

## **AGENDA ITEM 2**

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

For the meeting of 6-14-05

**DATE:** 6-8-05

**TO:** Mayor and Council Members

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

**SUBJECT:** Award the contract for the Oak Springs Landslide Repair Project.

#### **RECOMMENDATION**

Award the project to the lowest bidder that will be announced at the meeting. Due to time limitations the bids will be opened on 6-13-05 at 11:00 AM.

#### **DISCUSSION and BACKGROUND**

The repair of this slide was a part of a court settlement agreement. The repair method is engineered buttress fill retained at the bottom with a gabion wall. An engineered buttress fill consists of excavating the slope to sound earth and recompacting the material as engineered fill reinforced with layers of geo-grid that will hold it together. This method of repair is partially as recommended by the settlement agreement, however, it differs by not using any massive concrete structures. The reason those structures were included was because the scope of work was limited to the slide area, which due to the steepness of the slope could not have been done with engineered fill alone. Now that the Town owns the Lombard property, we chose to extend the repair way below the slide area in order to achieve a slope that will allow a complete engineered buttress fill work with a gabion wall at the bottom. The face of the completed repair work will be planted. When the vegetation takes hold and grows, the slope will meld with adjacent natural landscape and the slide will barely be noticeable.

The Town Council approved the project and authorized soliciting bids at the meeting of 5-24-05.

**FISCAL IMPACT**

Costs, estimated:

Construction To be announced at meeting

Contingency 10 %

Engineering \$080.000

Total \$

Funding:

Town Insurance Plan \$500,000

Town General Fund \$

Total \$

**AGENDA ITEM 3 – oral report**

## **AGENDA ITEM 4**

### **TOWN OF SAN ANSELMO STAFF REPORT June 7, 2005**

For the Meeting of June 14, 2005

TO: Town Council

FROM: Debra Stutsman, Town Administrator

SUBJECT: Phasing of Red Hill Park

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#### **RECOMMENDATION**

That Council approve in concept an amendment to the lease agreement between the Ross Valley School District (RVSD), Tamalpais Union High School District (TUHSD) and the Town to allow Red Hill Park to be developed in phases.

#### **BACKGROUND**

RVSD, TUHSD and the Town of San Anselmo have agreed to develop approximately five acres of property located at what was formerly Red Hill School into a park featuring a multi-use athletic field, dog park, walking track, and sports court. The park will be maintained by the town of San Anselmo under a lease agreement with the RVSD.

#### **DISCUSSION**

The Red Hill Park project is estimated to cost approximately \$2.4 million of which a substantial portion is to be raised through donations. To date, approximately \$1 million has been earmarked for the project through donations, bond money, grants and in-kind services. In an effort to have the park substantially completed by May, 2006, the fundraising committee has requested that the park be developed in phases with phase one to include the athletic field, dog park fencing, and related infrastructure improvements (see attachment). The estimate for completing phase one is \$1.7 million.

The fundraising committee is confident that the additional \$600-700K needed to complete phase one can be raised within the next several months. Furthermore, the committee speculates that by having two thirds of the funds necessary to complete phase one already identified, there will be a greater confidence within the community that the project will go forward thereby encouraging more donations.

Respectfully submitted,

Debra Stutsman,  
Town Administrator

**AGENDA ITEM 5**

**TOWN OF SAN ANSELMO  
STAFF REPORT**

**June 10, 2005**

For the Meeting of June 14, 2005

TO: Town Council

FROM: Lisa Wight, Planning Director

SUBJECT: 100 Hillside Avenue, APN 7-121-25, 7-121-40, 7-121-59, and 7-131-06, Adoption of Ordinance Rezoning to R-1 C (Single family Residential-Conservation Area), currently located in the R-1 and R-1 H zoning districts.

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**RECOMMENDATION**

That the Town Council waive reading, approve Negative Declaration, and adopt an ordinance next in order rezoning the property from R-1 and R-1 H to R-1 C (Single Family Residential-Conservation Area).

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**APPLICANT** Rev. Zuikei Taniguchi, 2325 Pacific Avenue, Alameda, California 94501

**BACKGROUND**

May 24, 2005: Town Council approved Negative Declaration, approved Resolution amending the General Plan, and waived reading and introduced an Ordinance rezoning the property from R-1 and R-1 H to R-1 C, with continuance to the meeting of June 14, 2005 for ordinance adoption.

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Attachments: Ordinance  
Negative Declaration and Environmental Checklist  
Town Council minutes of May 24, 2005

c: Reverend Zuikei Taniguchi, applicant  
Marty Zwick, architect

**TOWN OF SAN ANSELMO  
ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE OF THE TOWN OF SAN ANSELMO REZONING THE  
PROPERTY KNOWN AS 100 HILLSIDE AVENUE AS FOLLOWS: 1.  
APN 7-121-25 & 7- 131-06: FROM CURRENT ZONING OF R-1 TO R-1  
C; 2. APN 7-121-40 & 7-121-59: FROM CURRENT ZONING OF R-1 H TO  
R-1 C**

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**The Town Council of the Town of San Anselmo does hereby ordain as follows:**

**SECTION 1. PLANNING COMMISSION ACTION**

**WHEREAS**, the Planning Commission held a public hearing on March 21, 2005 to consider a Negative Declaration of environmental impact, General Plan Amendments to the Land Use Map and Rezonings;

**WHEREAS**, the Planning Commission approved a Resolution recommending approval of the Negative Declaration of environmental impact, the General Plan amendments and Rezonings to Single Family Conservation/R-1 C on March 21, 2005;

**SECTION II. TOWN COUNCIL ACTION**

**WHEREAS**, the Town Council approved a Resolution approving the Negative Declaration and General Plan Amendments to the Land Use Map changing the designation of subject properties to Single Family-Conservation on May 24, 2005;

**WHEREAS**, the Town Council introduced an Ordinance rezoning the properties to R-1 C (Single Family Residential Conservation Area) on May 24, 2005, continuing the public hearing for ordinance adoption to June 14, 2005.

