TOWN OF SAN ANSELMO
RESOLUTION NO. 3151

A RESOLUTION OF THE TOWN OF SAN ANSELMO TOWN COUNCIL
DENYING THE APPEAL OF PLANNING COMMISSION ARCHITECTURAL
REVIEW AND VARIANCE APPROVALS FOR DEVELOPMENT OF A
SINGLE FAMILY RESIDENCE AT 16 IVY LANE AND ADOPTING NEW
FINDINGS FOR ARCHITECTURAL REVIEW AND VARIANCES BASED
ON REVISIONS TO THE HOUSE DESIGN.

WHEREAS, an appeal was filed with the Town of San Anselmo on
February 13, 1991 requesting that the approval of AR 9006 and V
9039, applications for architectural review and variances related
to development of a single family home located at 16 Ivy Lane, San
Anselmo, Assessor Parcel Number 7-064-55, be overturned; and

WHEREAS, the Town Council held a legally noticed public
hearing on said appeal on March 26, 1991; and

WHEREAS, after receiving public testimony, the Town Council
directed the applicant to investigate an alternative design which
could better resolve neighbors' concerns about massing, visual
impact, reduce the number of variances necessary, and provide
additional technical information related to soils and drainage
improvements; and

WHEREAS, the applicant prepared a revised design which was
discussed at a neighborhood meeting sponsored by the Planning staff
on June 12, 1991, after which the plan was further modified in
response to neighborhood input; and

WHEREAS, the Town Council held a legally noticed public
hearing on June 25, 1991 to review the revised plan and received
additional public testimony; and

WHEREAS, the Town Council unanimously approved the revised
architectural plans referred to as Exhibit A and dated April 29,
1991 subject to the following conditions:

1. The applicant shall label a color and material board (not to
   exceed 8.5 x 11 inches in size) "Exhibit B" which includes
   samples of the color palette and materials approved by the
   Planning Commission and submit this to the Planning Department
   prior to issuance of a building permit.

2. All necessary offsite improvements including drainage, road
   widening and paving, and retaining wall construction shall be
   provided by the applicant, designed to Town standards and
   approved by the Director of Public Works prior to issuance of
   a building permit.
3. Any exposed cement retaining walls shall be darkened with lampblack and textured with specially textured forms. The retaining wall adjacent to 10 Ivy Lane shall be stained a darker color than natural wood and the beams shall be 4' x 12' in dimension. The stairway to 10 Ivy Lane shall be constructed with railroad ties.

4. The applicant shall strive to carpool site construction workers in order to reduce the number of vehicles driving on Ivy Lane and to park construction vehicles on or immediately adjacent to the site.

5. Construction activities shall be limited to Monday - Friday between the hours of 7:30 am to 5 pm.

6. A drip irrigation system shall be incorporated into the landscaping plan (Sheet L-1) and installed along with the landscape materials to better ensure their survival. In addition, the recommendation of Mr. Trees Tree Protection Plan (letter dated August 23, 1990) shall be explicitly followed. The Landscape Plan (L-2) dated 6-17-91 shall be revised and resubmitted prior to issuance of a Building Permit as follows:

   a) Pitisporum shall be used in place of Myoporum;

7. The applicant shall secure all encroachment permits from the Director of Public Works prior to issuance of a building permit. Staff will investigate whether the encroachment permit can indicate that the improved parking area in the Ivy Lane right-of-way adjacent to 10 Ivy Lane shall be understood to provide parking for that residence. This determination will involve input from the RVFD Fire Chief, Town Attorney, and Director of Public Works.

8. Staff shall confer with the applicant and the owners of 8 Ivy Lane regarding an appropriate site out of the Ivy Lane right-of-way for relocation of the trash enclosure.

9. The Planning Director shall contact the owners of 10 Ivy Lane during the plan check process and permit them to review and comment on construction plans for roadway improvements adjacent to their home.

10. The plan design, site preparation, construction, and monitoring recommendations of Salem Howe Associates (5-24-91) and Miller Pacific Engineering Group (6-14-91) shall be followed unless modified by the Director of Public Works.
NOW, THEREFORE, the Town Council of the Town of San Anselmo DOES HEREBY FIND as follows:

Section 1. Findings required for the approval of Architectural Review pursuant to Section 10-3.710(5) of the San Anselmo Municipal Code that the proposed residence:

(1) Is functionally and aesthetically compatible with the existing improvements and the natural elements in the surrounding area.
(2) Provides for 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 orderly development in such 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; and
(5) Will not adversely affect the health or safety of persons using the improvement or endanger property located in the surrounding area.
(6) Is adequately screened.
(7) Contains a selection of architectural features and colors that enable the structure to blend with its environment and which results in a low visual profile.

Supporting facts for these findings are as follows:

The revised house design is compatible with the existing improvements in the neighborhood and the natural elements in the area because it is a two-level structure that is built in stair-step fashion up the steeply sloping parcel. The building facade provides varied planes which create architectural interest and the natural wood exterior and muted colors will help the home blend into the heavily wooded site. While the site plan and architectural elevations have been developed to minimize visual impact on other residences by breaking up the building mass and setting it at the greatest possible distance from adjacent properties, planned landscaping will further improve the visual quality of the residence by softening and screening the building.

Off-site improvements will substantially improve off-street parking in the neighborhood and provide for emergency vehicle access through road widening, construction of a turnaround, reconstruction of retaining walls, and provision of an all-weather roadway surface.

The Town retained a geotechnical engineering firm to perform a peer review of the soils and geotechnical report prepared by the applicant's consultants. Based on these two reports, the Council
is assured that the proposed foundation system for the home, building materials, and construction techniques will improve drainage within the neighborhood and reduce the potential for minor slumping that presently exists on the site.

Section 2. Findings for the two variances (a 20-foot front yard variance and a 20-foot rear yard variance) pursuant to Section 10-2.709 of the San Anselmo Municipal Code are as follows:

(1) Due to special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the controlling zoning ordinance or regulation deprives such 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; and

(2) The granting of such 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 property or improvements in such neighborhood.

Supporting facts for these findings are as follows:

The location of this parcel at the end of Ivy Lane coupled with the irregular, triangular-shaped parcel configuration, creates the need to provide convenient access and parking within the front yard setback. The parcel is narrowest adjacent to Ivy Lane. Although the house is designed to step upslope toward the widest portion of the parcel, the need to provide reasonable living space within proximity to the garage results in construction of decks and portions of the residence in the rear yard setback.

The proposed residence will blend into the existing neighborhood and therefore will not cause visual blight. The off-site roadway improvements, including reconstruction of retaining walls, road widening and paving, and construction of a turnaround for emergency vehicles will improve safety conditions in the neighborhood and would likely have a positive impact on property values.
PASSED AND ADOPTED by the Town Council of the Town of San Anselmo at a regularly scheduled meeting on July 23, 1991, by the following roll call vote:

AYES:  Chignell, Colteaux, Kanis, Walsh, Zaharoff

NOES:  (None)

ABSENT:  (None)

Maria Zaharoff, MAYOR

ATTEST:  Caroline Foster
CITY CLERK