

**TOWN OF SAN ANSELMO
PLANNING COMMISSION RESOLUTION NO. 9504**

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF SAN ANSELMO APPROVING A LOT LINE ADJUSTMENT (LLA-9501), PRECISE DEVELOPMENT PLAN (PDP-9504), AND VARIANCES (V-9525) TO CREATE TWO SINGLE FAMILY HOMESITES FROM A 2.6 ACRES IN AN AREA BETWEEN REDWOOD ROAD AND LAUREL AVENUE TRAIL WEST OF 269 REDWOOD ROAD LOCATED IN THE R-1-H ZONING DISTRICT (APN'S 7-141-04, 7-097-05, AND 7-097-02)

WHEREAS, the Planning Commission of the Town of San Anselmo held public hearings on the Preliminary Development Plan application on October 19, 1992, November 16, 1992, and January 19, 1993, and examined pertinent maps, drawings, and documents; and

WHEREAS, the Planning Commission of the Town of San Anselmo held public hearings on the Lot Line Relocation, Precise Development Plan, and Variance applications on July 10, 1995 and July 24, 1995; and

WHEREAS, the Planning Commission has approved a Mitigated Negative Declaration on January 19, 1993, and the "Supplement to a Previously Prepared Negative Declaration" prepared on May 16, 1995; and

WHEREAS, the Planning Commission has considered the recommendation of the Town of San Anselmo staff, applicant, and members of the public.

THEREFORE BE IT RESOLVED that the Planning Commission of the Town of San Anselmo hereby approves a Lot Line Adjustment, Precise Development Plan, and Variances subject to the following conditions and findings. The Variance approvals are to construct a single driveway to serve up to three properties and to construct retaining wall(s) up to 10' in height within 0' of the property line.:

1. Infrastructure improvements (e.g., driveway, retaining walls, drainage) shall be constructed in accordance with Precise Development Plans (Sheet 1 and 2) date stamped received by the Town of San Anselmo on July 19, 1995 and July 6, 1995, respectively, unless otherwise modified herein.
2. The Lot Line Adjustment, date stamped received by the Town of San Anselmo on July 6, 1995, shall be revised to delete the "Dedicated Open Space" areas.

Improvement Plan

3. Prior to issuance of any Grading or Building Permit, the applicant shall submit Improvement Plans to be approved by the Town Engineer. Said improvement

plans shall include, but not be limited to, driveway improvements, drainage, grading, and erosion control.

The Improvement Plans shall include the following:

- a) Show all utility easements and all recorded easements that reflect the driveway being proposed on the Precise Development Plan. Easements should include driveways, grading, retaining walls, and related improvements.
 - b) Repave Redwood Road along property frontage with a 2" asphalt surface after construction work is completed.
 - c) Regrade the steeply sloped banks along Redwood Road for flatter slopes and remove some trees for safety reasons unless otherwise recommended by the applicant's soils engineer.
 - d) Show size of trench drain across the existing private driveway between 259 and 269 Redwood Road;
 - e) Show above ground perforated pipes per details provided by the Public Works Director instead of the dispersal rip rap areas.
 - f) Show regrading and pipe replacement of the existing 12" culvert under the fire road (Laurel Avenue). Plans should show size and location of the new pipe, as well as a catch basin at the inlet and rip rap at the outfall of the new pipe.
 - g) Regrade the fire road (Laurel Avenue) to improve drainage and grade a ditch on the uphill side of the road to connect into the above mentioned catch basin per the approval of the Public Works Director.
 - h) Submit soils analysis, for establishment of design criteria, to Town Engineer for independent peer review (\$1,000).
 - i) If work is anticipated between October 15 and April 15, the applicant shall submit an erosion control plan covering all exposed slopes with a vegetative covering to minimize soil erosion. A slope planting, irrigation systems, and a planting schedule shall be prepared by a certified arborist and be subject to the approval of the Public Works Director.
4. Prior to issuance of a Building Permit, the applicant shall contribute \$2,900 per house, or such an amount as has been subsequently been determined, toward the long-term improvements of Redwood Road. This represents their fair share of the total estimated costs of engineering and constructing improvements as part of a Redwood Road 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. Such improvements will help mitigate existing deficiencies in the traffic circulation and emergency access system identified in the Redwood Road Traffic Impact Study by DKS Associates, dated March 10, 1994.

