WHEREAS, on January 18, 2000, the Planning Commission of the Town of San Anselmo held a public hearing on and received comments from staff, the applicant, and the public and approved the Precise Development Plan amendment and Design Review for 289 Redwood Road with the findings and conditions; and

WHEREAS, the Planning Commission approval was appealed to the Town Council on January 27, 2000, within the ten-day appeal period; and

WHEREAS, the Town Council held a public hearing on February 8, 2000 at which time they considered the recommendations of the Planning Commission, staff, applicants and the public.

THEREFORE BE IT RESOLVED that the Town Council of the Town of San Anselmo hereby approves the Precise Development Plan amendment and Design review subject to the following findings and conditions:

Precise Development Plan Amendment:

1. This project shall comply with all applicable conditions as outlined in Town Council Resolution No. 3449 dated October 27, 1998 (Exhibit A to this Resolution) with the following modifications to the conditions of approval:

   No. 20. Unless an amendment to the Precise Development Plan is approved by the Planning Commission, a house on Parcel A shall:

   • Not to exceed 4120 sq. ft including garage
   • Be no higher than 372' elevation (16' above the top of knoll)
   • Not exceed the limits of the Building Envelop as amended
   • Require Design Review approval

2. Construction of the retaining wall located on Redwood Road directly adjacent to the Barsky property (269 Redwood Road) is to be post-poned until future development of Parcel B (287 Redwood Road) occurs.

3. The building envelop for the house at 289 Redwood Road (parcel A) shall be as identified on the previously approved precise development plan dated 11/5/97, without the relocated position as submitted with this application. (approximately 57’
from side property line, NOT 54' as shown on amended plan). The garage may be relocated as shown on the amended plan.

4. The developer/owner of 289 Redwood Road shall provide landscape screening along the driveway adjacent to 269 Redwood Road as conceptually illustrated on Attachment 2, screening plantings shall consist of 41 5-gallon and seven 15-gallon Myoporum laetum plants consistent with the scope of work outlined on Attachment 3. Landscaping shall be installed prior to issuance of a final occupancy permit for 289 Redwood Road and shall be maintained in good condition for a minimum of two years by the owner of 269 Redwood Road.

**Design Review Approval:**

1. That the request for Design Review be granted in accordance with the plans and supplemental submittal package date stamped April 28, 1999, received by the Town of San Anselmo Planning Department.

2. Applicant shall apply for and pay all appropriate fees for building permits, plan checks and inspections.

3. This permit and each condition contained herein shall be binding upon applicant and any transferor, or successor in interest.

4. The applicant is encouraged to contribute trees or donations toward the purchase of trees based on the amount of net tree loss to develop the property. Trees or donations to the Town are to be used for downtown revitalization, or other tree replacement projects in public or open space lands.

5. If construction is not commenced within one year from the date of final action, the permit 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.

**NOW, THEREFORE, the Planning Commission if the Town of San Anselmo does hereby find as follows:**

- Findings required for approval of the **Precise Development Plan amendment** pursuant to Section 10-3.1106 of the San Anselmo Municipal Code are as follows:

**Precise Development Plan Amendment**

a) **That the Precise Development Plan protects and preserves the natural and existing land forms and vegetation of the hillside and ridges, water courses, and any unique habitats located on the property.**
The siting of the home and location of the common driveway has been made with consideration for minimizing grading and tree removal. The proposed home site has been sited to remain off the knoll as much as possible, keep a low height profile in size and height, and retain as many trees as possible.

b) That the precise grading plan is designed to retain the natural and existing features of the land, that cuts and fills are minimized, and that all graded areas are rounded and contoured to blend with the existing topography.

No grading is proposed on the top of the knoll. Rather, the driveway is designed around the knolls and the house has been sited respectively in the saddle between the knolls and to the west of the westernmost knoll. Grading for the driveway is intended to balance as much as possible to minimize import or export of soil. Plans to construct a common driveway rather than separate driveways have reduced the potential amount of cut and fill. Grading plans show graded area being rounded and contoured to blend with existing topography. Pier and foundation beam construction for the houses will result in minimal grading.

c) That both on-site and off-site roadways are structurally suitable and adequate to carry projected traffic, and that the proposed development will not generate traffic which cannot be adequately accommodated by the roadway network outside the project area.

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

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

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

e) That building site location and the access to said building sites are selected to minimize visibility of the development from the remainder of the community, and are geologically stable.

The building site proposed for 289 Redwood Road (Parcel A) is significantly screened by dense vegetation. Based on a site analysis, with story poles in place, some house road will be exposed from across Laurel Canyon. Therefore, additional landscaping will be located in these areas to minimize visibility. The soils study indicates the building sites are geologically stable.
f) That development is located so as to be screened by portions of the site where existing topography provides screening or by existing woodlands. Development within existing woodlands may be allowed if tree removal is minimal.