**WHEREAS**, the Town Council approved the Negative Declaration and adopted an Ordinance rezoning the properties to R-1 C (Single Family Residential Conservation Area) on June 14, 2005.

**NOW, THEREFORE, the Town Council of the Town of San Anselmo DOES HEREBY FIND as follows:**

**SECTION III. ENVIRONMENTAL REVIEW**

1. Negative Declaration of Environmental Impact:

*The project shall not have a significant effect upon the environment.*

The project should not have a significant adverse impact on the environment. Specifically, there should be no adverse impacts on the environment in terms of land use, population and housing, geology, hydrology, air quality, transportation, biological resources, mineral resources, hazards, noise, public services, utilities and services, aesthetics, cultural resources, and recreation associated with the rezoning to R-1 C.

**SECTION IV.                      Rezoning**

The rezoning shall be consistent with the General Plan.

The General Plan land use map amendments were approved by the Town Council on May 24, 2005, so the proposed rezonings would be consistent with the General Plan.

Those lots currently zoned R-1 Single Family and proposed to be rezoned to R-1 C Single Family Conservation would result in a larger minimum lot size requirement. The lots currently zoned R-1 H and proposed to be rezoned to R-1 C would no longer require filing of a precise development plan, but would still require the same level of design review in terms of meeting the goal of low visual profile and still have the maximum density of one unit per acre.

This Ordinance to rezone the property to R-1 C is consistent with the goals and polices of the Land Use Element of the General Plan, as the Land Use Map has been amended. Specifically, that the General Plan calls for a maximum density of one unit per acre, which is consistent with the R-1 C zoning.

*THE FOREGOING ORDINANCE was introduced at a regular meeting of the San Anselmo Town Council on the 24<sup>th</sup> day of May 2005, and was adopted at a regular meeting on June 14, 2005, by the following vote:*

AYES:  
NOES:  
ABSTAIN:

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Peter Breen, Mayor

ATTEST:

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Barbara Chambers, Town Clerk

## **AGENDA ITEM 6**

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

**June 8, 2005**

For the Meeting of June 14, 2005

TO: Town Council

FROM: Lisa Wight, Planning Director

SUBJECT: Adoption of an ordinance rezoning from Specific Planned Development (SPD) for an Automobile Detailing/Repair Operation to Specific Planned Development (SPD) for a Residential Development: 2 Single Family Dwellings, 4 "Workforce" Apartments (low to moderate income), and 4 Townhouses at 1535 Sir Francis Drake Boulevard, APN 005-153-01.

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#### **RECOMMENDATION**

That the Town Council waive reading and adopt an ordinance next in order rezoning the property to SPD for a residential development: 2 single family dwellings, 4 "workforce" apartments (low to moderate income) and 4 townhouses.

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**APPLICANT** Joseph Maguire, 46 Oakland Avenue, San Anselmo, California 94960

#### **BACKGROUND**

May 24, 2005 Town Council held a public hearing, waived reading, and introduced an ordinance rezoning the property to SPD for a residential development: 2 single family dwellings, 4 "workforce" apartments (low to moderate income) and 4 townhouses, with adoption of the ordinance to take place at the June 14 meeting.

Attachments: Ordinance  
Town Council minutes dated May 24, 2005

c: Joseph Maguire, applicant  
Jim McDonald, architect

TOWN OF SAN ANSELMO  
**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE TOWN OF SAN ANSELMO APPROVING A MITIGATED NEGATIVE DECLARATION AND REZONING FROM SPECIFIC PLANNED DEVELOPMENT (SPD) FOR AN AUTOMOBILE DETAILING/REPAIR OPERATION TO SPECIFIC PLANNED DEVELOPMENT (SPD) FOR A RESIDENTIAL DEVELOPMENT: 2 SINGLE FAMILY DETACHED DWELLINGS, AND A BUILDING CONTAINING 4 TOWNHOUSES AND 4 "WORKFORCE" APARTMENTS (LOW TO MODERATE INCOME) ON APN 005-153-01, 1535 SIR FRANCIS DRAKE BOULEVARD.**

**SECTION I. PLANNING COMMISSION ACTION**

WHEREAS, an application was filed with the Town of San Anselmo on June 15, 2004, requesting environmental review and SPD rezoning, and was determined complete on September 12, 2004; and

WHEREAS, the Planning Commission held duly noticed public hearings on October 5, November 15, and December 6, 2004, and considered the negative declaration and Specific Planned Development rezoning. Comments were received from staff and the audience; and

WHEREAS, the Planning Commission approved Resolution No. 0403 with conditions, recommending to the Town Council approval of the negative declaration and SPD rezoning on December 6, 2004, on the grounds that the required findings of approval could be made.

