

## **AGENDA ITEM 1(b)**

**For the Meeting of September 13, 2005**

To: Town Council

From: Charles L. Maynard, Chief of Police

Subject: Dispatch Contract Services

Date: August 30, 2005

### *RECOMMENDATION*

That Council approve a new one year contract for the Town of San Anselmo to continue to provide law enforcement dispatch and records services for the Marin Community College District.

### *BACKGROUND*

In addition to providing for its own 24-hour a day dispatch and records services, the San Anselmo Police Department by separate contractual agreement provides these same services for the College of Marin Police Department. The Town of San Anselmo first entered into a contractual agreement with the Marin Community College District on October 21, 1993. The agreement was revised and renewed in July of 2000. The contract states, "Annual increases will be based upon increases in equipment maintenance costs and dispatcher pay and benefits."

### *DISCUSSION*

Dispatch service contracts for the Marin Community College District expired on June 30, 2004. Even though the contract expired the Town has continued to honor the spirit of the contract, providing uninterrupted 24-hour dispatch and records services. Since the contract was last renegotiated in 2000, costs have changed in a number of ways. Frozen positions and changed dispatch structure reduced personnel costs in FY04-05; personnel turnover will keep costs down in FY05-06 but these will rise again in FY06-07. Department computer hardware and software maintenance costs have risen; MERA Radio costs, now that they are allocated to each agency individually, should not be included in the cost formula as they were in the past. See attached Cost Analysis spreadsheets for details.

The College of Marin Police Department and Town staff have agreed that the call for service / incident based formula instituted in 2000 continues to be the best method of properly allocating costs for contracted services. During FY04-05, the College of Marin Police Department accounted for 3.9% of the incidents handled by San Anselmo Police Dispatch, down from 5% in FY99-00. Even though there was no formal contract covering FY04-05, the College has paid the Town the sum of \$14,465.00 for dispatch services for that period.

Staff recommends that a new contract be negotiated with the Marin Community College District to cover FY 05-06, costs to be allocated as set forth in the attached Allocation of Dispatch Costs. Due to on-going changes in staffing, technology and emergency phone services, staff recommends that the contract be reviewed again in early 2006 to see if additional changes have occurred that will significantly impact the cost of contract services.

*FISCAL IMPACT*

Approving the new contract for dispatch and records services with the Marin Community College District will bring additional revenue to the Town to help offset the costs of such services.

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CHARLES L. MAYNARD  
Chief of Police

**AGENDA ITEM 1(c) – not available on web page**

**AGENDA ITEM 1(d)**

**TOWN OF SAN ANSELMO  
STAFF REPORT  
*September 8, 2005***

For the meeting of September 13, 2005

TO: Town Council  
FROM: Debra Stutsman, Town Administrator  
SUBJECT: 711 Sir Francis Drake Blvd.

RECOMMENDATION

That Council acknowledge and file the report on discussions with Ford Greene regarding signage at 711 Sir Francis Drake Blvd.

**BACKGROUND**

Councilmember Thornton, Town Attorney Roth, Ford Greene and the Town Administrator have met twice to discuss the issue of signage at Mr. Greene's place of business. Another meeting will be scheduled for the week of September 12. To date, there is nothing to report.

Respectfully submitted,

Debra Stutsman  
Town Administrator

**AGENDA ITEM 2**

**TOWN OF SAN ANSELMO  
STAFF REPORT  
*September 8, 2005***

For the meeting of September 13, 2005

TO: Town Council  
FROM: Debra Stutsman, Town Administrator  
SUBJECT: Appointment to the Ross Valley Fire Board

RECOMMENDATION

That Council appoint a member and alternate to the Ross Valley Fire Board.

