

**AGENDA ITEM 1(b)**

**TOWN OF SAN ANSELMO  
STAFF REPORT  
August 17, 2005**

For the Meeting of August 23, 2005

TO: Town Council  
FROM: Janet Pendoley, Finance & Administrative Services Director  
SUBJECT: Report of Warrants Issued, July 2005

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**RECOMMENDATION**

That Council acknowledge and file warrant numbers 52225 to 52470 issued during the month of July 2005 in the amount of \$1,198,515.66. The following warrants voided or cancelled: 50814, 51395, and 52158.

**BACKGROUND**

This report is an itemization of payments made to vendors during the month just ended. It also includes warrants written to Bank of America for the month's two regular payrolls as well as reimbursements to employees for work-related approved expenditures.

Respectfully submitted,

Janet Pendoley  
Finance and Administrative Services Director

**Attachment 1:** Warrant Registers, July 2005

**AGENDA ITEM 1(c) – Continued to the meeting of 9/13/05**

## **AGENDA ITEM 2**

**TOWN OF SAN ANSELMO**  
**TOWN COUNCIL STAFF REPORT**  
For the meeting of 8-23-05

**DATE:** 8-15-05

**TO:** Mayor and Council Members

**FROM:** Rabi Elias, Public Works Director

**SUBJECT:** Request installation of two-way stop sign on Mariposa Ave. at the intersection with Richmond Road.

### **RECOMMENDATION**

Authorize the installation of the two stop signs.

### **BACKGROUND**

The Town at the meeting of 5-25-05 did not approve the installation of these signs and directed staff to observe the situation and report back.

### **DISCUSSION**

On 4-6-05 I met in the morning with Mary Ann Scarlet from St. Anselm PTG (Parent Teacher Group) Board and observed the traffic movements. Most of the eastbound on Mariposa Ave. makes a right turn on Richmond Ave., and except for parents dropping off kids, the through traffic mostly does not slow down. While making that right turn they get close to the kids and the drop off vehicles, creating potential conflicts.

As per my original Town Engineer's report the installation of the stop signs does not meet the State warrants.

The California Vehicle Code Section 21354 gives the Town Council discretionary powers to install stop signs on local Town roads.

The resident at 60 Mariposa Ave. had voiced her objection to a stop sign in front of her house at the meeting of 5-25-04, as it will generate stop and go noise.

### **FISCAL IMPACT**

The cost will be around \$500 and will be from the 05/06 street maintenance fund.

## **AGENDA ITEM 3**

**TOWN OF SAN ANSELMO**  
**TOWN COUNCIL STAFF REPORT**  
For the meeting of 8-23-05

**DATE:** 8-15-05

**TO:** Mayor and Council Members

**FROM:** Rabi Elias, Public Works Director

**SUBJECT:** Approve Measure G contributions to drainage project at 41 El Cerrito Avenue.

**RECOMMENDATION**

Approve Measure G contributions to the drainage project at 50% but not to exceed \$11,385.00.

**BACKGROUND**

Town Resolution 3363 established policies for Town assistance toward cooperative efforts in drainage improvement projects.

**DISCUSSION**

This project is an extension of a pipe that collects the water from a catch basin on El Cerrito Ave. that day lighted on the property causing flooding.

The new 12 “ pipe will connect to the newly installed drainage system that the Town installed for this purpose.

**FISCAL IMPACT**

To be funded from Measure G , non-maintained roads and drainage 2005/06 budget.

**AGENDA ITEM 4a)**

**TOWN OF SAN ANSELMO  
STAFF REPORT  
August 18, 2005**

For the Meeting of August 23, 2005

TO: Town Council

FROM: Lisa Wight, Planning Director

SUBJECT: Adoption of Resolution of Denial for Size, Height and Changeable Copy Sign Variances (after the fact) for a 101 square foot sign located on the west facing building wall at 711 Sir Francis Drake Boulevard, APN 006-083-08

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**TOWN COUNCIL DETERMINATION**

Granted the appeal of Mr. Newell and Mr. Ongaro, overturning the Planning Commission's allowance of the sign, height, and changeable copy variances on the grounds that the following required findings could not be made: 1) the strict application of the provisions of Chapter 9 of Title 10 of the San Anselmo Municipal Code would result in unreasonable practical difficulties or in unnecessary hardships for the applicant, which difficulties or hardships are unique to the particular applicant and his use are not present generally, or that the strict application of the provisions of Chapter 9 would bring about results inconsistent with the purposes and intent of this Chapter; and 2) the granting of the variance would not adversely affect the public health, safety, or welfare or be detrimental to or endanger or depreciate the property located in the surrounding area.

