

**TOWN OF SAN ANSELMO
RESOLUTION NO. 92-02**

**A RESOLUTION OF THE TOWN OF SAN ANSELMO PLANNING COMMISSION
CONDITIONALLY APPROVING THE PRECISE DEVELOPMENT PLAN, LOT LINE
ADJUSTMENT AND DESIGN REVIEW APPLICATIONS FOR REDEVELOPMENT
OF A 3.25 ACRE LOT IN THE R-1-H DISTRICT TO CONSTRUCT A
SINGLE-FAMILY RESIDENCE AND 40,450 GALLON WATER TANK
AT 663 OAK AVENUE**

WHEREAS, an application for redevelopment of lots 7-154-07 and 08 and 7-201-10 was deemed complete by the Planning Director on March 9, 1992 pursuant to a Precise Development Plan, Lot Line Relocation, and Design Review for a 3.25-acre parcel of land in the R-1-H District; and

WHEREAS, the Precise Development Plan involves the following components: demolition of an existing single family residence, detached second residential unit, and 7,500 gallon water tank, and removal of miscellaneous structures, fences, and nine trees identified on the site plan; and construction of access and landscaping improvements, underground utilities, an onsite septic disposal system, a 40,450 water tank, and a swimming pool to serve a 4,984 square-foot, two-story residence in a new location; and

WHEREAS, a Draft Mitigated Negative Declaration was prepared on April 10, 1992, noticed, public comments were solicited during a 21-day comment period, and the four comment letters received were responded to in writing; and

WHEREAS, the Draft Mitigated Negative Declaration found that the proposed improvements would not have significant adverse impacts, rather they could have temporary or less-than-significant environmental impacts for which seven mitigation measures were identified to further reduce impacts; and

WHEREAS, the Planning Commission held a legally noticed public hearing on June 15, 1992 to review the Draft Negative Declaration, responses to comments, and the project applications, and received public testimony; and

WHEREAS, the Planning Commission continued the public hearing and requested that the applicant provide a revised house design which would not exceed the maximum 30-foot building height for structures within a Ridge Zone and to further investigate options to secure or protect trail development to Worn Springs Road; and

WHEREAS, the Planning Commission held a continued public hearing on July 27, 1992 during which a revised architectural plan was found acceptable, additional public testimony was received, and the Planning Commission approved the Negative Declaration; and

WHEREAS, the Planning Commission unanimously approved the revised architectural plans and the Precise Development Plan referred to as Exhibit A and date stamped July 21, 1992 (revised architectural and site plans) and December 31, 1992 (remainder of plans, excluding the Lot Line Relocation plan) subject to the following conditions:

1. The building height shall conform to the requirements of the San Anselmo Zoning Ordinance, Development Standards, Table 4A: Building Height within Primary and Secondary Ridge zone; Above Ground Surface - 30 feet. Building elevations shall not exceed 30 feet above the average natural grade measurement ($763.7 + 30 = 793.7$ feet elevation). Minor adjustments to the revised architectural plans date stamped July 21, 1992 which do not exceed this height may be submitted for approval by the Planning Director prior to issuance of a building permit.
2. The applicant shall perform necessary tests and receive approval for an onsite sewage disposal (septic) system from the Marin County Department of Environmental Health, prior to issuance of a building permit. The applicant must supply a copy of a sanitation engineer's report to the Town stating that disposal is feasible on the site from a health standpoint. Further a professional geotechnical report by a professional engineer shall be supplied to the Town stating that the proposed wastewater disposal field will not result in or contribute to any landslide or other adverse geologic condition. These studies shall be submitted to the Town prior to building permit issuance. If these studies indicate that locating a septic leachfield on the Gill parcel is not feasible or if other significant impacts would be associated with such a location (e.g., significant trees would need removal), as determined by the Planning Director, then an alternative plan shall be developed and the matter shall be reviewed by the Planning Commission. If the applicant wishes to connect to the public sewer, then the matter must be brought back to the Planning Commission for review and be approved by the Sanitary District.
3. The following requirements relate to tree protection and maintenance on the property. These requirements shall be recorded prior to issuance of a building permit.
 - A. In order to retain the maximum visual screening of the residence, access road, and water tank, no tree measuring 12 inches or greater in diameter may be removed within the areas graphically depicted with black-slashes and green-shading on Exhibit B without first applying to the Planning Director. The Planning Director shall review information provided by the owner regarding

the need for tree removal and make a site visit. Applicable fees shall be those charged for the Heritage Tree Permit. Information provided by the applicant shall include an arborists report indicating the reasons tree removal may be necessary. Acceptable reasons for removal include: disease, the need to maintain fire or human safety, or if the removal of a tree will not create an opening in the natural tree cover that would permit a significantly increased view of the home from public offsite locations. The Planning Director shall respond in writing to the owner of his/her determination within 15 days of receiving the arborists report. In the event of an emergency related to tree removal, the Planning Director shall respond within 5 days of such notification by the owner. The Planning Director's decision may be appealed to the Planning Commission.