**BACKGROUND**

Councilmember Kroot has served on the Ross Valley Fire Board for eleven years. He has decided not to run for re-election to the San Anselmo Town Council when his term ends in November. In order to allow for an orderly transition of duties, he has elected to resign his position with the Fire Board as of September 8. This will allow the Council to appoint another Fire Board member to gain experience prior to November 8. The current alternate on the Fire Board is Mayor Breen.

Councilmember Kroot's resignation letter is attached.

Respectfully submitted,

Debra Stutsman  
Town Administrator

## **AGENDA ITEM 3**

### **TOWN OF SAN ANSELMO TOWN COUNCIL STAFF REPORT**

September 8, 2005

For the meeting of September 13, 2005

**TO:** Town Council

**FROM:** Lisa Wight, Planning Director

**SUBJECT:**

Reconsideration and review of August 24, 2004 Town Council grant of appeal of Planning Commission approval of design review, lot merger, and lot line adjustment to develop a 9,500 square foot commercial building and exterior renovation of an existing building located at 790-800 Sir Francis Drake Boulevard, APN Nos. 006-061-06, 006-091-34, and 006-091-35, which are in the C-L zoning district. Applicants: Fredric C. Divine Associates Architects for G. Koblick and Kim Mosier. Appellant: Jonathan Braun, PO Box 627, San Anselmo.

Rezoning from R-1, R-3 and C-L to PPD/SPD, use permit and design review, and tentative parcel map to consider 2 residential dwellings units on .58+ acres at 2 and 4 Loma Robles, APN Nos. 006-091-02, 006-091-34, 006-091-35, and 006-091-62. Applicant: Fredric C. Divine Associates Architects for Kim Mosier.

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#### RECOMMENDATION

That the Town Council consider the recent revisions to the residential portion of the project.

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#### I. BACKGROUND

July 26, 2005: Town Council held a public hearing and continued the application to September 13, 2005, with comments including concerns about the 4-unit residential density, some suggesting the density be reduced to 2, construction phase, and traffic flow related to the Red Hill Shopping Center parking lot.

June 28, 2005: Town Council accepted mitigated Negative Declaration for both commercial and residential portions of project with additional environmental studies conducted since the August 24, 2004 Town Council hearing.

**II. NEW INFORMATION**

1. The applicant has changed to Kim Mosier.
2. No changes have been made to the plans for the commercial portion of the project.
3. New plans have been prepared for the residential portion of the project since the July 26, 2005 Town Council meeting:
  - Density reduced to two (2) single family dwelling units:

	Previous Proposal: July 26, 2005	Current Proposal
No. 2	Total: 2,480 sq ft Upper: 588 sq ft Main: 1,472 sq ft Lower: 420 sq ft (Garage: 400 sq ft)	Total: 3,420 sq ft Upper: -0- Main: 2,395 sq ft Lower: 1,025 sq ft (Garage: 400 sq ft)
No. 4	Total: 2,480 sq ft Upper: 588 sq ft Main: 1,472 sq ft Lower: 420 sq ft (Garage: 400 sq ft)	Total: 3,326 sq ft Upper: -0- Main: 1,600 sq ft Upper: 1,726 sq ft (Garage: 400 sq ft)
No. 6	Total: 2,362 sq ft Upper: 546 sq ft Main: 1,021 sq ft Lower: 795sq ft (Garage: 400 sq ft)	—
No. 8	Total: 2,362 sq ft Upper: 546 sq ft Main: 1,021 sq ft Lower: 795 sq ft (Garage: 400 sq ft)	—
Total Living Area Square Footage (plus garages)	9,684 sq ft (1,600 sq ft garages)	6,746 sq ft (800 sq ft garages)

- Fire truck hammerhead no longer required per Ross Valley Fire Department
- Upper house garage location acceptable by soils engineer
- Northerly fence to be reduced by 15-20' per the soils engineer
- Off-haul of dirt reduced with removal of upper parking/hammerhead and 2 dwellings
- Paving and building footprint reduced
- Landscaping shall be increased