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**APPLICANT:** Ford Greene, 711 Sir Francis Drake Boulevard, San Anselmo

**APPELLANTS** John Newell, Post Office Box 38, San Anselmo  
Dean Ongaro, 243 San Anselmo Avenue, San Anselmo

**I. BACKGROUND**

August 9, 2005: Town Council held a public hearing, considered the appeals, received comments from staff and the audience, closed the public hearing, denied the appeal of the size, height and changeable copy sign variances (4-0; absent: Kroot), and continued the matter to the August 23, 2005 meeting for adoption of a Resolution.

**II. RECOMMENDATION**

Adoption of Resolution of Denial.

Attachments: Resolution  
Town Council minutes and staff report dated August 9, 2005  
Correspondence  
c: Ford Greene, applicant  
John Newell, appellant  
Dean Ongaro, appellant

**TOWN OF SAN ANSELMO  
TOWN COUNCIL RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE SAN ANSELMO TOWN COUNCIL FOR DENIAL OF SIZE, HEIGHT AND CHANGEABLE COPY SIGN VARIANCES (AFTER THE FACT) FOR A 101 SQUARE FOOT SIGN LOCATED ON THE WEST FACING BUILDING WALL AT 711 SIR FRANCIS DRAKE BOULEVARD, APN 006-083-08**

**WHEREAS**, an application was filed with the Town of San Anselmo on August 4, 2004, for sign variances and the application was determined complete on May 26, 2005; and

**WHEREAS**, the Planning Commission held a public hearing on June 20, 2005, to consider the variance requests and received comments from staff and the audience; and

**WHEREAS**, the Planning Commission approved the variances for a sign approximately 101 square feet in area on June 20, 2005, on the grounds that granting the variance will not be a special privilege due to the fact that there are existing sign usages greater than the applicant is requesting.

**WHEREAS**, two appeals of the Planning Commission's determination were subsequently filed on June 30, 2005.

**WHEREAS**, the Town Council held a public hearing on August 9, 2005, considered the appeals, received comments from staff and the audience, and closed the public hearing; and

**WHEREAS**, on August 9, 2005, the Town Council denied the appeal of the size, height and changeable copy sign variances on the grounds that the findings for approval could not be made, thereby overturning the Planning Commission approval, and continued the matter to the August 23, 2005 meeting for adoption of a Resolution.

**NOW, THEREFORE**, be it resolved that the Town Council finds the following:

Variance Findings

*Required Finding No. 1. The strict application of the provisions of this chapter would result in unreasonable practical difficulties or in unnecessary hardships for the applicant, which difficulties or hardships are unique to the particular applicant and his use are not present generally, or that the strict application of the provisions of this chapter would bring about results inconsistent with the purposes and intent of this chapter.*

The purpose of the sign ordinance is to protect the public's ability to identify premises without confusion; to eliminate unnecessary distractions, which may diminish driving safety; to promote the safe construction of signs; to protect the natural beauty of the town; and to enhance and improve properties and their neighborhoods by the encouragement of signs which are compatible with, and complementary to related buildings and uses and harmonious with their surroundings.

The strict application of the provisions of the sign ordinance related to size, height and changeable copy limitations would not result in unreasonable practical difficulties or in unnecessary hardships for the applicant for the following reasons: a) Sign allotment in this area is based on the length of the primary building face and the number of traffic lanes the building faces. The size of the building's primary building face provides the applicant the same opportunity as others in this neighborhood to have 1.5 square feet of sign area for every lineal foot of primary building face. Other properties in the area with legal signage have managed to conform their sign allotment to the San Anselmo Municipal Code requirements; b) the height of the sign can be lowered to meet the Code required 20' height and still be visible to both motorists and pedestrians due to the fact that this two-story wall is higher than the neighboring one-story building walls on this block; and c) the applicant was granted permission administratively for a sign to be located on the west facing wall, rather than the primary building face, which increases its visibility.

*Required Finding No. 2. The granting of the variance would not adversely affect the public health, safety, or welfare or be detrimental to or endanger or depreciate the property located in the surrounding area.*

The granting of the variance to allow a changeable copy sign of this size and height could endanger the safety of persons traveling on the road who would be distracted by such a large changeable copy sign. Additionally, a sign of this size could likely depreciate the property in the surrounding area.