Screening of the new house and roadway will be accomplished by existing natural vegetation and proposed new vegetation. Conditions call for revising the landscape plan to screen the grasslands portion of the driveway, the retaining walls, and the open area between the Parcel B and Laurel Avenue trail. During the prior owner's Preliminary Development Plan process, O'Hare revised the house locations to minimize tree removal from approximately 16 trees to 2 trees (mostly oaks). The Dwyer building site at 289 Redwood (Parcel A) is similar to the Boesel building site and no additional trees (from the Boesel application) will be removed for the driveway or the house under the Dwyer proposal.

g) That landscaping is provided to screen, maintain or improve the overall visual quality of the projects as it relates to the community; that said landscaping stabilizes erodible soil; and that said landscaping camouflages the visually harsh aspects of improvements such as cuts, fills, and retaining walls. That the type and character of plant materials employed in said landscaping are reasonably related to plants in the surrounding areas. That said landscape plans demonstrate a recognizable pattern or theme for the overall development by choice and location of plant varieties.

Tree replacement, as shown on the Landscape Plan, is with Oak trees which are the predominate tree around the upper most part of this property.

h) That pedestrian easements are provided where pedestrian facilities are not contained within streets. That continued use of established local trails and trails associated with the accepted County wide Trails Plan is preserved.

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

i) That where developable land exists beyond the development being considered that road easements and dedications are provided to the appropriate bodies. That such easements are to the same standards as other public roads within the development.

A separate property (A/P 7-097-06), located off Redwood Road, is surrounded on three sides by the subject site. Because use of the proposed driveway, by the separately owned site, would minimize grading and use of retaining walls, the applicant of the subject project is required to grant access rights to this property owner.

Another undeveloped site exists off Laurel Avenue fire road (A/P 7-131-14). Because of steep terrain access from the subject property does not appear feasible.

j) That where developments include dedication of public open space, or that where developments abut existing public open space, that access to said public open space is provided for the public, including public emergency, and public open space management vehicles and equipment.
The subject project does not include dedication of public open space, however it does abut Laurel Avenue trail which provides a public access trail for pedestrians and emergency vehicles. Refer to (h) above.

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

1) That any construction within the ridge zone is permitted only when the applicant has demonstrated to the satisfaction of the Planning Director and the Planning Commission that construction outside of the ridge zone would be detrimental with respect to soil and geologic conditions, vegetation removal, drainage and such other factors as are determined to be pertinent; and

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

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

Design of the home is consistent with the Design Review process and policies contained in the approved Bald Hill Plan.

**l) That the Precise Development Plan does not adversely affect the health or safety of persons in or adjacent to the area or endanger property located in the surrounding area:**

The Precise Plan will not adversely affect the health or safety or endanger property of persons located in the area due to the fact that the proposed use is a continuation of the existing residential uses, it meets the maximum permitted density under the General Plan of two units, and with conditions of approval, will meet the requirements of the R-1-H zoning district. A soils report has been provided that indicates the building sites are stable and no historic landslides exist in the vicinity.

**m) That the Precise Development Plan is in conformance with the San Anselmo General Plan, with specific reference to the applicable sections of the General Plan; and**

- Circulation Element Policies 10.1-10.6, 11.1-11.3
- Open Space Element Policies 1.4, 2.8, 4.4-4.7

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

289 Redwood Road can exist independently without development of 287 Redwood Road (Parcel B) and either of the two building sites could exist independently given the required easements which must be shown on the Lot Line Adjustment.

**Hillside Design Review Findings**
1. **Is functionally and aesthetically compatible with the existing improvements and the natural elements in the surrounding area.**

The building site is well vegetated with mature oaks and bay laurels and the project as designed, is functionally and aesthetically compatible with the existing natural elements and will not be significantly visible from off-site.

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

The project as proposed provides for protection against noise, odors and other factors which may make the environment less desirable in the long term because of the nature of the existing single family residential use and the materials used for the project.

In the short term, the construction and demolition involved with this project is subject to construction management conditions as outlined in the Bald Hill Plan. The conditions provide for protection the wind, erosion, traffic, and heavy equipment as well as control the hours of construction activity.

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

When built, the project should appreciate and encourage occupancy, investment and orderly development in this area. The house, in its design is ver compatible with the neighborhood and will contribute to the orderly development of the immediate 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 as proposed will not increase density or cause new or different modes of transportation resulting in new traffic behavior in the neighborhood.

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

The project as proposed will not adversely affect the health or safety of persons using the new decks or endanger property located in the surrounding area in that the project will be subject to local engineering codes Fire Code, and the Uniform Building Code.

6. **Conformance to Precise Development Plan.**

As amended this project conforms to the approved Precise Development Plan, se Findings above for the PDP.
7. **Adequacy of Screening**

The building site has been specifically selected for its potential to be screened by existing vegetation of mature oaks and bay trees. Additionally, the approved landscape plan provides for significant plantings for additional screening of the driveway and other areas that have potential to be visible from off site.

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

As conditioned, the selection of architectural features and colors allow the proposed structure to blend with its environment and results in a low visual profile.

NOW THEREFORE BE IT RESOLVED that the Town Council of the Town of San Anselmo does hereby uphold the action of the Planning Commission, thereby denying the appeal and approve the Precise Development Plan amendment and Design Review for a new single family house to be constructed at 289 Redwood Road.

