

**TOWN OF SAN ANSELMO  
RESOLUTION NO. 3543**

**A RESOLUTION OF THE TOWN OF SAN ANSELMO APPROVING THE PRECISE  
DEVELOPMENT PLAN AND DESIGN REVIEW OF A SINGLE FAMILY DWELLING BETWEEN  
41 AND 43 TOMAHAWK DRIVE, A/P 177-250-31**

WHEREAS, an application was filed with the Town of San Anselmo on June 14, 2000, requesting environmental review, parcel split, precise development plan, and design review; and

WHEREAS, the Planning Commission held public hearings on September 5, 2000 and October 2, 2000, and considered the Negative Declaration and parcel split. Comments were received by staff and the audience; and

WHEREAS, the Planning Commission approved the Negative Declaration and parcel split on October 2, 2000, and continued discussions on the precise development plan and design review; and

WHEREAS, the Planning Commission held a public hearing on November 6, 2000, and considered the precise development plan and design review. Comments were received by staff and the audience; and

WHEREAS, the Planning Commission denied the precise development plan and design review on November 6, 2000, on the grounds that they felt the house could be moved further down the hill; and

WHEREAS, the Town Council held a public hearing on December 12, 2000, to consider an appeal of the Planning Commission's determination, and considered the precise development plan and design review, and received comments from staff and the audience;

WHEREAS, the Town Council approved the appeal on December 12, 2000, thereby conditionally approving the precise development plan and design review;

WHEREAS, the Town Council formally approved the Resolution of Approval on January 9, 2001.

**Conditions of Approval:**

1. Approval is based on the site plan, floor plans, and elevation plans date stamped received by the Town on December 7, 2000; the landscape plan date stamped received by the Town on November 2, 2000; and the driveway plan and schematic drainage plan date stamped received by the Town on October 26, 2000;
2. The applicant must adhere to all recommendations established in the Geotechnical Investigation prepared by Robert Settgast, peer reviewed by Craig Herzog, and approved by the Town Engineer prior to building permit issuance.
3. 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 approval prior to building permit issuance.

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The Town Council acknowledges the verbal concerns of the property owners at 2 Indian Rock Court, 18 Indian Rock Court, and 11 Indian Rock Road regarding drainage, and ask that their comments be forwarded to the Town Engineer for his consideration at the time of his review of the final drainage plan, and further that these property owners be advised that the drainage plan is under the Town Engineer's review prior to permit issuance.

4. Prior to building permit issuance, the applicant shall record the relocated easement, as shown on the Conceptual Drainage Plan. : *This condition N/A - pasted from another resolution in error FW 1/25/01*

5. Hours of construction shall be limited to the time period from 7 a.m. to 7 p.m. Monday through Friday, and from 9 a.m. to 5 p.m. on Saturdays. 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.

6. Prior to building permit issuance, the applicant shall prepare and file with the Public Works Director, a construction management plan, which includes a videotape of the roadway conditions on Tomahawk Drive prior to construction. The applicant shall also post a road improvement bond or provide other assurance to the Town that damage to Tomahawk Drive 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; and 3) hours of construction; 4) a construction debris fence, etc.

7. 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.

8. 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.

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

The following new landscape trees south and west of the dwelling shall be maintained in perpetuity and replaced if necessary: 6: Schinus Molle and 6: Quercus Agrifolia.

10. 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.

11. The exterior colors and materials shall be as follows:

The exterior color of the building and trim shall be determined by staff at the time the building is constructed following the placement of 4' x 8' color panels on site which reflect the building siding and trim colors. The panels shall be visible from distant views. Using "low visual profile" as a theme, the applicant shall consider using tones that will blend with the environment

Roof: "Sablewood" (black) composition shingles  
Siding: Horizontal wood siding - see paragraph above  
Trim: see paragraph above  
Windows: Aluminum Clad "White"  
Driveway retaining walls: Allan Block Gravity Wall

12. 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.

13. Prior to building permit issuance, a deed restriction listing the above condition nos. 1, 9, 10, and 11 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:

Section 1. Precise Development Plan Findings for Approval

*1. 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 precise development plan preserves the natural and existing landforms and vegetation in that minimal grading and tree removal are proposed.

*2. 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 area are rounded and contoured to blend with the existing topography.*

See No. 1.

*3. 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 access driveway has been engineered and meets the requirements of the Ross Valley Fire Department to accommodate a fire truck pullout and turn around. Traffic will be that typically generated by a single-family residence.

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

This access driveway will serve only one home so the development does not have the potential to make Tomahawk Drive traffic dominated.

*5. 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 applicant has redesigned the project so as to create several rooflines and articulation to the elevations, lowered the structure and tucked it in so as to minimize the visibility from the remainder of the community. This lot is highly visible and any development will be visible off site. Two geotechnical engineers have reviewed the soils and drainage conditions and believe that a house can be built on this lot.

*6. 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.*

Vegetation is limited on this site and the applicant proposes to plant a significant number of large trees that have the potential to provide good screening.

*7. That landscaping is provided to screen, maintain, or improve the overall visual quality of the project 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.*

See No. 6.

*8. That pedestrian easements are provided where pedestrian facilities are not contained within streets. That continued use of established local trails associated with the accepted Countywide Trails Plan is preserved.*

Not applicable.

*9. 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.*

There is no developable land beyond this property.