*PASSED AND ADOPTED at a meeting of the Town Council on August 23, 2005, by the following vote:*

*AYES:*

*NOES:*

*ABSENT:*

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*Peter Breen, Mayor*

*ATTEST:*

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Barbara Chambers, Town Clerk

**AGENDA ITEM 4b)**

**TOWN OF SAN ANSELMO  
STAFF REPORT  
*August 17, 2005***

For the meeting of August 23, 2005

TO: Town Council  
FROM: Debra Stutsman, Town Administrator  
SUBJECT: Enforcement Action

**RECOMMENDATION**

*That Council approve the extension of the date for enforcement action for the sign at 711 Sir Francis Drake Blvd. an additional 34 days to October 11, 2005, to allow for time to work on a compromise.*

**BACKGROUND**

At the meeting of August 9, 2005, Council upheld the appeal of the Planning Commission approval of size, height and changeable copy sign variances for the sign located at 711 Sir Francis Drake Blvd. In the motion upholding the appeal, Council stayed enforcement of the sign for 30 days to allow time for a subcommittee to meet with Mr. Greene to discuss a compromise.

**DISCUSSION**

Vice-Mayor Thornton, Town Attorney Roth and the Town Administrator met with Mr. Greene and his representative on Tuesday, August 16, to discuss a compromise. It was agreed that in the next several days Mr. Greene would prepare a trial message for his sign using just eight panels of the current sign, with four lines of text. This test will provide an opportunity to view a smaller sign.

In order to have enough time to work on the compromise, and to coincide with the dates of scheduled Town Council meetings, the subcommittee recommends that the 30-day enforcement stay be extended an additional 34 days, or October 11, 2005.

Respectfully submitted,

Debra Stutsman  
Town Administrator



## **AGENDA ITEM 5**

### **OWN OF SAN ANSELMO STAFF REPORT August 17, 2005**

For the Meeting of August 23, 2005

TO: Town Council

FROM: Janet Pendoley, Finance & Administrative Services Director

SUBJECT: Revised Application of General Purpose Municipal Services Tax

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#### **RECOMMENDATION**

That Council approve a revised application of the General Purpose Municipal Services Tax effective July 1, 2005 for entities classified on the County Assessor's tax roll as "commercial, with living units," calculating the tax solely on a per square feet basis.

#### **BACKGROUND**

Each year since 1983-84 the Council has approved a resolution to levy the Municipal Services tax at the rate of \$78 per living unit for residential and per 1,500 square feet (i.e. 5.2 cents per square foot) for non-residential structures. On the tax roll, the residential rate is applied to 3 structural types: single family improved; single family attached; and multiple residential improved. The non-residential rate is applied to only one type: commercial improved.

#### ANALYSIS

In the course of addressing the Town's current financial crisis, Council approved a Special Municipal Services Tax to be placed on the November 2005 ballot. The special tax proposes to use the same taxing structure as the existing general purpose tax. As a result, increased interest has been shown in that taxing structure and the issue of equity has been raised. In response, staff reviewed the provisions of the general purpose Municipal Tax and its application across all residential and non-residential groups.

Staff's findings are that, in large part, the tax is applied in an equitable manner that is accordance with Town Ordinance. Residential entities pay a flat tax of \$78 per living unit, with an additional \$78 for each additional rental unit, if any. Commercial entities pay on a per square foot basis, so that very small shops pay proportionately less than larger stores. At the upper end of the scale, the tax for single enterprises with over 19,230 square feet is capped at \$1,000.

Staff did identify one situation in which equity might be at issue. Entities classified in the tax roll as “commercial, with living units” have been charged both a square foot tax as well as the flat tax for each living unit. This interpretation of the Ordinance, which affects 42 entities, appears to have been applied consistently across the tax roll. While the Ordinance’s language allows one to argue this combination of rates as reasonable, the issue of equity may be the more compelling issue.

### FISCAL IMPACT

Currently, the revenue generated by the General Purpose Municipal Services tax for 2005-06 is estimated at \$467,133. The revenue lost by this revision would be approximately \$8,413, resulting in tax collections of \$458,720.

### CONCLUSION

Staff recommends that Council consider revising the interpretation of the Ordinance effective July 1, 2005 to recognize entities as exclusively “residential” or “non-residential” for purposes of applying either the flat tax per living unit or the per square foot tax, but not both. Staff further recommends that the 42 entities noted above be recognized as non-residential due to their primarily commercial use, and that the non-residential rate of 5.2 cents per square foot be applied.