**SECTION II. TOWN COUNCIL ACTION**

WHEREAS, the Town Council held duly noticed public hearings on January 25, 2005 April 12, 2005, and May 10, 2005 to introduce an ordinance rezoning the property, at which time they considered the recommendations of the Planning Commission and took comments from staff and the audience, and continued the matter;

WHEREAS, the Town Council held a duly noticed public hearing on May 24, 2005, at which time they introduced an ordinance rezoning the property, after considering



new information from the applicant, staff and the audience, waived reading, and continued the matter to June 14, 2005 for adoption of the ordinance.

**NOW, THEREFORE, the Town Council of the Town of San Anselmo DOES HEREBY FIND as follows:**

**SECTION III. ENVIRONMENTAL REVIEW**

*1. That the above project would have a less than significant impact on the environment.*

Due to the scope and design of the project (10 units) and its location (at the corner of Sir Francis Drake Boulevard and Oak Knoll Avenue), the project should have no impacts on land use and planning, geology and soils, hydrology/water quality, mineral resources, and cultural resources, and less than significant impacts on population and housing, air quality, biological resources, noise, public services, aesthetics, and recreational facilities. The project would have a less than significant impact with the mitigation measures (attached to the negative declaration) on transportation/circulation, utilities and service systems, and hazards/hazardous materials.

**SECTION IV. REZONING**

*1. The lot or lots is/are of sufficient size and otherwise suitable for planned development.*

The property is of sufficient size and suitable for planned development.

*2. The lot or lots can best be developed by a specific integrated plan approved by the Town in advance of development.*

Due to the location of the property on Sir Francis Drake Boulevard and surrounding development and local streets, it can best be developed by a specific integrated plan.

*3. Planned development of the property would promote the purposes set forth in SAMC Section 10-3.901.*

Due to the property's size and aesthetic appeal, it cannot be appropriately developed through adherence to rigid zoning designations and restrictions. The special characteristics of this lot necessitate a flexible approach to its development, which will provide for logical and orderly development, and at the same time, promote the health, safety, and general welfare of the Town. Planned development contemplates flexibility and variety in the location of buildings and the diversity of lot sizes and building designs. The Planned Development District is intended to accommodate various types of development, including single family residential developments, multiple housing developments, and any combination of uses, which can be made a part of a planned development.

4. *The planned development is consistent with the Town's General Plan, with specific reference to the applicable sections of the General Plan.*

*The project would be consistent with the General Plan for the following reasons:*

**LAND USE ELEMENT:**

"Policy 1.2: Future growth will be managed based on the ability to provide needed public services, the constraints associated with development of the site, the costs and revenues associated with new development, and the effects of growth on local traffic conditions."

*It has been shown that public services can be provided for this project, the applicant will pay for off-site improvements, and the Traffic Study has determined that the increase in traffic shall not have a significant impact on local traffic conditions.*

"Policy 3.2: Single-family residential development is most appropriate within and adjacent to existing single family areas, and in areas easily served with water and sewer lines. Such areas should also serve as transition zones between mixed density and very low density areas."

*The two detached single family dwellings are proposed to be located adjacent to detached dwellings on Medway Road, the project can be served by existing water and sewer lines, and the detached dwellings will serve as a transition between the apartments and townhouses on Sir Francis Drake Boulevard and the lower density on Oak Knoll Avenue and Medway Road.*

"Policy 3.3: Mixed residential and housing opportunity development is also appropriate along major traffic arterials and adjacent to commercial and office areas."

*The townhouses and workforce housing are proposed to be located on Sir Francis Drake Boulevard.*

"Policy 3.4: Mixed residential and housing opportunity development is also appropriate along major traffic arterials and adjacent to commercial and office areas."

See 3.3 above.

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

*The scale of the townhouses and workforce apartments would be of a scale, intensity and design that integrates with the existing character of the Sir Francis Drake Boulevard neighborhood, and the scale of the detached dwellings would be of a scale, intensity and design that integrates with the existing character of the Oak Knoll Avenue/Medway Road neighborhood.*

"Policy 11.2: Medium and large scale development projects in both single family and mixed residential areas shall provide for a variation in building heights and exterior wall and roof articulation to avoid monotonous structures with a large, blank visual bulk and mass."

*The structures are designed to have variation in building heights and exterior wall and roof articulation such that the structures are visually interesting to break up any mass.*

"Policy 12.1: To work with the special districts that provide water, sewer, and fire protection services in order to maintain and improve upon the present level of service."

*The Town has obtained "will serve" letters from Marin Municipal Water District, Ross Valley Sanitary District, and both the Ross Valley Fire and San Anselmo Police Departments have responded with their comments.*

"Policy 12.2: To require all new development with the Town to be served by public water and fire protection agencies and, where feasible, the public sewer system."

*The project would be served by Marin Municipal Water District, Ross Valley Sanitary District, and both the Ross Valley Fire and San Anselmo Police Departments.*

"Policy 16.1: All new developments in the Town should be designed to minimize vegetation removal, soils compaction, and site coverage."