*10. That construction, if any, within the ridge zone meets the following findings . . .*

The Indian Rock ridge begins at the 300' msl elevation. The ridge zone is measured down to the 250' elevation and 150' from the 300' elevation. Translated, this means the entire development is within the ridge zone.

Due to the location of the property and the requirement to minimize the grade of the access driveway for fire trucks, the garage must be at its proposed elevation (roof peak at 312 elevation). The dwelling steps down from that elevation with a roof peak at 304 elevation.

The property is highly visible from Broadmoor Avenue and from portions of Indian Rock Court and Road. The current design has dug into the hill to minimize the visual impact and significant landscaping is proposed.

*11. 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.*

This project is a single family dwelling consistent with the uses of surrounding properties in the area and will be subject to construction standards of the Uniform Building Code and to the recommendations of the geotechnical engineers.

*12. That the Precise Development Plan amendment is in conformance with the San Anselmo General Plan, with specific reference to the applicable sections of the General Plan.*

The project is consistent with the General Plan, specifically:

*“Policy 2.1: All land use decisions within the Town and the planning area will take into consideration the protection and preservation of the area’s surrounding hillsides, ridges, water courses, and any unique natural habitats”:*

The entire driveway is within the ridgeline, which is identified as those lands above 300’ msl elevation. The maximum permitted height of structures is 18’ above the ridgeline, and the proposed driveway retaining walls are up to 9’ above the ridgeline. The remainder of the lot falls within the ridge zone; the garage is up to 12’ above the ridgeline and the dwelling is up to 4’ above the ridgeline. There are no specific watercourses or unique natural habitats.

*“Policy 2.2: New development will be required to preserve some of the natural and cultural characteristics of their respective development sites”:*

The majority of the lot is not proposed for development and will be preserved in its natural state.

*“Policy 3.1: Very low density (hillside and ridge) and single family conservation residential development should be located in areas of (1) relatively high visibility, (2) environmental hazards, (3) sensitive environmental resources, or (4) areas which are established as high priority open space lands”:*

This property is highly visible and has already been placed in the very low density zoning district of R-1 H for one dwelling.

*“Policy 9.1: The density on ridge and hillside properties shall be no greater than the number of dwelling units specified in the “Table of Hillside and Ridge Density Parcels”:*

The proposed density of one dwelling is consistent with that number designated in the Table of Hillside and Ridge Density Parcels.

*“Policy 9.2: No development including structures, roads, and public facilities shall be allowed on visible ridges and hillsides unless it has been demonstrated that development outside of these*

*areas is not feasible for geologic, soils, or hydrologic reasons, or development would impact a unique natural habitat.”*

The entire property is on a visible hillside and within the ridge zone. Development outside these areas is not possible due to the configuration and slope of the lot, the access point, and the oak grove.

*“Policy 9.3: Should there be no other option but to allow development on a visible hillside or ridge, the Town may limit the size of development (i.e., square footage allowed within any structure), if such limitation would reduce the visual impact of a development.”*

Approximately 900 square feet of the floor area has been dug into the hill and has less than a 6' height measured ceiling to floor located above grade.

*“Policy 9.4: Development on hillside and ridge parcels shall be located as to be screened by existing woodlands or by portions of the site where existing topography provides screening. Development within existing woodland may be allowed if tree removal is minimal”:*

Because there is little vegetation on the site, the applicant is prepared to plant large trees and shrubs to provide immediate screening and shall be a condition during the design phase of the project. The eucalyptus trees near the garage are proposed to be removed, and these trees are considered a fire hazard.

*“Policy 9.7: “Development on hillside and ridge parcels shall be so designed as to minimize grading and disruption of natural contours.”*

Grading has been minimized.

*“Policy 10.3: Residential units shall be designed and located so as to minimize their visual mass. The Town will require exterior materials and colors which soften the appearance of the building and allow it to blend with the natural landscape.”*

The dwelling has been dug into the hill and tucked under the garage. New trees are to be 14' in height at planting along the rear to soften the appearance of the building. The exterior colors will be determined in the field by staff prior to issuance of a certificate of occupancy.

*“Policy 11.1: New development . . . shall be of a scale, intensity, and design that integrates with the existing character of the surrounding neighborhood.”*

The project is of a scale, intensity and design that integrates with the existing character of the surrounding neighborhood. There are many architectural styles in this neighborhood and all are on sloping lots. The visual bulk will be similar to other homes in the area because approximately 900 square feet of the dwelling is dug into the hill.

## Section 2. Design Review Findings for Approval

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

The building design and materials will be 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;*

This project will not 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;*

This project will not 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;*

This project will not create unnecessary traffic hazards and the access has been approved by the Ross Valley Fire Department. In addition, a pullout and turn around for emergency fire apparatus will be provided on the property.

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.

6. *Adequacy of Screening*

The applicant has proposed numerous plants on the property to soften the driveway retaining walls and provide immediate screening of the rear elevation of the dwelling.

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

The materials and design are aesthetically compatible with the neighborhood and with appropriate colors selected after construction, the dwelling will result in the lowest visual profile possible on a highly visible lot.

APPROVED by the Town Council of the Town of San Anselmo at a regularly scheduled meeting on January 9, 2001, by the following roll call vote:

AYES: Breen, Chignell, Hodgens, Kilkus, Kroot,  
NOES: None  
ABSENT: None

  
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Jeff Kroot, Mayor

ATTEST:

  
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Debra Stutsman, Town Clerk