Respectfully submitted,

Janet Pendoley  
Finance and Administrative Services Director

**AGENDA ITEM 6a)**

**TOWN OF SAN ANSELMO  
STAFF REPORT  
August 17, 2005**

For the meeting of August 23, 2005

TO: Mayor and Members of the Town Council  
FROM: Janet Pendoley, Finance & Administrative Services Director  
SUBJECT: 2005-06 BUDGET AND WORKPLAN

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RECOMMENDATION

That Council approve the attached resolution adopting the 2005-06 Budget and Workplan.

BACKGROUND

At its meeting of July 26, 2005, Council reviewed and conducted a public hearing on the proposed 2005-06 Budget presented by staff.

ANALYSIS

The Town Council directed staff to proceed to adoption of the Budget and Workplan without amendment.

A 4-year summary was requested to document the steps taken by the Town to manage the current fiscal crisis (See Attachment 2).

Respectfully submitted,

Janet Pendoley  
Finance & Administrative Services Director

**Attachment #1:** Resolution # \_\_\_\_\_, A Resolution of the San Anselmo Town Council Adopting the 2005-06 Budget and Workplan.

**Attachment #2:** Town's Management of Fiscal Crisis

**TOWN OF SAN ANSELMO**

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE SAN ANSELMO TOWN COUNCIL ADOPTING THE  
2005-06 BUDGET AND WORKPLAN**

**WHEREAS**, the San Anselmo Town Council held a public hearing on the Proposed 2005-06 Budget and Workplan on July 26, 2005; and

**WHEREAS**, the Council has determined that the 2005-06 Proposed Budget and Workplan will allow for the continuation of municipal services and the necessary construction of capital improvements;

**NOW, THEREFORE, BE IT HEREBY RESOLVED** that the San Anselmo Town Council adopts the 2005-06 Budget and Workplan as allocated below:

Capital Reconstruction Fund	\$ 524,888
Citizens Option for Public Safety (COPS)	100,000
Downtown Revitalization	22,020
Emergency Projects	50,000
Equipment	331,674
General Fund	13,213,675
Insurance	1,200,671
Isabel Cook Complex	32,592
Measure G Capital Projects	276,729
Measure G Debt Service – 1995, 1997, 2000, 2003	1,197,690
Recreation	1,204,410
Road Maintenance	1,394,766
Special Events	24,971
State Gasoline Tax	237,728
Traffic Congestion Relief	532,135

I hereby certify that the foregoing resolution was passed and adopted by the San Anselmo Town Council at a regular meeting thereof, held on the 23rd day of August, 2005 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Peter Breen, Mayor

ATTEST:

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Barbara Chambers, Town Clerk

# Town of San Anselmo

## Town's Management of Fiscal Crisis

	2002-03	2003-04	2004-05	2005-06
<b>Revenue Enhancements:</b>				
Police Fees	Annual increase \$30,000	----->	----->	----->
Planning Fees		Annual increase \$30,000	Estimated annual increase \$100,000	----->
Robson Stop-By Program		Elim. Of Town contribution: \$13,000	----->	----->
Library Fees			Estimated annual increase \$12,000	----->
Business License Adm Fees			Estimated annual increase \$37,500	----->
Recreation fees			Estimated annual net increase \$40,000	----->
Parking Meters in Town Lots			Estimated annual net increase \$40,000	Estimated annual net increase \$77,000
State repayment of 03-04 MVLFF loan				One time repayment: \$211,169
<b>Expenditure Cutbacks:</b>				
Staff Positions	2 frozen positions: est \$170,000	5 frozen positions: est \$425,000	7 frozen positions: est \$600,000	8 frozen positions: est \$685,000
Employee Compensation	1/1/03 mgt raises delayed to 7/03		No employee raises	No employee raises
		30% Rec Dir to Rec Fund: \$30,000	65% Rec Dir to Rec Fund: \$65,000	82.5% Rec Dir to Rec Fund: \$82,500
<b>Dept Operating Budgets:</b>				
Training budget cuts	Reduced training expenses \$12,000	Reduced training expense \$15,000	Reduced training expense \$23,000	Reduced training budgets \$21,000
Dept wide budget cuts			Dept operating budget cuts \$80,000	Dept operating budget cuts \$80,000
Community donation reductions			Reduced community donations \$6,300	Reduced community donations \$4,300
Contribution to Rd Maint Fund			Elimination of \$200,000 contribution	Elimination of \$200,000 contribution
Capital/Equip Purchases	Delayed budgeted capital projects	Mandatory capital and equip only	Mandatory capital and equip only	Mandatory capital and equip only
Facility Improvements	Deferred	Deferred	Deferred	Deferred
<b>Reduced Reserves:</b>				
General Fund	Moved \$200,000 to Rd Maint Fund	Moved \$200,000 to Rd Maint Fund	Est. loss of \$200,000 reserves	Est. loss of \$50,000 reserves
Emergency Projects Fund		Moved \$50,000 to Gen Fund (50%) for exp		
Equipment Fund		Moved \$30,000 to Gen Fund (30%) for exp		
Road Maintenance Fund			Moved \$200,000 to Gen Fund for exp.	Moved \$200,000 to Gen Fund for exp.
NOTE: Base year is 2001-02. All changes are compared to the base year.				