- B. The recommendations of the arborist report, November, 11, 1991, are to be adhered to in order to protect existing trees surrounding the residence, and particularly to downslope trees along the long northeastern and short northwestern elevations which provide visual screening. The retention of tree cover should be maximized in these areas to reduce the potential visibility of the residence as well as immediately below the water tank site. The two bay clusters adjacent to the northwest corner of the residence should be retained for their screening value.
 - C. The applicant's arborist shall provide a set of guidelines pertaining to "safety trimming" trees surrounding the new residence for review and approval by the Planning Director and Fire Marshall prior to issuance of a building permit. These guidelines shall identify the appropriate conditions for tree trimming (e.g., disease, safety problems) while including provisions to minimize limb removal and limit the visual impact of reducing tree cover. The approved guidelines shall be recorded with the County Recorders office so that future owners will be informed of them. Recordation shall occur prior to issuance of a building permit. The guidelines shall be adhered to by the owner.
4. The applicant shall satisfy the requirements of the Ross Valley Fire Department.
 5. The applicant shall conform with all other procedures for plan review required by the Town of San Anselmo including recordation of the Lot Line Relocation prior to issuance of building permits, pursuant to Section 10-2.710 of the SAMC.
 6. The applicant's contractor shall be responsible for coordinating arrivals and departures of all construction-related vehicles and equipment at staggered intervals so that traffic congestion and hazards are minimized on Town streets.

7. The applicant's contractor shall post a large legible sign at the end of Oak Avenue indicating a phone number for neighbors to call if they are experiencing problems associated with construction activities.
8. The applicant shall prepare a temporary roadway improvement plan for review and approval by the Public Works Director prior to issuance of a Building Permit and meet the following additional roadway protection requirements in order 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 prior to construction:
 - A. Videotape: Prior to issuance of the building permit, the applicant shall deliver to the Town Public Works Department a clear, location identifiable, video tape of all the pavement on Oak Avenue from the end of the Town maintained portion of the road uphill to the beginning of the proposed new pavement shown on PD-6. This videotape will be placed in the Town record and will be used to determine the validity of damage claims.
 - B. Road Improvement Bond: Prior to issuance of building permits, the applicant shall post a road improvement bond or provide a cash deposit in the amount of \$5,000.00 to the Town which may be used by the Town to repair or repave the roadway upon failure of the applicant to repair roadway damage to Oak Avenue resulting from construction activities within 10 days of receiving notice to do so. Further, the applicant agrees to repair all damages to the road caused by construction operations associated with this project which are in excess of that covered by the \$5,000.00 deposit 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 applicant upon completion of all work associated with this development. 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 Certificate of Occupancy for the residence.
 - C. Construction Period: All work involving heavy vehicles shall be completed during the dry season (i.e., May 1st to October 15th of any calendar year). Work involving the passage of heavy vehicles including supply vehicles shall cease during the wet season unless a plan for construction in the rainy season is developed by the owner's civil engineer and approved by the Town's Department of Public Works and shall include, concrete trucks, grading equipment, dump trucks and similar vehicles.
 - D. Tracked Equipment: No tracked equipment shall be permitted on roadways serving the site without specific permission from the Director of Public Works.
9. The landscaping plan at the northwest building elevation should be augmented to include vines and shrubbery to soften the building elevation at the building understory and first floor. These additional plantings should be incorporated into the

landscape plan and submitted for approval by the Planning Director prior to issuance of a building permit.

10. The building materials and colors of the residence shall be in conformance with the materials board (Exhibit C) maintained in the Planning Department except for the proposed building trim color which shall be changed to "Obsidian" for the north and south side elevations and the rear elevation. The trim color at the front elevation shall be "Platinum".
11. Prior to issuance of a building permit, the applicant shall submit a letter from MMWD that states that all water service requirements for the project have been met. The domestic water supply for no more than two households shall be served from the 40,450 gallon water tank.
12. The applicant agrees not to interfere or contest the public's right to use the right-of-way on Assessor Parcel No. 7-154-05, except for that portion of right-of-way that veers in a southwest direction (see Exhibit D).

