

**TOWN OF SAN ANSELMO  
RESOLUTION NO. 3779**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO  
APPROVING THE PRECISE DEVELOPMENT PLAN, DESIGN REVIEW AND VARIANCE  
FOR APN 7-241-67 (305 OAK AVENUE)**

**Whereas**, an application was filed with the Town of San Anselmo on October 26, 2005, requesting precise development plan, design review and variance, and was determined to be complete on May 18, 2006; and

**Whereas**, the project was found to be Categorically Exempt from the requirements of the California Environmental Quality Act (Section 15303(a), New Construction or Conversion of Small Structures); and

**Whereas**, the Planning Commission held a public hearing on June 19, 2006 and considered the precise development plan, design review and variance. Comments were received from staff and the audience; and

**Whereas**, the Planning Commission approved the precise development plan, design review and variance on June 19, 2006, on the grounds that the required findings of approval could be made, and approved this Resolution of Approval.

**Whereas**, an appeal of the Planning Commission's determination was filed on June 28, 2006;

**Whereas**, the Town Council held a public hearing on September 12, 2006, and considered the appeal. Comments were received from staff and the audience; and

**Whereas**, the Town Council denied the appeal, thereby upholding the Planning Commission's approval of the precise development plan, design review and variance on September 12, 2006, 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 plans entitled "Methven House", prepared by Swatt Architects and stamped received May 24, 2006.
2. The applicant shall apply for and pay all appropriate fees for building permits, plan checks and inspections.
3. All conditions of approval contained herein shall be printed on the top sheet of the plans submitted for issuance of a building permit.

Soils and Drainage:

4. The applicant must adhere to all recommendations established in the Geotechnical Investigation Report prepared by Salem Howes, dated June 20, 2005 and, peer reviewed by Geoengineering, dated November 14, 2005 and the response by Salem Howes dated December 7, 2005;

5. The applicant must adhere to all recommendations established in the conceptual drainage plan prepared by Licensed Civil Engineer Robert Rourke dated August 14, 2006, and approved by Public Works Director Rabi Elias, and subject to a final drainage plan approved by the Public Works Director that is in accordance with the Bald Hill Plan, which states that the project will not result in an increase in storm water runoff during a peak 100 year storm or exacerbate soil stability, as well as have the measures blend with the natural environment, minimize visual impact, and adhere to grading conditions;

Road:

6. 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 Oak Avenue prior to construction. The applicant shall also post a road improvement bond or provide other assurance to the Town that damage to Oak Avenue or any other public street resulting from construction vehicles will be corrected. The plan should include: 1) provide off-street 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:

7. The applicant must adhere to all recommendations of the Arborist Reports prepared by Arbor Works Tree Service, dated August 8, 2005 and December 12, 2005 regarding tree protection measures.

8. 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.

9. 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.

10. 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. Should there be a need to remove or prune the oaks,

pinus, eucalyptus or bay trees located in the southwest corner between msl elevations 390 and 424 of the applicant's property, notification will be made by the applicant to the Gibsons at 47 South Oak Avenue at least 60 days in advance of making this request to the San Anselmo Planning staff.

11. 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.

12. Upon completion of the house framing, an Arborist will visit the site again and determine the tree species, sizes, number, and locations, which would be expected to thrive on the property with the intent being to provide reasonable screening for nearby and distant views. Such plantings shall be irrigated and maintained indefinitely.

#### Lighting:

13. 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:

14. 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.

#### Fire Protection:

15. The applicant shall adhere to all requirements of the Ross Valley Fire Marshall as detailed in his letter dated January 4, 2006.

#### General:

16. Should a building permit not be issued and construction not begun within one year from the date of this precise development plan approval, the approval shall be considered

null and void. A one-time-only, one-year extension for the precise development plan can be requested in writing to the Planning Director prior to the expiration date.

17. Prior to building permit issuance, a deed restriction listing the above conditions nos. 10, 11, 12, 13, and 14, shall be signed by the applicant, notarized, and recorded at the County.

**NOW, THEREFORE**, be it resolved that the Town Council DOES HEREBY FIND as follows:

Section 1. Categorical Exemption

The project is categorically exempt from the California Environmental Quality Act, Section 15303(a) New Construction or Conversion of Small Structures.

Section 2. 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, watercourses, and any unique habitats located on the property.*

The building envelope creates a development site in the middle of this sloping hillside parcel. Grading to create the driveway and residence will alter the existing sloping land form and natural vegetation. However, the proposed development has been designed to 'tip-toe' on the land with multiple ground floor levels designed to meet grade with a footprint that strives to retain native trees. The combination of building design and placement on the site strives to create a residence that complements the natural setting. Forty-four native trees will be planted to replace the 13 native trees proposed for removal. The proposed trees will supplement the existing trees to be preserved, providing a living screen to buffer the site development from off-site locations.

*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 areas are rounded and contoured to blend with the existing topography.*

The project proposes to grade the area of the driveway and new residence. Cuts would be made and retaining walls constructed. The amount of cut for the driveway and proposed house would be 1,024 cubic yards, 352 cubic yards of that would be used for fill. The remaining 672 cubic yards would be exported to a location off-site. The home has been designed to fit into the site such that it complements the landform and preserves as much of the native tree cover as possible.

*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 proposed single-family residence is consistent with development anticipated in General Plan projections for this site. The proposed access has been reviewed and approved by the Town Engineer and the Ross Valley Fire Chief.