**AGENDA ITEM 6b)**

**TOWN OF SAN ANSELMO  
STAFF REPORT  
August 17, 2005**

**For the Meeting of August 23, 2005**

TO: Mayor and Members of the Town Council

FROM: Janet Pendoley, Finance & Administrative Services Director

SUBJECT: RESOLUTION ESTABLISHING THE 2005-06 APPROPRIATIONS  
LIMIT

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**RECOMMENDATION**

That Council approve the attached resolution establishing the appropriations limit for Fiscal Year 2005-06.

**DISCUSSION AND ANALYSIS**

Under Proposition 4 of the State of California, municipalities are limited in the amount of revenue that they may spend each fiscal year. The limit is calculated using a formula that includes change in population and inflation, as defined by the State.

Also known as the Gann Limit, the limit is set each year by resolution of the Town Council. Attached is a worksheet prepared by staff, showing the Gann Limit calculation for fiscal year 2005-06. The calculation shows that the amount of revenue that the Town estimates it will collect is \$66,398 below the limit it is allowed to spend.

Respectfully submitted,

Janet Pendoley  
Finance and Administrative Services Director

**Attachment #1:** Resolution #\_\_\_\_\_, A Resolution of the Town Council of the Town of San Anselmo Establishing the Appropriations Limit for Fiscal Year 2005-06

**Exhibit A:** Appropriations Limit Data, 2005-06 Summary

**TOWN OF SAN ANSELMO**

**RESOLUTION NO. \_\_\_\_\_**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO  
ESTABLISHING THE APPROPRIATIONS LIMIT FOR FISCAL YEAR 2005-06

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**PURSUANT TO** Government code Section 7910, and based on documentation submitted by the Town Administrator, and acknowledging that the documentation has been available to the public for the required period of time;

**NOW, THEREFORE, BE IT HEREBY RESOLVED** that the Town Council of the Town of San Anselmo establishes the appropriations limit for the Town of San Anselmo for fiscal year 2005-06 under Article XIII-B of the State constitution, as shown on Exhibit "A", in the amount of \$6,740,125; and

I hereby certify that the foregoing resolution was duly passed and adopted at a regular meeting of the San Anselmo Town council held on the 23rd day of August, 2005 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Peter Breen, Mayor

Attest:

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Barbara Chambers, Town Clerk



**APPROPRIATIONS LIMIT DATA  
2005 - 2006 SUMMARY**

<b>2004-05 APPROPRIATIONS LIMIT</b>		<b>6,382,249</b>
<b>CALCULATION OF 2005-06 APPROPRIATIONS LIMIT</b>		
1. Annual Change Factors:		
Per Capita Personal Income <i>or</i>	5.260%	←
Non-residential Assessed Valuation <i>plus</i>	1.089%	
San Anselmo Population <i>or</i>	-0.100%	
Marin County Population ( <i>whichever is greater</i> )	0.330%	←
2. Calculation: $(1 + (.0526)) \times (1 + .0033) =$		1.056074
<b>2005-06 APPROPRIATIONS LIMIT</b>		<b>6,740,125</b>
<b>2005-06 ESTIMATED TAX PROCEEDS SUBJECT TO APPROPRIATIONS LIMIT</b>		
Current Year Property Taxes	3,736,480	
ERAF	681,408	
Supplemental Property Taxes	141,267	
Municipal Services Tax	467,133	
Sales Tax	720,568	
Property Tax In Lieu of Sales Tax	224,452	
Property Transfer Tax	141,439	
Business License Tax	271,501	
Motor Vehicle License Fees	308,417	
Property Tax In Lieu of Motor Vehicle License Fees	692,272	
Homeowners Exemption	35,892	
<b>TOTAL TAX PROCEEDS SUBJECT TO LIMIT</b>		<b>7,420,829</b>
<b>2005-06 EXPENDITURES EXEMPT FROM LIMIT</b>		
Social Security payments	323,767	
Unemployment Insurance	30,000	
FLSA - Fire	33,748	
Unreimbursed Booking Fees	22,000	
Capital Outlay -- Fire Truck	70,000	
Oak Springs Slide Repair/Fire Improvements	130,000	
Library Roof	38,000	
Debt Service -- MERA/LED	99,588	
<b>TOTAL EXPENDITURES EXEMPT FROM LIMIT</b>		<b>747,102</b>
<b>2005-06 APPROPRIATIONS SUBJECT TO LIMIT</b>		<b>6,673,727</b>
<b>2005-06 ESTIMATED LEEWAY</b>		<b>66,398</b>