The foregoing resolution was adopted at a regular meeting of the San Anselmo Town Council held on the 22\textsuperscript{nd} day of February, 2000, by the following vote:

**AYES:** Chignell, Hodgens, Kilkus, Kroot, Breen

**NOES:** None

**ABSTAIN:** None

\[\text{Peter Breen, Mayor}\]

\[\text{Debra Stutsman, Town Clerk}\]
EXHIBIT A

TOWN OF SAN ANSELMO
TOWN COUNCIL RESOLUTION NO. 3449

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO
APPROVING A NEGATIVE DECLARATION AND UPHOLDING THE APPEAL AND
MODIFYING THE PLANNING COMMISSION APPROVAL OF A
LOT LINE ADJUSTMENT, PRECISE DEVELOPMENT PLAN, VARIANCES, AND
DESIGN REVIEW TO CREATE TWO SINGLE FAMILY HOMESITES AND
BUILD TWO HOMES ON 2.6 ACRES BETWEEN REDWOOD ROAD AND
LAUREL AVENUE TRAIL WEST OF 269 REDWOOD ROAD
LOCATED IN THE R-1-H ZONING DISTRICT
(APN'S 7-141-04, 7-097-05, AND 7-097-02)
AND
REZONE 0.36 ACRES OF LAND TO BE ADDED TO
269 REDWOOD ROAD FROM R-1-H TO R-1 (A/P 7-097-04)

WHEREAS, on July 24, 1995, the Planning Commission of the Town of San
Anselmo approved a revision to the Negative Declaration, a Precise Development Plan,
Lot Line Adjustment and Variance requests to a two unit project proposed by then
applicant Ben O'Hare. Such approval was granted following five public hearings on the
Preliminary and Precise Development Plan applications; and

WHEREAS, Ben O'Hare did not commence construction, allowed the permits to
lapse, and sold the land to David Boesel; and

WHEREAS, the Planning Commission of the Town of San Anselmo held public
hearings on the following Boesel applications on April 20, 1998, June 15, 1998, and July
20, 1998, and examined pertinent maps, drawings, and documents:

A/P 7-141-04, 7-097-05, and 7-097-02

1) Environmental Review (Negative Declaration) – ER-9806
2) Lot Line Adjustment for Boesel property to create 2 lots from 3 – LLA - 9801;
3) Precise Development Plan – PDP-9801;
4) Variance to construct approx. 4' high retaining walls within 0' of the property line
   – V-9825; and
5) Variance to allow access drive to cross one lot to serve another – V-9825.

A/P 7-097-04 @ 269 Redwood Road

1) Lot Line Adjustment to reconfigure the lot between Boesel property and 269
   Redwood Road – LLA-9801;
2) Rezone newly created 269 Redwood Road from R-1-H to R-1 – Z-9801; and
3) Variance to allow construction of an approximately 7' high retaining wall within 0'
   of a property line.
WHEREAS, the Planning Commission has approved a Mitigated Negative Declaration on January 19, 1993, and the "Supplement to a Previously Prepared Negative Declaration" prepared on May 16, 1995; and

WHEREAS, a Supplemental Initial Study leading to a Draft Negative Declaration was prepared and circulated on April 1, 1998, relative to the Boesel project, and approved on July 20, 1998;

WHEREAS, the Planning Commission considered the recommendations of the Town of San Anselmo staff, applicant, and members of the public during the public hearing process;

WHEREAS, the Planning Commission approval was appealed to the Town Council on August 12, 1998, within the required 10-day appeal period; and

WHEREAS, the Town Council held a duly noticed public hearing on September 8, 1998, and October 27, 1998, at which time they considered the recommendations of the Planning Commission, staff, applicants, and members of the public.

THEREFORE BE IT RESOLVED that the Town Council of the Town of San Anselmo hereby approves the Negative Declaration and the above request, subject to adoption of an Ordinance to rezone property from R-1-H to R-1 and the following conditions and findings:

1. Infrastructure improvements (e.g., driveway, retaining walls, drainage) shall be constructed in accordance with Precise Development Plans date stamp received on July 14, 1998, unless otherwise modified herein and the following change:

   Reconfigure the driveway on Parcel B near the turnaround to avoid removal of the 2 - forked 18" Oak trees subject to review by the Public Works Department and Ross Valley Fire Service.

2. The Lot Line Adjustment map, date stamp received by the Town of San Anselmo on February 17, 1998, shall be revised as follows:

   a) Incorporate a "recreational pedestrian easement" for public trail purposes that follows an alignment similar to the "1st Trail Preference" shown on the map dated July 17, 1998 as submitted by the Open Space Committee. Final easement location and legal wording shall be prepared through the efforts of the applicants, the Open Space Committee, the Planning Director and Town Attorney.

   b) Incorporate a "Private Open Space Easement" over:

   - That portion of land located outside the Building Envelope for Parcel A as shown on the Proposed Building Envelope Plan date stamped July 14, 1998 and amended per Exhibit A-1 (attached).