5. The applicant should follow the recommendations contained in the June 7, 1989 Earth Science Consultants report and May 14, 1990 Geoengineering, Inc. report, and any supplemental reports, to ensure slope stability and erosion control.
6. Prior to issuance of any Grading or Building Permit for construction of the driveway, permission from the adjacent property owner(s) if any construction is to occur on their property that cannot be contained within the easement.
7. Prior to the start of any construction, the applicant should 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. At a minimum, the following measures should be included in a construction schedule to be reviewed and approved by the Public Works Director:
 - a) Truck activity, other than workers in pickups or vans, should be restricted to day time hours between 10:00 a.m. and 3:00 p.m. on weekdays.
 - b) Soil removal and tree removal, as well as soil importation, should be minimized to reduce the amount of truck traffic.
 - c) A sign should be posted at the end of Redwood Road indicating a phone number for neighbors to call if they are experiencing problems associated with construction activities.
 - d) 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 periods of 10:00 a.m. and 3:00 p.m. (this supersedes Mitigation 5(a) of the Negative Declaration approved on 1/12/93). 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. All construction equipment shall be adequately muffled and maintained
8. Prior to the issuance of any Grading Permit or Building Permit, the applicant shall submit a report by a licensed arborist or biologist which evaluates the existing trees proposed to be retained and the future health of any tree to remain whose canopy dripline is located within the foundation of a building or retaining wall, or the driveway paving. The arborist or biologist shall prepare a tree protection which includes measures to protect the remaining trees during construction. No trees identified to remain shall be removed unless otherwise approved by the Planning Director.
9. The applicant shall post a road improvement bond or provide other assurances to the Town that damage to Redwood Road or other public streets from construction vehicle access will be repaired upon completion of construction.
10. Prior to issuance of any Grading or Building Permit, assurances shall be provided to the Town that water for site development is available through the Marin Municipal Water District.

11. Prior to issuance of any Grading or Building Permit, the applicant shall revise the Landscape Plan, date stamped received by the Town on July 10, 1995, as follows:

a) Include six (6) additional trees at least 15 gallons in size. These additional trees should be located between House No. 2 and Laurel Avenue, along the open grassland portion of the driveway, and within the easement near the driveway, unless the landscape architect determines these locations are infeasible. No Eucalyptus trees are to be planted.

b) Include a tree maintenance agreement whereby the applicant agrees to maintain the replacement trees in a healthy condition for at least three (3) years and agrees to replace any unhealthy trees.

c) Provide specific recommendations/measures, both during and after construction, to protect: 1) the 30" Bay tree located at the end and upslope of the existing driveway; and 2) the approximately 26" Bay tree located downslope of the proposed retaining wall at the approximate 8' wall height location.

Final Landscape Plan revisions are subject to Planning Director approval.

12. House Size and Height: The Precise Development Plan shall indicate houses which do not exceed 3,700 square foot each, including a garage. It is intended that the height of the buildings above the ridgeline should not exceed 7 feet for House No. 1, and 11 feet for House No. 2. Deviation from this standard will require an amendment to the Precise Development Plan.

13. Inside the Building Envelope:

a) Building Envelope definition per Article 17 of the SAMC: "The horizontal and vertical area of a lot in which a building or other improvements may be constructed as defined by either the established development standards set forth in each District, or by the Planning Director, the Planning Commission, or the town Council as associated with specific action upon a master plan, use permit, variance, preliminary development plan, precise development plan, or design review." The Building Envelope for this property is shown on the Precise Development Plans - Sheet 1, filed with the Town of San Anselmo Planning Department.

b) Fencing within the building envelope areas shall integrate with the setting. It may be of solid material, except if located along a road right-of-way in which case the fence must be set back at least 6 feet from the road right-of-way. Such fencing should be made of natural wood, stone, or other natural material, or painted with dark earth tone to blend with the natural setting and should be screened with natural vegetation.