## AGENDA ITEM 7

### TOWN OF SAN ANSELMO STAFF REPORT

August 17, 2005

For the Meeting of August 23, 2005

TO: Town Council

FROM: Lisa Wight, Planning Director

SUBJECT: 186 Scenic Avenue, APN 7-063-11 (across from Nos. 179 and 203 Scenic Avenue): Appeal of Planning Commission's approval of Design review of a new 3,007 ± square foot, three story single family dwelling with uncovered deck terraces and a 426 ± square foot garage; setback variance for a retaining wall approximately 140' in length and up to 6.5' above grade to be constructed off the property and in the Scenic right of way below and setback from the existing road; and height variances for three chimneys to be 2.94' above the Code maximum height.

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#### PLANNING COMMISSION DETERMINATION

Approved the design review and variance requests based on the findings noted in the April 4, 2005 Planning Commission minutes.

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**APPLICANTS** Josef F. and Corinne A. Kremlacek, 34 Los Cedros Drive, Novato

**APPELLANTS** Jonathon Braun, Post Office Box 627, San Anselmo  
Theresa Johnson, 130 Scenic Avenue, San Anselmo

#### I. BACKGROUND

June 14, 2005: Town Council held a public hearing and continued the application for the applicant to address the issues of: safe passage on Scenic Avenue, landscape screening, non-conformance with the General Plan, the building scale and out of character with the neighborhood, and the restriction of use of the public right of way.

**April 4, 2005: Planning Commission approved design review and variances 4-1 (Noe: Harris) with condition that exterior colors be subject to Planning Commission review at the framing stage.**

## II. NEW INFORMATION

### 1. *Safe passage on Scenic Avenue and Restriction of the Use of Public Right of Way*

- The driveway gate and columns have been removed from the project. In place is proposed a 3.5' high by 2' square stone column with the property address. The new site plan correctly shows it solely on the applicant's property; whereas, the landscape drawing is in error showing it partially on the right of way. Staff has marked up the landscape drawing accordingly.
- As previously approved by the Fire Department, approximately a 70' length of the Scenic Avenue road pavement on the public right of way is to be widened up to 6' between Nos. 190 and 194 Scenic Avenue. This widening was approved by the Fire Department as a trade-off for allowing a 12' wide driveway to access Nos. 186 and 190 versus the standard requirement of 14'. The widening will enable a fire truck to pull off the traveled portion of the right of way, a new hydrant is to be installed in front of No. 190, and Fire access stairs from this Fire truck pull out will be constructed to the level area of No. 190.
- Following the June 14<sup>th</sup> Town Council meeting, the Public Works Director advised the applicants, after consultation with the Town Attorney, that the use of the Town right of way for No. 186's private driveway should only be allowed if the applicant pays to widen Scenic Avenue at the curve (below the proposed fire turnout). The new plans do not reflect that road widening as the applicant has not agreed to that condition. It would be possible to construct the private driveway on the applicant's property. The Town Attorney has advised that "abutters' rights" mean that property that abuts a public street is entitled to reasonable and convenient access to that street; however, no specific location can be demanded.

### 2. *Landscape Screening*

Changes to the landscape plan include an increase in number and size of trees:

Species	Presented at 6/14 TC Hearing	Current Proposal
Strawberry trees	3: 24" box	3: 36" box
Chanticlear Pear tree	1: 15-gallon	24" box
Coast Live Oak	3: 24" box	5: 36" box

The Fire Department's review of this plan includes the following comments:

- Two of the shrub species listed (manzanita and rosemary) are noted in the University of California list of highly flammable pyrophytic plants. Both were proposed to be a lower screen (up to 6') near the dwelling, so other species would need to be selected. Additionally individual shrub crowns would need to be separated by two times the height of the shrub(s), and shrub clumps should be no greater than 18' in diameter.