The project would have balanced cut and fill at approximately 200 cubic yards. Vegetation removal would be of a heritage fan palm tree (circumference is 76.32"), which is located in the Town right of way. It was planted by a former tenant of No. 1535 in 1993 without Town approval, is not native to Northern California, and is located in the area where the sidewalk is proposed to be widened to meet ADA regulations.

"Policy 16.4: To repair and improve the Town's storm drainage system to handle existing and projected runoff."

*Installation of storm drains on Oak Knoll Avenue and Medway Road would not be the responsibility of this development. The Town Engineer would require, however, that surface drainage be piped to the streets and not over adjacent private property.*

*CIRCULATION ELEMENT:*

"Policy 1.2: To limit the intensity of developments which may have the potential to make a residential street traffic dominated."

*The Traffic Study reports that this project will not make the residential streets traffic dominated.*

"Policy 1.3: To promote traffic safety by channeling through traffic away from residential streets."

*The project includes two egress driveways with right turn only signs, which places the vehicles on Sir Francis Drake Boulevard.*

"Policy 3.2: All new major developments or subdivisions will be required to submit information to the Town as to their effect on the level of service at impacted intersections."

*A Traffic Study was prepared, which states the project should not have a significant impact.*

"Policy 4.1: To direct through traffic away from residential areas of the Town by using such techniques as landscaping and traffic islands . . . one-way traffic controls . . . do not pose a problem to public safety."

*See 1.3 above.*

"Policy 5.1: To maximize the use of local streets for regional bicycle traffic."

"Policy 6.1: San Anselmo's pedestrian way system is intended to link residential areas with local community destination points (i.e., parks, schools, town hall, commercial areas)."

*The Sir Francis Drake Boulevard sidewalk is proposed to be widened to between 10' and 12' and will serve as a multipurpose path for pedestrians and bicyclists.*

"Policy 6.2: Sidewalks and walkways will be considered in new residential projects but may not be mandatory."

*See 6.1 above.*

"Policy 8.1: to improve traffic circulation along Sir Francis Drake Boulevard by authorizing limited improvements such as . . . improvements at existing intersections . . ."

*The Oak Knoll Avenue/Sir Francis Drake Boulevard intersection is proposed to be improved with Oak Knoll road and turning radius widening.*

#### HOUSING ELEMENT:

"Policy 1.2: Design that fits into the neighborhood: It is the Town's intent that neighborhood identity and sense of community will be enhanced by designing all new housing to have a sensitive transition of scale and compatibility in form to the surrounding area. New development in existing residential areas shall be of a scale and character complementary to that of the neighborhood in order to protect overbuilding of the property."

*This project has a "sensitive transition of scale and compatibility" with the surrounding area. The detached homes are adjacent to the Medway Road detached homes, and the townhouse/workforce apartments are adjacent to multi-residential housing.*

"Policy 2.1: Housing for local workers: The Town will strive to provide an adequate supply and variety of housing opportunities to meet the needs of San Anselmo's workforce and their families, striving to match housing types and affordability, with household income."

*Four workforce apartments, four townhouses, and 2 detached dwellings are proposed.*

#### "Table 25: Summary of Potential Multi-Family Housing Sites and Opportunities"

The number "15" was assigned to this property based on the location of the project (near public transportation, adjacent to an arterial street, near other multiple family dwellings) and the Land Use Element discussion of Housing Opportunity Areas that would serve as an incentive to provide housing for low and moderate income families and that incentive would be to allow 28 units per acre if 40% of a project was developed for low or moderate income families.

#### **SECTION V. Conditions of Approval**

##### Plans:

1. Approval is based on the site plans and floor plans dated stamped received on May 19, 2005, the elevation plans of the townhouse building date stamped received on November 22, 2004, and the elevation plans of the two detached dwellings date stamped received on May 24, 2005.

2. Prior to Building permit issuance for construction of the dwelling units and tentative map approval, a professional environmental consultant shall take additional soil and ground water samples in different areas of the site. Should contamination be found, a

second mitigated Negative Declaration shall be circulated detailing the clean up operation parameters. Should contamination be found at the site, the applicant must clean it up to the satisfaction of the San Francisco Regional Water Quality Board before the dwelling units are constructed. Should clean up not be possible, this Ordinance shall be repealed and the zoning shall revert to Specific Planned Development (SPD) for an automobile detailing/repair operation.

3. Prior to Building permit issuance for construction of the dwelling units, the tentative parcel map shall be subject to Planning Commission review and approval by the Town Council. This tentative map shall include the specific lot designs.

4. Prior to Building permit issuance for construction of the dwelling units, a use permit application shall be subject to approval by the Planning Commission and their approval obtained, which includes specifics, such as building materials, exterior colors, landscape plan including plant species, sizes, irrigation, and fencing, driveway materials, etc.

Grading and Drainage:

5. Prior to Building permit issuance for construction of the dwelling units, a grading plan and drainage plan shall be subject to approval by the Town Engineer.

6. Roof drainage from Buildings D and E shall be to Sir Francis Drake Boulevard.

Right of Way:

7. Prior to issuance of the Certificate of Occupancy: Off-site improvements to the right of ways on Oak Knoll Avenue (road widening, turning radius, sidewalk, driveway approach) and Sir Francis Drake Boulevard (sidewalk and driveway approach) shall be completed to the satisfaction of the Town Engineer.

