

**TOWN OF SAN ANSELMO**  
**TOWN COUNCIL RESOLUTION NO. 3509**

**A RESOLUTION OF THE SAN ANSELMO TOWN COUNCIL APPROVING THE DESIGN  
OF A NEW SINGLE FAMILY DWELLING ON  
148 Oak Avenue, A/P Nos. 7-273-30 and 7-273-31**

WHEREAS, an application was filed with the Town of San Anselmo on June 11, 1999, requesting approval of Design Review and Variances to construct a single family dwelling on 148 Oak Avenue, A/P 7-273-30 and 7-273-31; and

WHEREAS, the Planning Commission held public hearings on January 18, 2000, February 7, 2000, March 6, 2000, and March 20, 2000; and

WHEREAS, the Planning Commission denied the Design Review and Variance requests based on the plans date stamped received by the Town on January 3, 2000 (sheets 1 – 4), the plans date stamped received by the Town on March 9, 2000 (sheets 5-7), and the landscape plan date stamped received by the Town on January 31, 2000;

WHEREAS, the Town Council held a public hearing on April 11, 2000, to consider an appeal of the Planning Commission's determination;

WHEREAS, on April 11, 2000, the Town Council granted the appeal, thereby approving the Design Review and Variance requests based on the plans date stamped received by the Town on January 3, 2000 (sheets 1 – 4), the plans date stamped received by the Town on March 9, 2000 (sheets 5-7), and the landscape plan date stamped received by the Town on January 31, 2000, subject to conditions outlined in a Resolution of Approval to be presented to the Town Council at a public hearing on April 25, 2000:

WHEREAS, on April 25, 2000, the Town Council approved the Resolution of Approval based on the following conditions:

**Conditions of Approval**

1. The applicant must adhere to all recommendations established in the Geotechnical Investigation prepared by Salem Howes Associates and peer reviewed by Herzog Geotechnical;
2. The applicant must adhere to all recommendations established in a Drainage Study prepared by a civil engineer, which will be subject to the Town Engineer's review and approval prior to building permit issuance.
3. 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 Oak Avenue prior to construction. The applicant shall also post a road improvement bond or provide other assurance to the Town that damage to Oak 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) construction equipment shall not encroach onto the road

pavement, nor shall it be located on off-site private property unless with written permission by the property owner; 3) all construction equipment shall be adequately muffled and maintained; 4) hours of construction; 5) a debris fence along the entire width of the rear property line, etc.

4. Prior to issuance of building and grading permits, those trees to be removed 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.

5. Prior to issuance of building permits, those trees identified to be preserved shall be protected according to 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.

6. 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. Should any trees be removed at any time, they shall be replaced with a species and size approved by the Planning Director, with the intent being to provide screening for the downhill neighbors.

7. Prior to issuance of building permits: The Town Council acknowledges the request of the property owner of 15 Vine Avenue, that the work associated with the sewer on the sewer easement shall not damage the neighboring property and any damage shall be repaired by the applicant. The Town Council asks that this information be given to the Building Official for his consideration at the time of his review of the Building permit.

8. Exterior lighting shall be designed to eliminate off-site spread of light through the use of hooded, low level light, 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.

9. The exterior materials shall be as follows:

Roof:	Dark green asphalt shingles
Siding:	Natural cedar shingles
Trim:	Benjamin Moore Dark Forest Green
Window Trim:	Dark Forest Green

10. 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.

11. Prior to building permit issuance, a deed restriction listing the above condition nos. 6, 8, and 9 shall be signed by the applicant, notarized, and recorded at the County.

**NOW, THEREFORE, the Town Council of the Town of San Anselmo does hereby find as follows:**

**Design Review:**

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

This is the best location on the lot and is a very attractive design. The upslope site makes anything built there visible. The decks will have solid handrails for privacy, the colors are compatible, and the landscaping is very good. The house is below the maximum floor area ratio.

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

This project will not make the environment less desirable. This is a single family dwelling within the maximum size requirements for the zoning district.

***Required Finding 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;***

A smaller front setback would pull the dwelling further up hill away from Vine Avenue, but it would result in a higher and more visible house to the Vine neighborhood. Stepping down the hill, would result in a house closer to the Vine neighborhood. This is the best location for the dwelling. This is a single family dwelling within the maximum size requirements for the zoning district.

***Required Finding 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;***

This project will not create unnecessary traffic hazards and the existing road width has been accepted by the Ross Valley Fire Department.

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

This project will not adversely affect the health or safety of persons or endanger property.

**Variances:**

***Required Finding 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.***

- Setback Variances (driveway approach ramp, stairs, garage, trellis-covered parking deck):

The special circumstance is the topography of the property. The structures have been placed close to the road above in order to minimize the bulk as viewed from downhill.

- Height Variances (garage, Chimney, covered stairs, and covered parking deck):

The special circumstance is the topography of the property. This is the best location on the lot for a dwelling.

***Required Finding 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 or the applicant and will not be materially detrimental to the public welfare or injurious to property or improvements in such neighborhood.*

- Setback Variances (driveway approach ramp, stairs, garage, trellis-covered parking deck):

The dwelling has been situated close to the front property line to minimize the bulk as viewed downhill. Because the lot slopes down from the street, the dwelling does not present much bulk as viewed from Oak Avenue.

- Height Variances (garage, chimney, covered stairs, and covered parking deck):

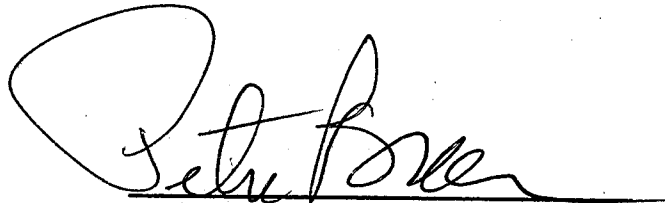
A smaller front setback would pull the dwelling further up hill away from Vine Avenue, but it would result in a higher and more visible house to the Vine neighborhood. In turn, stepping down the hill, would result in a house closer to the Vine neighborhood. This is the best location for the dwelling.

PASSED AND ADOPTED by the San Anselmo Town Council at a regular meeting on April 25, 2000, by the following roll call vote:

AYES: Breen, Chignell, Kilkus, Kroot

NOES: (None)

ABSENT: Hodgins



**Peter Breen, Mayor**

ATTEST:

  
**Debra Stutsman, Town Clerk**