- At some point as the new trees reach maturity, pruning of the branches below 10' would be required. Tree crowns would necessitate a separation of at least 10'.
- All groundcover would need to be irrigated year round.
- A vegetative management plan containing language for maintenance and issues which would affect the fire safety of the landscaping in the future with a condition that this plan be evaluated by an individual licensed by the State Fire Marshal's office every five years.
- Additional trees could be planted closer to the property line with the same conditions listed above.

3. *Conformance with the General Plan (Land Use Element Policies).*

One design change has been made to the proposed dwelling: wrought iron railings in place of the originally proposed balustrade on the south-facing terrace. No changes have been made to the dwelling size, height, or footprint.

4. *Letter submitted by applicants' legal representative.*

This letter was written after the Planning Commission hearings. Staff has responded to just those points where there is conflicting data regarding dwelling size, height, msl elevation, and location:

- The square footages of the proposed development project are as follows: dwelling (3,007 sq ft), terraces (807 sq ft) and garage (426 sq ft) for a total of 4,240 square feet (dwelling Code maximum is 3,050 sq ft).
  - Height is measured above average grade to the top of the roof and chimney. In this case, the heights above average grade are proposed at 35' for the roof (which is at the Code maximum) and 37.96' for the chimneys. Staff's understanding is that the appellants' measurement was from a "visual" standpoint: measuring from the lowest grade elevation of the building footprint to the top of the chimneys, which is actually an elevation difference of 51.46'.
  - The property is not on a "ridge top", nor are there "scenic views", but it is on a hillside visible from public streets, so is subject to General Plan Land Use policies for hillside development.
  - The property is located between msl elevations 150 and 200 (the drawings were not drawn using msl datum). Hillside design review is triggered at 150 msl elevation.
5. *Effective July 28, 2005, the development standards changed such that chimneys can extend up to 4' above the height maximum for structures without need for a variance, but would still be subject to design review.*

The application was submitted prior to the effective date of the ordinance, which is why a height variance was required. The requirements for design review and the other development standards remain the same.

### III. RECOMMENDATION

That the Town Council either grant or deny the appeal. Should the appeal be denied, thereby upholding the Planning Commission approval, staff would recommend the following conditions be placed in a Resolution of Approval:

1. Approval is based on the site plan, and elevations date stamped received by the Town on July 18, 2005;
2. Prior to building permit issuance, the landscape plan shall be revised to include replacement of those species considered to be highly flammable pyrophytic plants. Such plan shall be subject to both the Planning Director and Fire Marshal's approval.
3. Prior to building permit issuance, a vegetative management plan shall be submitted, which would contain language for maintenance and issues that would affect the fire safety of the landscaping in the future, noting the condition that this plan be evaluated by an individual licensed by the State Fire Marshal's office every five years. Such plan shall be subject to the Fire Marshal's approval.
4. The applicant must adhere to all recommendations established in the geotechnical report dated March 31, 2003, prepared by Nersi Hemati, P.E., G.F., peer reviewed by GeoEngineering, Inc. on June 14, 2004, and accepted by the Town Engineer.
5. *The applicant must adhere to all recommendations established in a Final Drainage Plan prepared by a civil engineer, which will be subject to the Town Engineer's approval prior to building permit issuance.*
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 Scenic Avenue prior to construction. The applicant shall also post a road improvement bond or provide other assurance to the Town that damage to Scenic Avenue or other public street resulting from construction vehicles will be corrected. The plan should include: 1) constructing the driveway 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.
7. 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.
8. Prior to building permit issuance, those trees identified to be preserved shall be protected according to the Arborist's recommendations in the report dated March 28, 2005 and prepared by James Lascot, Certified Arborist, 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. Any fill locations shall be reviewed by the Arborist prior to building permit issuance.
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 and Fire Department 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 shall be replaced with native, adaptive trees. All shall be at least 15-gallon unless otherwise determined 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.

11. The number of replacement trees to be planted on site shall be reviewed by both the applicant's arborist and the Ross Valley Fire Department prior to issuance of the Certificate of Occupancy. Should it be determined that trees cannot be accommodated on the site, an in-lieu fee shall be paid to the Town to be used exclusively for replacement trees on public property in the town.