8. 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 Sir Francis Drake Boulevard, Oak Knoll Avenue and Medway Road prior to construction. The applicant shall also post a road improvement bond or provide other assurance to the Town that damage to public streets resulting from construction vehicles will be corrected. The plan should include: 1) on-site storage of equipment and vehicles; 2) all construction equipment shall be adequately muffled and maintained; 3) hours of construction; etc.

9. Prior to issuance of the Certificate of Occupancy, Right Turn Only signs shall be installed by the Town at the applicant's expense near the Oak Knoll Avenue and Sir Francis Drake Boulevard exits. The San Anselmo Police Department shall determine such signs and their locations so that that Department can enforce them.

Landscaping:

10. Prior to issuance of the Certificate of Occupancy, the landscaping shall be planted and automatically irrigated as shown on the landscape plan.

11. Prior to building permit issuance for construction of the dwelling units, those trees along the rear property line, which are to be preserved, shall be protected according to the an Arborist's recommendations in order to minimize damage to these existing trees during construction of the dwelling and infrastructure. This includes protecting trees during installation of the utility lines. All protection shall remain in place until construction is completed.

Lighting:

12. 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.

General:

13. 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.

14. Units WF 1, WF 2, WF 3 and WF 4 which are identified as "workforce housing", shall be available to households of low to moderate-income (80%-120% of median) for Marin County, by ownership. The term, "workforce" generally means that such units would be made affordable to private and public sector workers with incomes at or below that of teachers, public safety workers, and other professionals. Prior to recordation of the final subdivision map, the applicant shall enter into an agreement with the Town and the Housing Authority of the County of Marin, which is authorized by law to participate in programs that provide housing for households of low and moderate income, that the 4 designated "workforce units" would continue to be available as workforce housing for a period of 35 years.

*THE FOREGOING ORDINANCE was introduced at a regular meeting of the San Anselmo Town Council on the 24<sup>th</sup> day of May 2005, and was adopted at a regular meeting on June 14, 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 7**

***TOWN OF SAN ANSELMO***  
**TOWN COUNCIL STAFF REPORT**  
For the meeting of 6-14-05

**DATE:** 6-8-05

**TO:** Mayor and Council Members

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

**SUBJECT:**

Receive reports regarding the proposed development project at 790-800 Sir Francis Drake Blvd. and 2, 4, 6 and 8 Loma Robles, per Resolution 3714 directing staff to hire independent professionals to study certain issues, including construction management, traffic management, construction feasibility and limitations, geologic impact; and directing staff to report on fire safety, impact on Red Hill Shopping Center and area residents. Project description as follows:

- a) Reconsideration and review of August 24, 2004 Town Council grant of appeal of Planning Commission approval of environmental review, 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 790 Sir Francis Drake LLC Coby Friedman. Appellant: Jonathan Braun, Post Office Box 627, San Anselmo, California 94979.
- b) Planning Commission recommendation of approval of: environmental review, rezoning from R-1, R-3 and C-L to PPD/SPD, use permit and design review to consider 4 residential dwellings units on .58+ acres at 2, 4, 6, and 8 Loma Robles, APN Nos. 006-091-02, 006-091-34, 006-091-35, and 006-091-62. Applicant: Fredric C. Divine Associates Architects for Loma Robles LLC Coby Friedman.



**RECOMMENDATION**

Accept the final soils report from the Town's consultant, Gilpin Associates; direct staff to come back in two weeks with a mitigated negative declaration.

**BACKGROUND**

At the Town Council meeting of March 22, 2004 the council reviewed the Town's consultant's reports on the various issues and asked the applicant to conduct further review in geotechnical and come back. The review is completed and the applicant is back.

**DISCUSSION**

Attached are copies of the responses and the addendum in chronological order between Gilpin Geosciences and Hallenbeck/Allwest. The final conclusion is that Gilpin is satisfied and concurs that the site is buildable. The main points that came out of this study are that the excavation next to Sir Francis Drake Blvd. (SFD) will be 20 ft deep and a concrete drainage ditch above the soil nail wall should be installed to collect the water and divert it in a closed system to the public system at SFD. Gilpin recommends that several submittals be required during the permit process, as outlined in his letter.

Also, for Town Council information and for the record a copy of a soils report prepared by Vince Howes from Salem and Howes Inc. dated April 10, 1990 is attached. This report was addressed to the previous property owner, and recommended that this site not be developed; however, this recommendation was based on the cost of repairs, which the engineer determined to be prohibitive, not a relevant point for the Town to consider in determining whether or not there would be a significant adverse impact on the environment. The repairs mentioned are what are proposed at the present.

**FISCAL IMPACT**

None.

**AGENDA ITEM 8**

**TOWN OF SAN ANSELMO  
STAFF REPORT**

**June 10, 2005**

For the Meeting of June 14, 2005

TO: Town Council  
FROM: Lisa Wight, Planning Director

SUBJECT: Planning Commission recommendation: Approval of a Negative Declaration and Zoning Ordinance Amendments

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### PLANNING COMMISSION RECOMMENDATION

That the Town Council approve the Negative Declaration, waive reading, and Introduce an Ordinance Amending the Zoning Ordinance, specifically; Article 3: Land Use: Table 3A (Land Use Table): Article 4: Development Standards: Table 4A (Development Standards Table), Table 4B (Minor Intrusions into Required Residential Development Standards), Table 4D (Table of R-1 H Hillside Density District Parcels), and Table 4E (Maximum Sizes of Dwellings on Residential Properties Located above 150 Mean Sea Level Elevation); Article 5: Parking; and Article 17: Definitions.