- Although the two units would be larger in floor area individually, the upper floors are no longer proposed, lowering the dwellings 9', and their locations are on the south side of the property, making them less visible
- Chimneys proposed again for two units

4. Lot configurations would also change:

Previous Proposal: July 26, 2005	Current Proposal
Lot 1: Lot Size: 4,744 sq ft FAR: 52%	(Previous Lots 1 & 4 combined): Lot 1: Lot Size: 9,419 sq ft * FAR: 36% * plus the balance of the hill
Lot 2: Lot Size: 4,675 sq ft FAR: 53%	(Previous Lots 2 & 3 combined): Lot 2: Lot Size: 15,856 FAR: 21%
Lot 3: Lot Size: 6,270 sq ft FAR: 38%	—
Lot 4: Lot Size: 9,586 sq ft FAR: 25%	—
Total FAR: 38%	Total FAR: 27%

### **III. STAFF COMMENTS**

In response to the architect's discussion of the rezoning and tentative map versus lot line adjustment applications in his September 8<sup>th</sup> letter, the rezoning to SPD would still be the appropriate application, and it appears that a lot line adjustment is feasible.

The applicant recognizes that the purpose of this hearing is to consider the residential density and layout of the project, with the final design drawings and tentative map or lot line adjustment to be reviewed at a future scheduled hearing. Thus, the new drawings include just revised Sheets SP2, A2, A3, and A4. Staff has included the previous residential and commercial drawings for background.

### **IV. RECOMMENDATION**

That the Town Council discuss the project and continue this item to the September 27, 2005 meeting for the applicant to prepare a final set of drawings, and for staff to prepare both an ordinance for the rezoning and resolutions: 1) for the residential use permit and design review; and 2) for the commercial portion of the project.

Attachments: Town Council minutes and staff report dated July 26, 2005  
Correspondence from architect  
APN map  
Plans

c: Kim Mosier, applicant  
Fred Divine, architect  
Leonard Rifkind, attorney  
Jonathon Braun, appellant (of commercial portion of project)

## **AGENDA ITEM 4**

### **TOWN OF SAN ANSELMO STAFF REPORT**

**September 8, 2005**

For the Meeting of September 13, 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

August 23, 2005: Town Council held a public hearing. A motion was made to deny the appeal, which failed 2-2 (Ayes: Breen, Kroot; Noes: Cooper, Thornton; Absent: Chignell). Hearing continued to September 13, 2005 for a full Council (note: it was subsequently determined that Councilmember Thornton owns property within 500' of subject property; therefore, she will recuse herself from the September 13, 2005 hearing).

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. STAFF COMMENTS

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

### *Variances:*

- Due to the special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict interpretation of the controlling zoning ordinance or regulation deprives the property of privileges enjoyed by other property in the vicinity and under an identical zoning classification, and the granting of a variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated
- The 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:*

- *Is functionally and aesthetically compatible with the existing improvements and the natural elements in the area.*
- Provides for protection against noise, odors, and other factors, which may make the environment less desirable.
- Will not tend to cause the surrounding area to depreciate materially in appearance or value or otherwise discourage occupancy, investment, or development in the area.
- 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.



- Will not adversely affect the health or safety of persons using the improvement or endanger property located in the surrounding area.
- Adequacy of screening.
- Selection of architectural features and colors that enable the structure to blend with the environment and which results in a low visual profile.

### **III. 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. Were the driveway to *only* access No. 186, and not No. 190 as proposed, the driveway could have been reduced to a 12' width per the Fire Department.
- 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 Town Council may determine 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, which the Town Engineer would recommend be done 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
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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.