12. Prior to issuance of the Certificate of Occupancy, the landscaping shall be planted and automatically irrigated as shown on the landscape plan. The trees shall be maintained indefinitely.

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.

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.

15. Prior to the framing inspection, a 4' x 8' sample color board will be placed on the building with darker earth tones to blend with the environment and natural surroundings, subject to Planning Commission approval at a public hearing. Such approved color(s) will be placed in the property file. Other approved materials and colors include:

Siding :	Stucco:
Stone Walls:	Cultured Stone Corp. "Southern LedgeStone" (browns)
Gutters:	Factory Paint "Brown" (dark brown)
Windows:	Light beige/grey (to match stone)
Window Surrounds:	Precast Limestone Medium Etch (beige/grey)
Roof:	Class A Comp Shingles: Certaineed Presidential TL "Autumn Blend" (mainly black/dark grey)
Deck Rails:	Wrought Iron (brown or black)
Retaining Walls:	Shotcrete to resemble boulders

16. All conditions of approval shall be printed at the top of Sheet 1 of the Building permit drawings.

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. 1, 2, 3, 9, 10, 12, 14, and 15 shall be signed by the applicant, notarized, and recorded at the County.

Attachments: Neil Sorensen letters dated July 20 and July 22, 2005  
Correspondence in support  
Town Council minutes and staff report dated June 14, 2005  
Appeal and attachment  
APN map  
Plans

c: Joseph and Corinne Kremlacek, applicants  
David Jochum, architect  
Jonathon Braun, appellant  
Theresa Johnson, appellant

## AGENDA ITEM 8

### TOWN OF SAN ANSELMO STAFF REPORT

August 17, 2005

*For the Meeting of August 23, 2005*

**TO:** Town Council

**FROM:** Lisa Wight, Planning Director

**SUBJECT:** 130 Madrone Avenue, APN 007-114-16, Appeal of Planning Commission's approval of a variance to permit three stories on a lot where a maximum of two stories is permitted and design review of the second and third story additions totaling approximately 1,320 square feet.

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#### PLANNING COMMISSION DETERMINATION

Variance: Approval on the grounds that it would be using space for which an addition would probably be approved; it would not exacerbate a problem because the height of the addition would be lower than the existing house; placing an addition elsewhere on the lot might be detrimental to the surrounding neighbors; protection of heritage trees; and the affect would be mitigated by the distance of the house to the West and screening that would be provided by the heritage trees.

Design Review: Approval on the grounds that the addition would be located in an area that would not unreasonably impair access to light and air of structures on neighboring properties; it would meet the required setbacks; based on the location of the addition and the canopy of the mature oaks, would not unreasonably affect the privacy of neighboring properties; and would not materially affect adversely the health or safety of persons residing or working in the neighborhood.

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**APPLICANT:** Bob Schulz and Linda Jensen, 130 Madrone Avenue, San Anselmo

**APPELLANT:** Kathryn Gant Bradley, 24 Durham Road, San Anselmo

#### **I. BACKGROUND**

June 20, 2005: Planning Commission conditionally approved project 5-0  
(Ayes: Freeman, House, Krebs, Sisich, Zwick; Absent: Harris)



## **II. STAFF COMMENTS**

In order to approve the variance and design review, the Town Council must make the following findings:

Variance Findings:

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
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.

Design Review Findings:

1. Will not unreasonably impair access to light and air of structures on neighboring properties.
2. Will not unreasonably affect the privacy of neighboring properties.
3. Will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not be materially detrimental to the public welfare or injurious to property or improvements in such neighborhood.

## **III. APPEAL**

Kathryn Gant Bradley: *"Code Requirement - 2 stories. Staff report should be followed/upheld."*

## **IV. RECOMMENDATION**

That the Town Council either grant or deny the appeal. Should the appeal be denied, thereby upholding the Planning Commission approval, staff would recommend the following conditions:

2. Approval is based on the plans date stamped received by the Town on June 16, 2005;
2. All recommendations of the Arborist Report date stamped received by the Town on March 3, 2005, shall be followed. An Arborist shall be present at the site during all excavation.
3. All conditions of approval shall be printed at the top of Sheet 1 of the Building permit

- drawings.
4. 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.

Attachments: Appeal  
Planning Commission minutes and staff report dated June 20, 2005  
APN map  
Application  
Plans

c: Bob Schulz and Linda Jensen, applicants  
Kathryn Gant Bradley, appellant