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### BACKGROUND

May 24, 2005: Wording changes were suggested to be made to a few items, comments were received from the audience and the matter was continued to June 14, 2005. Additionally, it was noted that the proposed amendment to Article 1 (New Inclusionary Ordinance) would be continued to June 14, 2005 so that staff could do additional research before bringing it forward to the Town Council.

### DISCUSSION

Reference the May 24, 2005 Town Council minutes and staff report for discussion of the ordinance amendments.

Staff has withdrawn the Inclusionary Ordinance matter from discussion until such time that staff can prepare the document.

### REQUIRED FINDINGS FOR APPROVAL

Listed in attached Ordinance.

### RECOMMENDATION

1. That the Town Council approve the Negative Declaration, waive reading, and Introduce an Ordinance amending the Zoning Ordinance, specifically; Article 3: Land Use: Table 3A (Land Use Table): Article 4: Development Standards: Table 4A (Development Standards Table), Table 4B (Minor Intrusions into Required Residential Development Standards), Table 4D (Table of R-1 H Hillside Density District Parcels), and Table 4E (Maximum Sizes of Dwellings on Residential Properties Located above 150 Mean Sea Level Elevation); Article 5: Parking; and Article 17: Definitions.

2. That the Town Council announce that the scheduled hearing for the adoption of the Zoning Ordinance amendments is June 28, 2005.

Attachments: Ordinance and Exhibit A  
Negative Declaration and Environmental Checklist  
Town Council minutes dated May 24, 2005  
Planning Commission minutes dated February 7, 2005

**TOWN OF SAN ANSELMO**  
**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE OF THE TOWN OF SAN ANSELMO APPROVING A NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT AND AMENDMENTS TO THE ZONING ORDINANCE, SPECIFICALLY TO: ARTICLES 3, 4, 5, AND 17 OF CHAPTER 10.**

**SECTION I.**

**WHEREAS**, on January 27, 2004, the Town Council formed a subcommittee (two Councilmembers and two Planning Commissioners), to review various zoning standards; and

**WHEREAS**, the subcommittee subsequently met several times to review the current ordinance language and discuss specific changes, with their recommendation made to the Planning Commission in December, 2004.

**SECTION II. PLANNING COMMISSION ACTION**

**WHEREAS**, the Planning Commission held a duly noticed public hearing on February 7, 2005, and considered the Negative Declaration and Zoning Ordinance Amendments and received comments from staff and the audience; and

**WHEREAS**, on February 7, 2005, the Planning Commission recommended approval of the Negative Declaration and Zoning Ordinance amendments to the Town Council and specifically requested that comments received from members of the public be forwarded to the Town Council;

**SECTION III. TOWN COUNCIL ACTION**

**WHEREAS**, the Town Council announced at their meeting on March 22, 2005, that these ordinance amendments would be continued to the April 12, 2005 meeting, which was subsequently continued from both the April 12 and April 26, 2005 meetings to the May 10, 2005 meeting;

**WHEREAS**, the Town Council held a duly noticed public hearing on May 10, 2005 and May 24, 2005, to consider the Negative Declaration and introduce an ordinance amending Articles 3, 4, 5 and 17 of Title 10, at which time they considered the recommendations of the

Planning Commission and took comments from staff and the audience, and continued the ordinance amendments to June 14, 2005;

**WHEREAS**, the Town Council held a duly noticed public hearing on June 14, 2005 to consider the Negative Declaration and introduce an ordinance amending Articles 3, 4, 5 and 17 of Title 10;

**WHEREAS**, the Town Council took comments from staff and the audience, approved the Negative Declaration, waived reading, and continued the ordinance amendments for adoption to June 28, 2005;

**WHEREAS**, the Town Council held a duly noticed public hearing on June 28, 2005, waived reading, and adopted the ordinance amendments to Articles 3, 4, 5, and 17 of Title 10.

**NOW, THEREFORE, the Town Council of the Town of San Anselmo DOES HEREBY FIND as follows:**

SECTION IV. ENVIRONMENTAL REVIEW

*That the above project would have no significant impact on the environment.*

The Zoning Ordinance amendments should have no adverse impact on land use and planning, geology and soils, hydrology/water quality, air quality, biological resources, mineral resources, hazards/hazardous materials, noise, public services, utilities and service systems, aesthetics, cultural resources, and recreational facilities, and less than significant impacts on population and housing, and transportation/circulation.

SECTION V. REZONING

*That the Zoning Ordinance Amendments are consistent with the General Plan.*

The Zoning Ordinance Amendments would be consistent with the General Plan, specifically:

- Article 3 -Table 3A (Land Use Table): limited to a relocation of existing language from Section 10-3.303(c) to Table 3A. No inconsistency with General Plan.
- Article 4 - Table 4A (Development Standards Table): adds design review of roof decks, makes flatland design review cumulative, extends maximum height of chimneys, references inclusionary ordinance, excludes second units. No inconsistency with General Plan.
- Table 4B (Minor Intrusions into Required Residential Development Standards): transfers some Planning Commission review of minor items to administrative review, exempts some items. No inconsistency with General Plan.
- Table 4D (Table of R-1 H Hillside Density District Parcels): strictly cleanup on APN changes and lot status. No inconsistency with General Plan.
- Table 4E (Maximum Sizes of Dwellings on Residential Properties Located above 150 Mean Sea Level Elevation): strictly cleanup on adjusted floor area definition.
- Article 5 (Parking): Provides for garages on vacant lots. No inconsistency with General Plan.
- Article 17: Definitions. Cleanup; and changes to Day Care definitions to be consistent with State regulations. No inconsistency with General Plan.