   - That portion of land located outside the Building Envelope for Parcel B as shown on the Proposed Building Envelope Plan date stamped July 14, 1998 and amended per Exhibit A-2 (attached).
That portion of land being transferred from Boesel to Hildebrand (currently part of A/P 007-097-05) that is not to be developed. Such area is shown on Exhibit A-3 (attached).

c) Correct square footages by changing the existing square footage of A/P 7-141-04 and 7-097-05 from 95,125 to 95,025 S.F. and the proposed square footage for A/P 7-097-04 from 41,175 to 41,075 S.F.;

3. For 269 Redwood Road, a deed restriction shall be recorded at the time of map recordation generally stating that:

*Development of A/P 7-097-04 (or as may be reassigned by the County Assessor) at 269 Redwood Road is limited to one living unit.*

4. Prior to issuance of any Grading or Building Permit, the applicant shall submit Improvement Plans to be approved by the Town Engineer. Said improvement plans shall include, but not be limited to, driveway improvements, drainage, grading, and erosion control.

The Improvement Plans shall include the following:

5. Show all utility easements and all recorded easements that reflect the driveway being proposed on the Precise Development Plan. Easements should include driveways, grading, retaining walls, and related improvements.

6. Widen Redwood Road along property frontage to a 15' width and repave with a 2" asphalt surface after construction work is completed in accordance with Precise Development Plan Sheets 1 and 2 date stamp received July 14, 1998; and as modified by the “Boesel Project Revision Summary” dated October 27, 1998, and the Larry Doyle letter and Exhibit A dated September 29, 1998.

7. Revise drainage plans and provide information per the “Boesel Project Revision Summary” dated October 27, 1998, and the Larry Doyle letter and Exhibit A dated September 29, 1998, and as follows:

   a) Analyze size needed for new pipe and catch basin on Parcel B north of driveway.
   b) Provide detail of rip-rap proposed along Laurel Avenue.
   c) Show a minimum of 12' width for Laurel Avenue
   d) Analyze size of pipes along the driveway
   e) Provide detail and hydraulic analysis of new trench drain
   f) Obtain permission from owner to extend pipe away from house at 280 Redwood Road. Pipe shall not change the downstream impact.
   g) On paving and widening sections for both portions of Redwood Road, show existing cross slope and no change to existing cross slope.
   h) Extend the north/south retaining wall along Redwood Road (across from 296 Redwood Road) so that water is directed into the culvert per the review and approval of the Public Works Director.

8. Retaining wall design for Redwood Road shall be constructed in accordance with Retaining Wall Detail plan date stamp received on July 14, 1998 except as
modified by the "Boesel Project Revision Summary" dated October 27, 1998 and that the I-beams be colored to blend with the environment (e.g., brown).

9. Submit soils analysis, for establishment of design criteria, to Town Engineer for independent peer review ($1,000).

10. If work is anticipated between October 15 and April 15, the applicant shall submit an erosion control plan covering all exposed slopes with a vegetative covering to minimize soil erosion. A slope planting, irrigation systems, and a planting schedule shall be prepared by a certified arborist and be subject to the approval of the Public Works Director.

11. Prior to issuance of a Certificate of Occupancy, the owner shall contribute $2,900 per house, or such an amount as has been subsequently been determined, toward the long-term improvements of Redwood Road. This represents their fair share of the total estimated costs of engineering and constructing improvements as part of a Redwood Road Improvement Plan and funding program to be formulated by the town pursuant to public hearing(s). The public process shall determine the final list of improvements and applicable standards. Such improvements will help mitigate existing deficiencies in the traffic circulation and emergency access system identified in the Redwood Road Traffic Impact Study by DKS Associates, dated March 10, 1994.

12. The applicant should follow the recommendations contained in the June 7, 1989 Earth Science Consultants report and May 14, 1990 Geoengineering, Inc. report, and any supplemental reports, to ensure slope stability and erosion control.

13. Prior to issuance of any Grading or Building Permit for construction of the driveway, the applicant must receive permission from the adjacent property owner(s) if any construction is to occur on their property that cannot be contained within the easement.

14. Prior to the issuance of a Grading or Building Permit, the applicant shall submit a Construction Management Plan in accordance with Exhibit B of the Bald Hill Plan. Such plan is subject to the review and approval of the Public Works Director and shall include, but not be limited to the following:

   a) Prior to start of any construction, the applicant should be responsible for coordinating arrivals and departures of all construction-related vehicles and equipment at staggered intervals so that traffic congestion and hazards are minimized on Town streets.

   b) Soil removal and tree removal, as well as soil importation, should be minimized to reduce the amount of truck traffic.

   c) A sign should be posted at the end of Redwood Road indicating a phone number for neighbors to call if they are experiencing problems associated with construction activities.

   d) Hours of construction should be limited to the time period from 8:00 a.m. to 4:30 p.m. weekdays only and no construction on the weekends and holidays, and heavy construction truck trips shall be restricted to non-peak periods of 10:00 a.m. and 3:00 p.m. The Public Works Director can authorize construction beyond these hours and days upon written
request, including interior work and other work tasks he deems appropriate. All construction equipment shall be adequately muffled and maintained.

15. The applicant shall post a road improvement bond or provide other assurances to the Town that damage to Redwood Road or other public streets from construction vehicle access will be repaired upon completion of construction.

16. Prior to issuance of any Grading or Building Permit, assurances shall be provided to the Town that water for site development is available through the Marin Municipal Water District.