#### **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 be placed in a Resolution of Approval (to be presented to the Council at a following meeting):

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 of project  
Town Council minutes and staff report dated June 14, 2005  
Appeal and attachment  
APN map  
Plans

c: Josef F. and Corinne A. Kremlacek, applicants  
David Jochum, architect  
Jonathon Braun, appellant  
Theresa Johnson, appellant

## **AGENDA ITEM 5**

### **TOWN OF SAN ANSELMO STAFF REPORT**

**September 8, 2005**

*For the Meeting of September 13, 2005*

TO: Town Council

FROM: Lisa Wight, Planning Director

SUBJECT: 147 Allyn Avenue, APN 007-093-09, Appeal of Planning Commission's approval of a setback variance and design review to add a family room addition of approximately 474 square feet over the existing garage and a roof deck on top of the family room within 0' of the front property line (Code: 20') and parking variance to permit two substandard parking spaces to remain (Code: 3: 9'x19'), located within the R-1 zoning district (above 150' msl).

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**PLANNING COMMISSION DETERMINATION**

Approved: 1) setback variance on the grounds that the proposed location is the most logical due to the steeply sloped topography, and that it will not adversely impact the neighborhood because it is at the end of the road, and parking variance on the grounds that although the parking is substandard, the owner improved the roadway in 1999 when the variance for the garage was granted a 0' setback variance; and 2) design review on the grounds that the design is the same materials and colors as the existing structures and is aesthetically compatible with the environment, will not cause unnecessary traffic hazards, and will not affect the health and safety of persons or endanger property in the area.

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**APPLICANT:** Jerry and Nancy Pompili, 147 Allyn Avenue, San Anselmo, CA 94960

**APPELLANTS:** James Hallberg, 70 Greenwood Way, Mill Valley, CA 94941

**I. BACKGROUND**

June 20, 2005: Planning Commission conditionally approved project  
(4:1 Ayes: Freeman, House, Sisich; Zwick; Noes: Krebs; Absent: Harris)

**II. STAFF COMMENTS**

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

*Variance:*

- Due to the special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict interpretation of the controlling zoning ordinance or regulation deprives the property of privileges enjoyed by other

property in the vicinity and under an identical zoning classification, and the granting of a variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.

- The 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 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:

- Is functionally and aesthetically compatible with the existing improvements and the natural elements in the area.
- Provides for protection against noise, odors, and other factors, which may make the environment less desirable.
- Will not tend to cause the surrounding area to depreciate materially in appearance or value or otherwise discourage occupancy, investment, or development in the area.
- 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.
- Will not adversely affect the health or safety of persons using the improvement or endanger property located in the surrounding area.
- Adequacy of screening.
- Selection of architectural features and colors that enable the structure to blend with the environment and which results in a low visual profile.

### **III. APPEAL**

James Hallberg: "1. Proposed improvement is not aesthetically compatible with neighborhood and environment; 2. This approval will encourage other properties to propose 0' setback improvements. Precedence setting; 3. There is no proposed screening or step-back relief or privacy separation from adjacent properties and will present a much higher visual profile; 4. The evidence in this neighborhood does not support the findings to allow the variance. The Planning Commission's approval is precedence setting, lacking supportable findings, and lacking mitigation measures."

Correspondence received both in support of the appeal and support of the project is attached to this report.

### **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:

1. Approval is based on the plans date stamped received by the San Anselmo Planning Department on June 1, 2005;
2. A deed restriction will be required to be recorded at the County of Marin Recorders Office prior to the issuance of a building permit (note: this has already been accomplished). The proposed colors are:
  - Exterior finish: Wood siding to match existing garage/house
  - Exterior wall color: Stained brown to match existing garage/house
  - Exterior window color: Dark Green to match existing house
3. Applicant shall apply for and pay all appropriate fees for building permits, plan checks and inspections;
4. Conditions of approval shall be printed on the top sheet of the building permit plans; and
5. If construction is not commenced within one year from the date of final action, the approval becomes 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 a request in writing to the Planning Director showing good cause prior to the expiration of the discretionary action.

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

c: Jerry and Nancy Pompili, applicants  
Jeff Kroot, architect  
James Hallberg, appellant