SECTION VI.

**THEREFORE, THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO DOES ORDAIN** that the Zoning Ordinance shall be amended as shown on Exhibit 'A.'

*THE FOREGOING ORDINANCE was introduced at a regular meeting of the San Anselmo Town Council on the 14<sup>th</sup> day of June, 2005, and was adopted at a regular meeting on June 28, 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 9**

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

**June 8, 2005**

For the Meeting of June 14, 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 variances for 1) 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 2) a gated driveway; and height variances for three chimneys to be 2.94' above the Code maximum height.

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RECOMMENDATION

Uphold the Planning Commission's approval of the design review and variance requests, thereby denying the appeal, by approving a Resolution.

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

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

## I. BACKGROUND

**April 4, 2005: Planning Commission approved design review and variances 4-1 (Noe: Harris)**

## II. DISCUSSION OF APPEAL

Appeal points are noted in italics, followed by staff's comments in normal font.

- *The design does not comply with numerous goals, objectives and policies of the San Anselmo General Plan, including . . . Objective 10 . . . Objective 11.1 . . . approx. 4,875 square feet and 53.5 feet tall from foundation to top of chimneys on the down hill side . . . style of French Chateau clad in faux stone and stucco . . . crosses the line and is unquestionably not of a scale, intensity or design that integrates with the existing character of the surrounding neighborhood . . . Land Use Policy 9.3 . . . subject development is at the maximum size and height under the code . . . in a situation like this where there is a large visual impact a reduction in size needs to be implemented . . . should be redesigned to reduce the height . . . Municipal Code requires findings for design review approval . . . design is not compatible with existing improvements and natural elements in the area and is in no way of a low visual profile . . . planting of six trees is not sufficient . . . project is therefore not in compliance with the required findings . . .*

Planning Commission motion stated: "The house is stepped down the hillside, and incorporates elements such as bay windows and building materials that help to mitigate the mass; natural colors will be chosen to blend into the surrounding area and the design is such that the house is evocative of other houses in the neighborhood. A darker color pallet will be brought before the Commission for approval and the materials used will be of a natural character and blend in with the environment and provide a low visual profile."

- *. . . the southwest corner (of the house) is in very close proximity to a drainage gully that receives the flow of storm water from a significant portion of the uphill area of Scenic Avenue. This poses a large liability to the Town and property owner. . . generated storm water may negatively affect the contiguous down slope neighbors.*

The Planning Commission did not address this issue.

According to Public Works Director Rabi Elias, the storm water will be contained in the existing natural swale. The project storm water will increase the peak flow, but will not increase the volume. The effect on the swale flow would be insignificant.

- . . . development will occupy about 140 feet of the public right of way of Scenic Avenue for the private drive including the columns and electric gate . . . this is objectionable . . . Scenic Ave. along the frontage of the property is deficient in width and has a very tight radius at the curve where the driveway enters the street . . . blind curve just beyond . . . makes backing up very hazardous . . . unusually large area of right of way should not be given over to private use until the street along the frontage is brought up to acceptable standards.

The Planning Commission did not address this issue.

According to Mr. Elias, Public Works considered ways to improve Scenic Avenue at the location of the driveway; however, due to the topography, any improvements would make it infeasible to access the applicant's property, which would, in turn, expose the Town to liability for the act of taking.

- *The columns and electric gate do not integrate with the existing neighborhood . . . In the past the Town has had a policy of not allowing gate enclaves. The Quarry Mountain development and Seminary Estates were not allowed to have gates . . . gate is not on the applicant's property but in the right of way.*

Planning Commission motion stated: "Since the chimneys and gate are being constructed for a single family home, they should have no adverse affect on the health and safety of persons residing or working in the neighborhood of the property."

- *No conditions were adopted in the resolution of approval . . . special limits should be placed on hours of construction similar to those in the Bald Hill Plan. Because of the topography . . . noise generated . . . is exacerbated. No work should be allowed on the weekends.*

Staff has prepared a Resolution with conditions typical with hillside development. The Council may wish to add additional conditions as requested by the appellants.

- *A licensed land surveyor should verify the location of foundation forms and floor elevations for conformance with plans.*

Such verification has been required on some projects in the past when a justified complaint is received.

### III. RECOMMENDATION

Uphold the Planning Commission's approval of the design review and variance requests, thereby denying the appeal, and approve the Resolution.