The purpose of this agreement is to ensure that the applicant and his successors will not be able to interfere with public access rights acquired along the trail identified on the Open Space and Conservation Map of the Town of San Anselmo General Plan. Such trail extends from the southwest corner of Lot 18, as shown on the Rosenthal Tract Subdivision No. 3 filed in map book 2 page 58, to the Town Corporate Limits. This agreement shall be recorded in a form satisfactory to the Town Attorney prior to issuance of a building permit.

13. Construction of the private 40,450 gallon water tank shall not involve road grading along the dirt access road leading from Worn Springs Road to the tank site. Should grading be necessary, a plan shall be submitted for approval by the Planning Director prior to commencement of any grading activities.
14. The design recommendations of the Salem Howe geotechnical report dated August 23, 1991 shall be incorporated as part of the Precise Development Plan and implemented.
15. Lighting shall be designed to minimize any offsite light and glare impacts. No floodlighting or spotlighting shall be permitted that are visible to offsite areas. Indirect exterior lighting of structures or landscaping, as necessary, is encouraged; and

WHEREAS, the Planning Commission unanimously approved the Lot Line Relocation based upon the revised plan dated March, 1992 and Design Review applications.

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

Section 1. Findings for the Precise Development Plan pursuant to Section 10-3.706 of the San Anselmo Municipal Code are as follows:

- 1) *That the Precise Development Plan protects the natural and existing land forms and vegetation of the hillside and ridges located on the property.*

The siting of the home has been made with consideration for minimizing grading and tree removal. The home has been sited as far as possible from the Bald Hill Ridge through a lot line relocation and will not break the profile of the ridge from any viewpoint. Removal of the existing home, miscellaneous accessory structures, and utility lines which are visible from public trails and viewpoints will contribute to the scenic quality of the area.

- 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.*

Grading will be minimized as the extension of the existing access driveway and the foundation for the new home take advantage of natural contours. All excavated soil will be used on site and no new soil will be brought to the site. The water tank excavation will also be balanced.

- 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 condition of the existing private drive leading from the upper end of Oak Avenue to the project site is narrow and worn. However, the applicant will resurface this driveway upon completion of construction. The project is not expected to increase the existing traffic on the drive or upper Oak Avenue because two residential units will be demolished and replaced with one larger unit. The conditions of approval include a requirement to videotape existing road conditions, to post a bond to ensure that any roadway damage will be repaired within 10 days of a complaint, and to repair any construction related roadway damage exceeding the bond amount.

- 4) *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 building site locations are significantly screened by the dense tree canopy. A photographic computer simulation was prepared for the one building elevation most likely to be visible offsite. This simulation indicates that the visibility of the building will be minimized. The conditions of approval require that tree trimming for safety and fire protection be balanced with maintaining the maximum tree screening of the house. Two alternate house locations were evaluated and determined to be inferior to the proposed site. The soils study indicates that the building site is geologically stable.

- 5) *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 plan materials 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 plan varieties.*

Screening of the home will be accomplished by existing natural vegetation. The conditions of approval require some limited additional planting to further ensure that the northwest elevation of the home is substantially screened. The landscaping plan is intended to screen the entry driveway and swimming pool from view along the Worn Springs Road. Proposed plants are largely native or compatible, drought tolerant plants. Retaining walls required along the entry drive and turnaround will be landscaped. However, these walls are not expected to be visible offsite due to the natural tree cover.

- 6) *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 County wide Trails Plan is preserved.*

A condition of approval requires that the applicant not interfere with public access rights along the dirt road adjacent to the Gill parcel which is shown as a trail on the Open Space and Conservation Map of the General Plan.

- 7) *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.*

The project site is bordered on two sides by MMWD lands. The privately owned parcels on the other sides (north and east) have access to them in place.

- 8) *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.

The project site abuts public open space to the west and south. Potential trail access to this open space exists over a privately owned parcel adjacent to the north of the Gill parcel. A condition of approval requires that the applicant not interfere with public access rights along the northern property boundary to connect the existing Worn Springs Road trail to Oak Avenue.