14. Outside the Building Envelope:

a) It is intended that the land and vegetation remain in its existing natural state. No construction, landscaping, or temporary structures of any kind are allowed within this open space area, except for landscaping or structures which are necessary to stabilize existing unstable slopes or other features which are necessary

to protect public safety. Such landscaping or structures are subject to approval by the Town of San Anselmo through the administrative design review process.

No trees or vegetation outside the Building Envelope, unless approved through the Precise Development Plan process, shall be cut or removed without approval from the Planning Director.

- b) Property line fences, if any, which either follow along property lines or are located along a road right-of-way, should be of transparent construction and may integrate the use of foliage. such fences should be designed to allow wildlife to travel freely between properties and to open space areas. Solid fences should not be used.
15. An exterior lighting plan should be submitted with any Design Review application that specifically orients all lighting away from adjacent properties. Exterior lighting should 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.
 16. Development of the homesites are subject to the Bald Hill Area Plan - Visual Section, as approved by the Town Council, as it relates to height, colors and materials, building design, fence design, and application requirements for design review of a home.
 17. The owner(s) shall waive any rights of refusal to establish a future public access easement along a portion of the existing access easement and subject property connecting Redwood Road with the laurel Avenue trail as shown on the General Plan Open Space - Conservation Map.
 18. Fire Department requirements regarding the private driveway, turn around area, fire flow, hydrant location, and building materials must be met, unless exempted or modified by the Fire Chief.
 19. That if this development which has received discretionary approval for a Precise Development Permit has not begun within one year from the date of the 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.
 20. Conditions No. 8, 12, 13, 14, and 17 shall be recorded with the County Recorders Office prior to issuance of any Grading or Building Permit.
 21. A licensed arborist shall be present on the site, during grading and construction activities which could endanger trees, to supervise the protection of trees. A bond shall be required prior to issuance of any Grading or Building Permit for any trees that are damaged or removed during construction no matter whose fault it is.

FINDINGS

Lot Line Relocation

That the Tentative Lot Line Relocation Map:

- a) *Does not create an additional lot in any zone;*

There are three lots existing on this 2.6 acre property. The Tentative Map will result in two lots, thereby decreasing the number of lots by one.

- b) *Does not reduce the area of any lot in any zone, as defined in Chapter 3 of this title relating to zoning, by more than 30% or more than 10% below the average area of similarly zoned lots within 300 feet thereof;*

By creating two lots from three, the overall lot size is increased. Parcel A will be 43,884 square feet and Parcel B will be 69,936 square feet. Most lots in this neighborhood are either similarly sized or smaller than the proposed parcels.

- c) *Does not cut off any lot from frontage on a public street or alley or access to a public utility easement;*

This property backs onto the Laurel Avenue fire road and is not intended to provide access or utilities beyond that point. An access easement to and through the subject property, as well as any other utility easements, must be shown on the Map in order not to cut off any lot from such access.

- d) *Does not cut off any lot from any utility service available prior to the lot line relocation.*

No utility service available to the lots will be cut off by this Tentative Map in that both parcels will have frontage on Redwood Road which contains existing or new water and sewer lines.

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.*

The siting of the homes and location of the common driveway has been made with consideration for minimizing grading and tree removal. The proposed homesites and structures have been sited to remain off the knoll as much as possible, keep a low height profile in size and height, and retain as many trees as 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.*

No grading is proposed on the top of the two knolls. Rather, the driveway is designed around the knolls and the houses have been sited respectively in the saddle between the knolls and

to the west of the westernmost knoll. Grading for the portion of driveway within the access easement will involve 360 yards of fill and 66 yards of excavated material. However, plans propose a common driveway rather than separate driveways which reduces the potential amount of cut and fill. Grading plans show graded area being rounded and contoured to blend with existing topography.

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.