Attachments: Appeal and attachment  
Planning Commission minutes and staff reports dated April 4, 2005  
APN map  
Application  
Plans

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

**TOWN COUNCIL RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE OF THE SAN ANSELMO TOWN COUNCIL  
APPROVING**

**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 VARIANCES FOR 1) 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 2) A GATED DRIVEWAY; AND HEIGHT VARIANCES FOR THREE CHIMNEYS TO BE 2.94' ABOVE THE CODE MAXIMUM HEIGHT FOR 186 SCENIC AVENUE, APN 007-063-11.**

**WHEREAS**, an application was filed with the Town of San Anselmo on April 22, 2004, for design review and variance and the application was determined complete on March 8, 2005; and

**WHEREAS**, the Planning Commission held public hearings on March 21, 2005, and April 4, 2005 to consider the design review and variance requests. Comments were received from staff and the audience; and

**WHEREAS**, the Planning Commission approved the design review and variances on April 4, 2005, on the grounds that the required findings of approval could be made.



**WHEREAS**, an appeal was filed on April 13, 2005.

**WHEREAS**, the Town Council held a public hearing on June 14, 2005, to consider the appeal and received comments from staff and the audience; and

**WHEREAS**, the Town Council denied the appeal on June 14, 2005, thereby upholding the Planning Commission approval, with conditions.

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

1. Design Review Findings For Approval

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

The House is stepped down the hillside, and incorporates elements such as bay windows and building materials that help to mitigate the mass; natural colors will be chosen to blend into the surrounding area and the design is such that the house is evocative of other houses in the neighborhood.

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

A Town-approved construction management plan will provide protection against noise, odors, and other factors, which may make the environment less desirable.

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

The development 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.

4. *Will not create unnecessary traffic hazards due to congestion, distraction of motorists, or other factors and provides for satisfactory access by emergency vehicles and personnel.*

The project has been reviewed by the Planning Commission and will be further reviewed by the Public Works Department and the Fire Department.

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

The house will be constructed in accordance with the Building Code and other codes pertaining to the Town.

6. *Adequacy of screening.*

A professional landscape plan will provide adequate screening.

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

A darker color pallet will be brought before the Commission for approval and the materials used will be of a natural character and blend in with the environment and provide a low visual profile.

2. Variance Findings For Approval

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

The steep topography of the lot would make it impossible for the chimney heights to remain within the interpreted height limits set by the current Planning Code. Special privileges are not being granted because the shape and topography of the site, and its proximity to the road, make it impossible to locate the gate and columns within setbacks on the property. Furthermore, the Public Works Director has requested that a wall be built to support Scenic Avenue where there is already an existing wall.

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.*

Since the chimneys and gate are being constructed for a single family home, they should have no adverse affect on the health and safety of persons residing or working in the neighborhood of the property.

**Conditions of Approval:**

Plans:

1. Approval is based on the site plan, elevations and floor plan date stamped received by the Town on July 13, 2004, and the drainage, landscape and gate plan dated stamped received by the Town on February 24, 2005;
2. The exterior colors of the building shall be determined by the Planning Commission at a public hearing once the building is framed following the

placement of 4' x 8' panels on site which reflect the building materials and colors. The panels shall be visible from distant views. Using "low visual profile" as a theme, the applicant shall consider using darker tones that will blend with the natural environment.

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.

Soils and Drainage:

5. The applicant must adhere to all recommendations established in the Geotechnical Report prepared by Nersi Hemati, P.E., G.E., peer reviewed by Geoengineering, Inc. on June 14, 2004, and accepted by the Town Engineer.
6. The applicant must adhere to all recommendations established in a Drainage Plan prepared by a civil engineer, which will be subject to the Town Engineer's approval prior to building permit issuance.

Road:

7. 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 and garage 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.

Trees:

8. Prior to building and grading permit issuance, those trees identified to be removed on the landscape plan shall be marked accordingly, i.e., bright color tape with wording indicating the extent of pruning or removal. All pruning shall be in accordance with the Pruning Standards of the International Society of Arboriculture. Pruning should be conducted during the winter when trees are dormant for deciduous species and between July and August for evergreens.
9. Prior to building permit issuance, those trees identified to be preserved shall be protected according to an Arborist's recommendations (such written recommendations to be submitted to the Planning Director) 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.

10. With the exception of those trees so noted on the landscape plan, the removal and pruning of trees, shrubs, and herbaceous plants is prohibited except for reasons of disease, and the need to maintain fire and human safety. Such removal and pruning shall first be subject to Planning staff approval.

11. The replacement ratio for oak and redwood trees is 2:1 with the same species, and 1:1 for other trees with a 6" or greater diameter. Other (non-Oak and non-Redwood) trees 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.

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.

Hours of Construction:

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.

Lighting:

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.

Fences:

15. Fences within 20' of the front property line shall be subject to a Public Works permit. No fence shall exceed 6' in height above grade at any point.

Exterior Colors and Materials:

16. The exterior colors of the building shall be determined by the Planning Commission at the time the framing is constructed, following the placement of 4' x 8'

panels on site which reflect the building colors. The panels shall be visible from distant views. Using "low visual profile" as a theme, the applicant shall use tones that will blend with the natural environment and maximize receding of the house into the hillside.

General:

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. 8, 9, 11, 12, and 13 shall be signed by the applicant, notarized, and recorded at the County.

*PASSED AND ADOPTED at a meeting of the Town Council on June 14, 2005, by the following vote:*

*AYES:*

*NOES:*

*ABSENT:*

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*Peter Breen, Mayor*

*ATTEST:*

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*Barbara Chambers, Town Clerk*