9) *That construction, if any within a 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 Town Engineer 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.*

Based upon the Interim Town Engineer's determination, virtually the entire parcel is within the ridge zone of the Bald Hill Ridge. This determination was based upon an examination of the General Plan Open Space and Conservation Map which indicates the Bald Hill Ridge is located within the general vicinity of the subject parcel. Based upon the California General Plan Guidelines, this map serves as an illustration and not as a parcel-specific map. Therefore, more detailed investigations were conducted to determine how the Ridge relates to the subject parcel. This investigation involved examination of topo maps, site visits, consideration of a survey conducted by the applicant, and photo analysis. The Interim Public Works Director then mapped the Ridge line on the project site plan map (see Exhibit E) and calculated that the location for the proposed residence is almost entirely within the 50-foot vertical ridge zone from the identified Ridge line.

The applicant's engineer analyzed three potential home sites which are indicated in the plans and found the proposed site to be superior for environmental reasons. This site is also the furthest from the ridge line, will not break the profile of the ridge, and has the best natural tree cover to screen the proposed home.

(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.*

Although the proposed residence is well screened by trees, the original proposal exceeded the maximum permitted height for structures within a ridge zone. The applicants subsequently modified the building elevations to conform with this maximum building height. This revised design was found

acceptably by the Planning Department and is the plan approved by the Planning Commission. The conditions of approval require that the building elevations not exceed the maximum 30-foot height limit. Building materials and colors, as conditioned, will enable the house to blend with the natural surroundings.

- 10) *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 Precise Plan will not adversely affect the health or safety or endanger property of persons located in the area due to the fact that the proposed use is a continuation of the existing residential use, it meets the maximum permitted density under the General Plan of one unit on this 3.25 acre parcel, and with conditions of approval, will meet the requirements of the R-1-H zoning district. A soils report has been provided that indicates the building site is stable and no historic landslides exist in the vicinity. Planning and construction of the home will be under the supervision of a soils engineer and arborist.

- 11) *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 Precise Development Plan, with conditions of approval, is in conformance with the following General Plan policies for residential development on hillsides and ridges:

Land Use Element Policies: 1.3, 2.1, 2.2, 9.1-9.8, 10.3, 12.2, 13.1, 13.2, 14.2, 14.3, 15.2, 16.1.

Circulation Element Policies: 10.1-10.6, 11.1-11.3

Open Space Element Policies: 1.4, 2.8, 4.4-4.7

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

The development will occur within one phase of construction activity estimated to take 6-9 months.

Section 2. Findings for the Design Review application pursuant to Article 7 of the San Anselmo Municipal Code are as follows:

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

The proposed building materials and colors will blend well with the surrounding natural vegetation. The scale of the house is large, however, the natural screening will substantially screen the house from views offsite.

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

Construction noise will be during the 6-9 month construction period and is not expected to be a significant factor due to the distance to adjacent homes.

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

The quality of the improvements ensures that the surrounding area will be enhanced materially.

- 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 access improvements have been reviewed and meet the requirements of the Ross Valley Fire Department. No increase in residential traffic is expected with the project. Traffic hazards during the construction period will be minimized by the conditions of approval which include a requirement to coordinate construction trips.

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

The Precise Plan will not adversely affect the health or safety or endanger property of persons located in the area due to the fact that the proposed use is a continuation of the existing residential use, it meets the maximum permitted density under the General Plan of one unit on this 3.25 acre parcel, and with conditions of approval, will meet the requirements of the R-1-H zoning district. A soils report has been provided that indicates the building site is stable and no historic landslides exist in the vicinity. Planning and construction of the home will be under the supervision of a soils engineer and arborist.

- 6) *Conformance to the approved precise development plans.*

The design review is being conducted in conjunction with the precise development plan and therefore is consistent with it.

7) *Adequacy of screening.*

Natural vegetation, the proposed landscaping plan, and supplemental landscaping required as a condition of approval, should provide adequate screening of all improvements from view offsite. This conclusion has been supported by the photographic computer simulation attached as an exhibit to this report (see Exhibit E).

8) *Selection of architectural features that enable the structure to blend with its environment.*

The architectural design accommodates existing trees and natural contours in order to maintain the natural setting to the greatest extent possible. The structures will therefore blend in by virtue of being located underneath the tree canopy.

PASSED AND ADOPTED by the Planning Commission of the Town of San Anselmo at a regularly scheduled meeting on August 3, 1992, by the following roll call vote:

AYES: Hayes, Harle, Sias, Kroot

NOES:

ABSENT: Julin


Jeff Kroot, Chair

ATTEST:


TOWN CLERK