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

The proposed development of the site with one single-family residence will add approximately 10 vehicle trips per day to surrounding streets. This is consistent with projections for this site in both the General Plan and the Bald Hill Plan.

*5. That the building site locations and the access to said building sites are selected to minimize the visibility of the development from the remainder of the community and are geologically stable.*

The proposed access to the site, across the property at 303 Oak Avenue is appropriate. A visual analysis prepared for this proposal demonstrates that the proposed development of the house, towards the center of the parcel, will have minimal impact off-site. A geotechnical report was submitted as part of this application and has been reviewed and approved by the City Engineer.

*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.*

The proposed project has been designed to retain as many existing trees as possible, to retain a natural screen of the residence. The applicant has located the residence away from the 38" Valley Oak located just below the house, to the southeast (tree number 12), to ensure the vigor of that tree, which will provide significant screening from below.

*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.*

A preliminary landscape plan has been submitted which proposes to plant forty-five 15-gallon trees, as well as shrubs, groundcover and perennials to supplement the existing native vegetation. The proposed plant materials are appropriate for use in San Anselmo, and will complement the existing native vegetation while screening site development from off-site locations.

*8. 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.*

N/A

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.*

N/A

10. *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.*

N/A

11. *That construction, if any, within ridge zone meets the following findings:*

*a. That any construction within the ridge zone is permitted only when the applicant has demonstrated to the satisfaction of the Planning Director and 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*

*b. 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.*

N/A

12. *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 proposed site development would not adversely affect the health or safety of persons in or adjacent to the area or endanger nearby property. Any development of the site would be required to meet Building Code requirements, including seismic standards.

13. *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.*

The General Plan's Land Use goals, policies and objectives provide protection of the hillsides' and ridgelines' natural appearances. As discussed in detail previously in this report, the residence has been designed and located on the site to minimize mass and bulk by stepping back roof forms and floor levels, providing overhangs and shadows, utilizing flat roof forms, and avoiding large expanses of a single material on any plane. The house has been designed to promote conformance with the following General Plan policies:

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.

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

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.

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.

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.

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

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.

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

*14. That each individual phase of development, as well as the total development, can exist as an independent unit.*

The development is the construction of one single-family residence, which would not include phasing.

### Section 3: Design Review Findings for Approval

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

There is no architectural theme for the Bald Hill Area; in fact a variety of architectural styles are evident in properties surrounding the subject parcel. The proposed residence has been designed to complement the other homes in the area, as well as the surrounding natural environment. The design incorporates architectural elements that minimize the structure's impact on the surrounding environment, including flat roof forms, varying roof heights, integration of solid surfaces and glazing, floor levels and roof forms that step back with the sloping terrain and floor levels that meet grade.

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

Other than temporary noise impacts associated with construction, the proposed residence will not create noise, odors or other factors, which would negatively impact the environment.

*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.*

Development of the site is expected to increase the value of the subject parcel, without creating negative impacts to surrounding properties.

*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 proposed access has been reviewed and approved by the Town Engineer and the Ross Valley Fire Chief. The proposed development of the site with one single-family residence will add approximately 10 vehicle trips per day to surrounding streets. This is consistent with projections for this site in both the General Plan and the Bald Hill Plan.

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

Construction of the proposed residence will be required to be in compliance with all adopted building codes, thereby ensuring the health and safety of persons in or near the residence.

*6. Conformance to the approved Precise Development Plan.*

The Precise Development Plan for this project is being processed concurrently with this Design Review application, thereby ensuring consistency between the two.

*7. Adequacy of Screening.*

The proposed home has been located on the site to maintain as many existing trees as possible. Thirteen native trees are proposed for removal, which will be replaced by 44 native trees to be planted as part of site development. A total of fifty-five 15-gallon trees will supplement existing planting on the site, to provide adequate screening of the new residence from off-site. A visual analysis was prepared for the proposed residence, which demonstrates that the residence, access drive and retaining walls will generally not be visible from off-site.

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

As previously discussed in detail, the proposed residence incorporates architectural elements that minimize the structure's impact on the surrounding environment, including flat roof forms, varying roof heights, integration of solid surfaces and glazing, floor levels and roof forms that step back with the sloping terrain and floor levels that meet grade. The proposed materials and colors will enable the structure to blend with the surrounding natural environment, as demonstrated in the visual analysis prepared for the project.

Section 4: Variance Findings for Approval

1. *Due to the special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict interpretation 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 a variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.*

The property is landlocked, and therefore can only be accessed via the existing driveway on the adjacent property at 303 Oak Avenue. Other properties in the area enjoy similar privilege, where access is gained via an easement across an adjacent property.

2. *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 the property or improvements in such neighborhood.*

Granting access to this landlocked parcel via an existing driveway at 303 Oak Avenue will not create health or safety concerns, as the driveway already exists, providing access to the property at 303 Oak Avenue. The proposed access has been reviewed and approved by both the Town Engineer and the Ross Valley Fire Chief.

I, the undersigned, hereby certify that the foregoing is a full, true, and complete copy of a resolution duly passed and adopted by the Town Council of the Town of San Anselmo at a regular meeting thereof held on the 12<sup>th</sup> day of September, 2006, by the following vote:

AYES: Breen, Freeman, Roth

NOES: Thornton

ABSENT: Cooper

  
\_\_\_\_\_  
Barbara Thornton, Mayor

ATTEST:

  
\_\_\_\_\_  
Barbara Chambers, Town Clerk