planning area will take into consideration the protection and preservation of the area's surrounding hillsides, ridges, water courses, and any unique natural habitats."

The dwelling conforms to the height, setback and FAR requirements (654 square feet below the maximum). The dwelling will be placed near the road, which will help to maintain some of the existing tree screening. Additional tree landscaping has been approved and accepted by the northerly neighbor.

"Policy 2.2: New development will be required to preserve some of the natural and cultural characteristics of their respective development sites."

The vast majority of the lot is not proposed for development and will be preserved in its natural state.

"Policy 3.1: Very low density (hillside and ridge) and single family conservation residential development should be located in areas of (1) relatively high visibility; (2) environmental hazards; (3) sensitive environmental resources; or (4) areas which are established as high priority open space lands."

- and -

"Policy 9.1: The density on ridge and hillside properties shall be no greater than the number of dwelling units specified in the "Table of Hillside and Ridge Density Parcels."

This 2.62 acre parcel is zoned R-1 H and only permitted one single family dwelling.

"Policy 9.2: No development including structures, roads, and public facilities shall be allowed on visible ridges and hillsides unless it has been demonstrated that the development outside of these areas is not feasible for geologic, soils, or hydrologic reasons, or development would impact a unique natural habitat."

The soils engineer has advised that "we judge the present location of the house is the most desirable for the property."

"Policy 9.3: Should there be no other option but to allow development on a visible hillside or ridge, the Town may limit the size of development (i.e., square footage allowed within any structure), if such limitation would reduce the visual impact of a development."

The dwelling is 654 square feet under the maximum permitted. It is in the location recommended by the soils engineer, and has been reduced in height by 5' and the garage has been reduced 4'. Were the dwelling FAR reduced, the garage structure would still be at the proposed height, with the dwelling stepping down.

"Policy 9.4: Development on hillside and ridge parcels shall be located as to be screened by existing woodland or by portions of the site where existing topography provides screening. Development within existing woodland may be allowed if tree removal is minimal."

The Bald Hill tree replacement policy is 2:1 for oak and redwood trees, and 1:1 for other trees with a 6" or greater diameter. All replacement trees are to be 15-gallon, unless otherwise determined by a certified arborist and approved by the Planning Director. All replacement trees would be subject to a maintenance agreement for a minimum of three years.

The new Redwoods and Alders are to be maintained indefinitely and automatically irrigated. Any unhealthy trees will be replaced as deemed necessary by a qualified arborist during the first five years.

"Policy 9.7: Development on hillside and ridge parcels shall be so designed as to minimize grading and disruption of natural contours."

Placing the dwelling near the road and stepping it down the hill has minimized grading and there will be a cut and fill balance of zero.

"Policy 10.3: Residential units shall be designed and located so as to minimize their visual mass. The Town will require exterior materials and colors which soften the appearance of the building and allow it to blend with the natural landscape."

The exterior colors and tree landscaping will be determined by staff at the time of framing with the goal to soften the appearance of the building and allow it to blend with the natural landscape.

"Policy 11.1: New development . . . shall be of a scale, intensity, and design that integrates with the existing character of the surrounding neighborhood."

The project is of a scale, intensity and design that integrates with the existing character of the surrounding neighborhood. The visual bulk will be similar to other homes in the area.

Section 2. Design Review Findings For Approval

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

The building design and materials will be functionally and aesthetically compatible with the existing improvements and the natural elements in the surrounding area.

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

The project will not make the environment less desirable. There will be a period of time when the new trees will not provide the optimum screening as they are growing, but the neighbor's landscape architect has reviewed the plans with the applicant and his architect, and determined the tree species, sizes, number, and locations, which would be expected to provide reasonable screening for nearby views.

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 project will not cause the surrounding area to depreciate as this is one single family home that meets the intent of the General Plan and there will be improvements to the road width and surface.

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 unnecessary traffic hazards and both the Public Works and Fire Departments have approved the access. In addition, the road is to be widened in front of this property with a fire pullout at the bottom of the 80 South Oak driveway.

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 or endanger property.

6. *Adequacy of screening.*

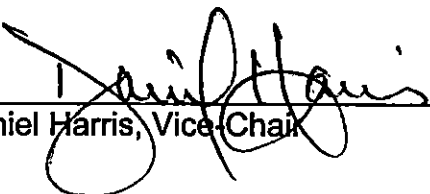
There will be a period of time when the new trees will not provide the optimum screening as they are growing; but the neighbor's landscape architect has reviewed the plans with the applicant and his architect, and determined the tree species, sizes, number, and locations, which would be expected to provide reasonable screening for nearby views.

7. *Selection of architectural features and colors that enable the structure to blend with its environment and which results in a low visual profile.*

The materials and design are aesthetically compatible with the neighborhood and with appropriate colors selected after construction, the dwelling will result in the lowest visual profile possible on a visible lot.

APPROVED by the Planning Commission of the Town of San Anselmo at a regularly scheduled meeting on July 15, 2002, by the following roll call vote:

AYES: House, Sisich, Wittenkeller, Zwick
NOES: Harris
ABSENT: Fernandez, Jochum



Daniel Harris, Vice-Chair

ATTEST:



Debra Stutsman, Town Clerk