To ensure that the trenching and roadway is properly prepared and sealed to minimize water seepage into the new cuts, the following shall occur:

a) After the rough cut, a 6" saw cut beyond the trench is to be made;
b) Trench location should be in the stable part of the road, i.e., in the cut (not the fill) part of the road. This may put the trench closer to the uphill side;
c) Asphalt over trench all the way to the edge of the road so no small sections of newly cut pavement are left exposed;
d) Slurry seal all joints;
e) In accordance with MMWD standard trench detail, substitute sand backfill with CDF (controlled density fill); and
f) Agree to a 2-year maintenance bond.

17. Prior to start of construction, the applicant shall call the Town for an inspection to ensure that Tree Protection measures specified in the Brooks Arborist Report, date stamp received June 8, 1998 are in place. No construction shall be allowed to start until these measures are met to the satisfaction of the Planning Director. No trees identified to remain shall be removed unless otherwise approved by the Planning Director.

A licensed arborist shall be present on the site, during grading and construction activities that could endanger trees, to supervise the protection of trees. A bond in an amount to be determined by the Town arborist shall be required prior to issuance of any Grading or Building Permit to replace any trees that are damaged or removed during construction no matter whose fault it is.

18. Revise Landscape Plan, date stamped received by the Town on July 15, 1998, prior to issuance of a Building Permit, as follows:

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

e) Specific recommendations/measures, contained in the Brooks Arborist Report, shall be strictly followed both during and after construction to protect preserved trees. Of special note is the 30" Bay tree located at the end of the existing driveway, the 2-forked 20" and 26" Oak located within the building footprint of Parcel B, and the trees adjacent to retaining walls.
f) Submit irrigation plans that include irrigation to plant material at top and bottom of retaining walls.

g) Submit a Broom eradication plan. Broom that has invaded the property shall be eradicated prior to signing off the final building permit.

h) Supplement driveway retaining walls with plant materials, as needed, per the direction and approval of the Planning Director.

i) Construct a fence at the bend in the driveway similar in style and location as proposed in the “Bell/Hildebrand Fence Detail” dated October 3, 1998. The purpose of the fence is to screen auto headlights from the neighboring property. In addition, ten (10) trees shall be planted that exceed the fence height and are deer resistant. Fence design and location, and type, size and location of trees must be agreed upon by Bell, Hildebrand, and Boesel. If a disagreement should arise, the final determination shall be made by the Planning Director.

Final Landscape Plan revisions are subject to Planning Director approval.


20. Parcel A House

Unless an amendment to the Precise Development Plan is approved by the Planning Commission, a house on Parcel A shall:

- Not exceed 3,700 sq. ft. including garage;
- Be no higher than 372’ elevation (16’ above the top of knoll)
- Not exceed the limits of the Building Envelope as amended
- Require be subject to Design Review

21. Parcel B House

Unless an amendment to the Precise Development Plan is approved by the Planning Commission, a house on Parcel B shall:

- Not exceed 3,700 sq. ft. including garage;
- Be no higher than 359’ elevation (7’ above the top of knoll)
- Not exceed the limits of the Building Envelope as amended
- Require be subject to Design Review

22. Inside the Building Envelope:

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

23. Private Open Space Easement

Said parcels shall be held by each lot owner under the following terms, conditions and covenants:

a) Removal of non-heritage trees, or trees and plants required for screening, may occur within the private open space easement only for reasons of disease, and the need to maintain fire or human safety. Native plants should be retained unless inconsistent with fire safety. Pruning must be done in such a way as to not endanger or shorten the life of any tree. (Note: Removal of a heritage tree requires a permit).

b) It is intended that the land and vegetation remain in its existing natural state. No construction, landscaping, or temporary structures of any kind are allowed within this open area, except for:

1) Landscaping or structures that are necessary to stabilize existing unstable slopes or other features that are necessary to protect public safety. Such landscaping or structures are subject to approval by the Town of San Anselmo through the administrative design review process.

2) Construction, alteration, relocation, and maintenance of private access roads, pedestrian trails, and when necessary, for storm drains and utilities.

3) Property line fences, if any, which either follow along property lines or are located along a road right-of-way, should be of transparent construction and may integrate the use of foliage. Such fences should be designed to allow wildlife to travel freely between properties and to open space areas. Solid fences should not be used.

c) Subject to the foregoing, each lot owner shall have the right to maintain all existing private roads and trails upon said land; shall have the exclusive use and occupancy of said land not inconsistent with the conditions and restrictions herein imposed; and shall have the right to petition the Town of San Anselmo to allow adjustment in the location or configuration of the open space easement, and the Town of San Anselmo shall have the right to grant such petition.

d) In consideration of the approval of the Town of San Anselmo of the lot line adjustment and the development of the real property to which this Declaration relates, declarant hereby covenants and agrees, and each owner of any lot by acceptance of a deed therefor, whether or not it shall
be as expressed in such deed and all heirs, executors, administrators, assigns and successors in interest of each such owner is deemed to covenant and agree as follows: In the event the open space easements referred to in this paragraph are not held and maintained as provided therein, then the Town of San Anselmo may, in its sole discretion, enter upon the property and undertake such maintenance and other provisions hereof. The Town of San Anselmo shall be reimbursed for any such work by the owner of any lot for work performed upon such lot.