The condition of the existing Redwood Road leading to this project site is narrow and worn. However, the applicant will resurface the portion of Redwood Road abutting the subject property, contribute to a long-term improvement fund to widen particularly hazardous and narrow portions of Redwood Road, construct a new 15' wide driveway to the project site, and post a bond or other assurances that damage to Redwood Road will be repaired. Although the project will increase traffic by ultimately adding two new homes, conditions regarding traffic improvements will help to mitigate traffic impacts. In addition, prior to rezoning of this project, up to four homes might have been allowed.

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

This project will add two new homes to Redwood Road. A traffic study was prepared for Redwood Road which evaluated the cumulative effects of traffic on this roadway. Mitigation measures recommended by that study will be financed in part by projects such as the subject project so that roadway conditions are as accessible to emergency vehicles and as safe as possible for general traffic.

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.

The building site locations are significantly screened by dense vegetation. Based on a site analysis, with story poles in place, certain sections of the houses and road would be exposed from across Laurel Canyon. Therefore, additional landscaping will be located in these areas to minimize visibility. The soils study indicates the building sites are geologically stable.

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.

Screening of the homes and roadway will be accomplished by existing natural vegetation and proposed new vegetation. The landscaping plan is intended to screen the grasslands portion of the driveway, the retaining walls, and the open area between House No. 2 and Laurel Avenue trail. During the Preliminary Development Plan process, the applicant revised the house locations to minimize tree removal from approximately 16 trees to 2 trees (mostly oaks).

g) That landscaping is provided to screen, maintain or improve the overall visual quality of the projects 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.

Tree replacement, as shown on the Landscape Plan, is with California Coast Oaks. Oaks are the predominate tree around the upper most part of this property. Other plants to be used, which are to be used include Rosemary which is a common native plant and Sweet Hakea.

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 County wide Trails Plan is preserved.

The General Plan Open Space - Conservation Map depicts a proposed trail through this property. The public have used this property as a connector between Redwood Road and Laurel Avenue Trail. A condition is included which requires the owner(s) to waive any rights of refusal to establish a future public access easement along the private access easement/proposed roadway and subject property.

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.

A separate property is located between the subject site and 269 Redwood Road. Because use of the proposed driveway, by the separately owned site, would minimize grading and use of retaining walls, the applicant of the subject project is required to grant access rights to the property west of 269 Redwood Road.

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.

The subject project does not include dedication of public open space, however it does abut Laurel Avenue trail which provides a public access trail for pedestrians and emergency vehicles. Refer to (h) above.

k) That construction, if any, within the ridge zone meets the following findings:

1) That any 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

The subject property is not located within a primary ridge zone. However because of its visibility on a ridge, the size and height of the structures, as well as their siting, have been taken into consideration to minimize visual impacts.

2) *That construction allowed within the ridge zone, under this Article, is kept to low visual profile, the acceptance of which shall be determined in the Design Review process.*

Design of the homes will be subject to the Design Review process and policies contained in the approved Bald Hill Plan.

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;*

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 uses, it meets the maximum permitted density under the General Plan of two units, 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 homes will be under the supervision of a soils engineer and arborist.

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; and*

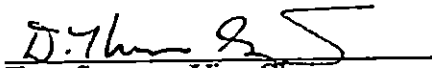
Land Use Element Policies: 1.3, 2.1, 2.2, 9.1-9.8, 10.3, 12.2, 13.1, 13.2, 14.2
14.3, 15.2 16.1
Circulation Element Policies 10.1-10.6, 11.1-11.3
Open Space Element Policies 1.4, 2.8, 4.4-4.7

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

Either of the two homes can exist independently given the required easements which must be shown on the Lot Line Adjustment.

PASSED AND ADOPTED by the Planning Commission of the Town of San Anselmo on the 24th day of July, 1995 by the following vote:

AYES: Julin, Harle, Hayes, Sargent, Mihaly, Ollinger
NOES: None
ABSENT: Israel


Tom Sargent, Vice Chair
(D. Thomson Sargent)

ATTEST:


Caroline Foster, Town Clerk