24. An exterior lighting plan shall be submitted, with any Design Review application or Building Permit application for infrastructure improvements, that specifically orients all lighting away from adjacent properties. Exterior lighting should be designed to eliminate off-site spread of light through the use of hooded, low-level, low wattage light fixtures that cast light in a downward direction. Such lighting should be permitted for safety and security purposes only and must be unobtrusive and maintain privacy. A lighting plan is subject to the review and approval of the Planning Director.

25. Development of the homesites are subject to the Bald Hill Area Plan - Visual Section, as approved by the Town Council, as it relates to height, colors and materials, building design, fence design, and application requirements for design review of a home.

26. The owners of the subject properties shall waive any rights of refusal to establish a public access easement along a portion of the existing access easement and subject property connecting Redwood Road with the Laurel Avenue trail as shown on the General Plan Open Space - Conservation Map.

27. Fire Department requirements regarding the private driveway, turn around area, fire flow, hydrant location, and building materials must be met, unless exempted or modified by the Fire Chief.

28. That if this development which has received discretionary approval for a Precise Development Permit has not begun within one year from the date of the final action, the permit shall become null and void. However, this discretionary action may be renewed by the Planning Director for a maximum period of one (1) year provided the applicant places such request in writing to the Director showing good cause prior to the expiration of the discretionary action.

29. Conditions No. 2, 3, 20, 21, 22, and 26 shall be recorded with the County Recorders Office prior to issuance of any Grading or Building Permit.

30. Prior to recordation of the Final Map, a Maintenance Agreement between Parcels A, B and A/P 007-097-06 for maintenance of private common areas, acceptable to the Town Attorney, shall be recorded.
FINDINGS

Lot Line Relocation

That the Tentative Lot Line Relocation Map:

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

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

Hildebrand property: There is one lot existing at 269 Redwood Road (0.58 acres) that will be expanded to 0.94 acres. At the time of map recordation, a deed restriction will be recording stating that development of this property at 269 Redwood Road is limited to one dwelling unit. Therefore, the finding can be made that no additional lots in any zone are being created.

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

By creating two lots from three on the Boesel property, the overall lot size is increased. Parcel A will be 43,883 square feet and Parcel B will be 54,329 square feet. Most lots in this neighborhood are either similarly sized or smaller than the proposed parcels.

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

This property backs onto the Laurel Avenue fire road and is not intended to provide access or utilities beyond that point. Access to Parcel A is obtained via an access easement through Parcel B. Such access easements are shown on the Map in order not to cut off any lot from such access.

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

No utility service available to the lots will be cut off by this Tentative Map in that all utilities will extend from Redwood Road which contains existing or new water, sewer lines, and power lines through Parcel A to Parcel B via a utility easement.

Rezoning

*The Zoning Ordinance Amendment in its entirety is in compliance with all provisions of the Town of San Anselmo General Plan.*

In order to apply consistent zoning to the newly expanded property at 269 Redwood Road, it is necessary to rezone the former Boesel portion from R-1-H to R-1 thereby placing the entire 269 Redwood Road land in the R-1 zoning district. Because the new lot will be less than an acre, an R-1-H zone is not applicable. However, to ensure that no more than one dwelling is allowed, consistent with the General Plan, a deed restriction will be recorded restricting this new lot to a single family dwelling use.
addition, a deed restriction is being required to restrict development on the former Boesel portion and retain it in a natural state consistent with General Plan open space policies. Lastly, the owners of 269 Redwood Road are asked to waive their right of refusal should a trail easement be established along the access easement for hiking purposes.

Based on this, it is found that rezoning the former Boesel property from R-1-H to R-1 to enable the new Hildebrand lot to have consistent R-1 zoning is in conformance with the San Anselmo General Plan.

**Precise Development Plan**

_a) That the Precise Development Plan protects and preserves the natural and existing land forms and vegetation of the hillside and ridges, water courses, and any unique habitats located on the property._

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

_b) That the precise grading plan is designed to retain the natural and existing features of the land, that cuts and fills are minimized, and that all graded areas are rounded and contoured to blend with the existing topography._

No grading is proposed on the top of the two knolls. Rather, the driveway is designed around the knolls and the houses have been sited respectively in the saddle between the knolls and to the west of the westernmost knoll. Grading for the driveway is intended to balance as much as possible to minimize import or export of soil. Plans to construct a common driveway rather than separate driveways have reduced the potential amount of cut and fill. Grading plans show graded area being rounded and contoured to blend with existing topography. Pier and foundation beam construction for the houses will result in minimal grading.

_c) That both on-site and off-site roadways are structurally suitable and adequate to carry projected traffic, and that the proposed development will not generate traffic which cannot be adequately accommodated by the roadway network outside the project area._

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

_d) That the intensity of the development will not have the potential to make a residential street traffic dominated._
This project will add two new homes to Redwood Road. A traffic study was prepared for Redwood Road that evaluated the cumulative effects of traffic on this roadway. Mitigation measures recommended by that study will be financed in part by projects such as the subject project so that roadway conditions are as accessible to emergency vehicles and as safe as possible for general traffic.

e) That building site locations and the access to said building sites are selected to minimize visibility of the development from the remainder of the community, and are geologically stable.

The building site proposed for Parcel A is significantly screened by dense vegetation. The building site proposed for Parcel B is more visible due to less tree canopy. Based on a site analysis, with story poles in place, certain sections of the potential future houses (particularly Parcel B) and road would be exposed from across Laurel Canyon. Therefore, additional landscaping will be located in these areas to minimize visibility. The soils study indicates the building sites are geologically stable.

f) That development is located so as to be screened by portions of the site where existing topography provides screening or by existing woodlands. Development within existing woodlands may be allowed if tree removal is minimal.

Screening of the building sites (future homes) and roadway will be accomplished by existing natural vegetation and proposed new vegetation. Conditions call for revising the landscape plan to screen the grasslands portion of the driveway, the retaining walls, and the open area between the Parcel B and Laurel Avenue trail. During the prior owner’s Preliminary Development Plan process, O’Hare revised the house locations to minimize tree removal from approximately 16 trees to 2 trees (mostly oaks). The Boesel building site locations are similar to the O’Hare locations although more trees will be removed due to relocation further away from the neighbor to the west. It should also be noted that fewer trees will be removed for the driveway under the Boesel proposal.

g) That landscaping is provided to screen, maintain or improve the overall visual quality of the projects as it relates to the community; that said landscaping stabilizes erodible soil; and that said landscaping camouflages the visually harsh aspects of improvements such as cuts, fills, and retaining walls. That the type and character of plant materials employed in said landscaping are reasonably related to plants in the surrounding areas. That said landscape plans demonstrate a recognizable pattern or theme for the overall development by choice and location of plant varieties.

Tree replacement, as shown on the Landscape Plan, is with Oak trees which are the predominate tree around the upper most part of this property.

h) That pedestrian easements are provided where pedestrian facilities are not contained within streets. That continued use of established local trails and trails associated with the accepted County wide Trails Plan is preserved.

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

i) That where developable land exists beyond the development being
considered that road easements and dedications are provided to the appropriate
bodies. That such easements are to the same standards as other public roads
within the development.

A separate property (A/P 7-097-06), located off Redwood Road, is surrounded on three
sides by the subject site. Because use of the proposed driveway, by the separately
owned site, would minimize grading and use of retaining walls, the applicant of the
subject project is required to grant access rights to this property owner.

Another undeveloped site exists off Laurel Avenue fire road (A/P 7-131-14). Because of
steep terrain access from the subject property does not appear feasible.

j) That where developments include dedication of public open space, or that
where developments abut existing public open space, that access to said public
open space is provided for the public, including public emergency, and public
open space management vehicles and equipment.

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

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

1) That any construction within the ridge zone is permitted only when the
applicant has demonstrated to the satisfaction of the Planning Director and the
Planning Commission that construction outside of the ridge zone would be
detrimental with respect to soil and geologic conditions, vegetation removal,
drainage and such other factors as are determined to be pertinent; and

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

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

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

l) That the Precise Development Plan does not adversely affect the health or
safety of persons in or adjacent to the area or endanger property located in the
surrounding area;

The Precise Plan will not adversely affect the health or safety or endanger property of
persons located in the area due to the fact that the proposed use is a continuation of the
existing residential uses, it meets the maximum permitted density under the General Plan of two units, and with conditions of approval, will meet the requirements of the R-1-H zoning district. A soils report has been provided that indicates the building sites are stable and no historic landslides exist in the vicinity.

\(m\) That the Precise Development Plan is in conformance with the San Anselmo General Plan, with specific reference to the applicable sections of the General Plan; and

Circulation Element Policies 10.1-10.6, 11.1-11.3
Open Space Element Policies 1.4, 2.8, 4.4-4.7

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

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

Variances

• For retaining walls; and
• To allow access drive to cross one lot to serve another.

1. Due to the special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the controlling zoning ordinance or regulations 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.

Retaining Walls

Due to the steeply sloped nature of this property, and the unusual access between two existing developed properties via existing easements, there are no other viable locations for the driveway that requires retaining wall construction. Therefore, based on unique topographic conditions, staff is able to support Variances to construct:

An approximately 4' high retaining walls within 0' of the property line on the Boesel property; and
An approximately 7' high retaining wall within 0' of a property line on the Hildebrand Property at 269 Redwood Road

Staff is also able to find that granting these variances would not constitute a grant of special privilege.
Access across one lot to serve another

Construction of a shared driveway to serve these two building sites, and some future building site on A/P 7-097-06, eliminates the need for multiple driveway and substantial cut and fill. However, the Town's Ordinance Code requires that a Variance be granted whenever an access drive crosses another lot. Staff believes the environmental benefits in this shared driveway outweigh the alternatives and therefore the Variance can be supported.

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 detrimental to the public welfare or injurious to property or improvements in such neighborhood.

Retaining Walls

Granting of these Variances will not adversely affect the health or safety of persons residing or working in the neighborhood in that the walls will be screened with vegetation, and most are low walls with relatively short sections reaching 7’ in height.

Access across one lot to serve another

Granting of this Variance will not adversely affect the health or safety of persons residing or working in the neighborhood in that no new driveway or driveways will be created along Redwood Road. Instead the project applicant will extend an existing driveway along an existing access easement.

PASSED AND ADOPTED by the Town Council of the Town of San Anselmo on the 27th day of October, 1998 by the following vote:

AYES: Breen, Chignell, Overberger, Kroot, Hodgens

NOES: None

ABSENT: None

ATTEST:

Debra Stutsman, Town Clerk

Judith K. Hodgens, Mayor

Boesel Redwood Road project
EXHIBITS

TO TOWN COUNCIL RESOLUTION NO. 3449

DAVID BOESEL PROJECT

LOCATED WEST OF 269 REDWOOD ROAD
(A/P 7-141-04, 7-097-05, AND 7-097-04)

(INCLUDES LOT LINE CHANGES TO
269 REDWOOD ROAD
– A/P 7-097-04)
David Boesel and I met with Gay Kagy at 280 Redwood Road on September 23, 1998, concerning the culvert that empties onto her property. David Boesel agreed to extend the pipe across her property and to connect it to a 12" culvert at 270 Redwood Road, which is owned by Rick Clark. Mr. Clark has agreed to this plan. I calculated the increased runoff added to this culvert using the "inlet condition". The additional runoff will not overburden the 12" culvert (see Exhibit "A").

I am also recommending the following improvements and changes to Redwood Road:
A. Widen the roadway and seal the coat pavement along the property's frontage in the vicinity of 280 Redwood Road. This section was approved to be paved. The existing pavement is in good condition (see Exhibit "A").
B. Pave approximately 150 linear feet of roadway in the vicinity of 232 and 191 Redwood Ave. The existing pavement is in poor condition and is failing (see Exhibit "A").
C. Grade and pave the existing ditch in the vicinity of 232 Redwood Ave (see Exhibit "A").

Hopefully these recommendations are acceptable to the neighbors and the City Council.

Sincerely,

Lawrence P. Doyle
P.E. 34572
P.L.S. 4694
Neighborhood concerns from Town council meeting September 8, 1998

1) Retaining wall height / type
2) Drainage at 280 Redwood Road "Kegy Property" and other effected neighbors
3) Road condition and drainage concerns below 232 Redwood Road "Chase Property"
4) Fence and landscaping plan at "Bell Property"
5) Pier review
6) Deer confinement at retaining wall

Response: to Neighbors concerns

1) • Change retaining wall from concrete pillars to steel I-beams
   • Slant lagging to provide additional planting area
   • Lower height of wall 1 foot and slope remaining embankment 1/1
   • During construction, consult with geo tech. engineer to determine if further wall height reductions are possible

2) • Extend drainage pipe at 280 Redwood Road to culvert at 270 (see sketch by project engineer)
   • Install catch basin at intersection so neighbors can tie their drainage into system as well, further reducing impact on neighbors below.

3) • Extend paved drainage swale above 232 Redwood Road to collect excessive water from hill and outfall from bell property (see sketch by project engineer)
   • Exchange paving of property frontage across from 280 Redwood Road for equal area below 232 Redwood Road, construct paved drainage swale along up hill side of road.
   • Extend paved drainage swale below this section to culvert below.

4) • Agree to construct approx. 50 lineal feet of fence 6 feet high along property line of "Bell Property"
   • Place boulders along curved section of roadway.

5) • Pier review not necessary as all concerns have been met.

6) • Construct "deer step" in retaining wall approximately mid span, where existing deer trail is between 296 & 290 Redwood road.

\[ \text{\$ 300} \]

(per Council action 09/27/98)
12" Concrete pillars 5' O.C.

Wood lagging

6" curb & gutter

Planting area between posts

5'-0" O.C.

RETAINING WALL DETAIL

scale 1" = 1'-0"
12" Concrete pillars 5' O.C.
Wood lagging
6" curb & gutter
Planting area between posts

SARCOCCOA Hookerana humilis
5 Gallon – 3' OC

5' O.C.

Carpenteria Californica (Bush Avenome) 5' High

1 each between pillars

RETAINING WALL DETAIL

For landscape purposes only (o.c.)
12" Concrete pillars 5' O.C.
Wood lagging
6" curb & gutter
Planting area between posts

Top of Wall
Ribes Viburnifolium (Evergreen Currant) 4' 0" C.C.

MAHONIA REPENS CREeping MAHONIA 3' High

RETAINING WALL DETAIL
For landscape purposes only  scale 1/2 = 1'-0"
Exhibit A-3

LOT LINE ADJUSTMENT
BOESEL TO HILDEBRAND

PROPOSED NEW PROPERTY LINE

PROPOSED ACCESS AND UTILITY EASEMENT FOR PARCEL "A"

EXISTING HOUSE
269 Redwood Rd.

LANDS OF HILDEBRAND
AREA = 41,175 S.F.

Bldg. Envelope

Conceptual House

Lands of Boesel

Install 25 LF perforated pipe for water disposal
Install Catch Basin
Retaining Walls

Catch Basin

Forked 18" G

Drainage Culvert

Forked 18" G

108.61'

5 49'-22" W

108.61'

5 49'-22" W

108.61'

5 49'-22" W
12" Concrete pillars 5' O.C.

Wood lagging

6" curb & gutter

Planting area between posts
Bell/Hildebrand
Alternative Fence Locations 10/3/98 (a.c.)