TOWN OF SAN ANSELMO  
TOWN COUNCIL RESOLUTION NO. 3745

A RESOLUTION OF THE SAN ANSELMO TOWN COUNCIL FOR CONDITIONAL APPROVAL OF DESIGN REVIEW AND SETBACK VARIANCE FOR A 2,976 ± SQUARE FOOT, THREE STORY SINGLE FAMILY DWELLING WITH UNCOVERED DECK TERRACES AND A 426 ± SQUARE FOOT GARAGE AND A RETAINING WALL TO BE CONSTRUCTED OFF THE PROPERTY AND IN THE SCENIC RIGHT OF WAY BELOW AND SETBACK FROM THE EXISTING ROAD AT 186 SCENIC, APN 7-063-11.

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

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

WHEREAS, the Planning Commission approved the design review and variances on April 4, 2005; and

WHEREAS, an appeal of the Planning Commission's determination was subsequently filed on April 13, 2005.

WHEREAS, the Town Council held public hearings on June 14, 2005, August 23, 2005, September 13, 2005, September 27, 2005, and October 25, 2005, to consider the appeal, received comments from staff and the audience, and closed the public hearings; and

WHEREAS, on October 25, 2005, the Town Council denied the appeal and approved the revisions as shown on the plans received by the Town on October 13, 2005, with the additions of 1) improvements to the curve on Scenic Avenue beyond the proposed Fire Department turnout, which will be worked on by the applicants and the owner of No. 190; and 2) improvements to the driveway approach as marked up by staff on the same plans, both subject to approval by the Public Works Director; that a licensed land surveyor confirm the location and heights of the finished floors; and that staff prepare a Resolution of Approval for the November 22, 2005 meeting;

WHEREAS, on November 22, 2005, the Town Council approved the Resolution of Approval.

NOW, THEREFORE, BE IT RESOLVED THAT THE TOWN COUNCIL FINDS THE FOLLOWING:

DESIGN REVIEW

Required Finding 1. Is functionally and aesthetically compatible with the existing improvements and the natural elements in the area.
The structure is of a scale, intensity, and design that would allow it to blend with the natural elements in the area. The reduction of the proposed dwelling height, elimination of the upper floor chimney, reduction of the proposed two main floor chimneys, shifting the house location, reducing the floor area, and lowering the terraces have contributed to a lower visual profile.

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

The design of the structure should not adversely impact noise or odors, or have a significant visual impact.

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

The scale of this particular design should not cause the surrounding area to depreciate materially in appearance or value or otherwise discourage occupancy or investment.

**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.

The design of the dwelling should not create unnecessary traffic hazards or unsatisfactory access. In fact, the proposed improvements to the curve below the proposed fire truck turnout and driveway entrance should improve the situation.

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

The design of the dwelling should not adversely affect the health or safety of persons using the improvement or endanger property. The construction will be in accordance with the soil and drainage report recommendations and current Code.

**Required Finding 6.** Adequacy of screening.

Potential screening is limited because of the number of trees that can be planted in proximity to the dwelling per the Fire Department regulations due to the nature of the site and the topography, but it should provide some screening of the lower area of the dwelling. Existing trees are quite a distance from the proposed dwelling and not affording much screening at present.

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

The combination of the height reductions and materials should enable the structure to have a low visual profile. The stucco color would be subject to staff approval prior to the framing inspection.
VARIANCE

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

Due to the topography of the lot in relation to the Scenic Avenue pavement above, the retaining wall is necessary in the front setback.

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

The retaining wall should have no adverse visual impact on the neighborhood due to its location and materials.

Conditions of Approval

1. Approval is based on the site plan, and elevations date stamped received by the Town on October 13, 2005, with the additions of 1) improvements to the curve on Scenic Avenue beyond the proposed Fire Department turnout, which will be worked on by the applicants and the owner of No. 190; and 2) improvements to the driveway approach as marked up by staff on the same plans, both subject to design approval by the Public Works Director.
2. The applicant must adhere to all recommendations established in the geotechnical report dated March 31, 2003, prepared by Nersi Hemati, P.E., G.F., peer reviewed by GeoEngineering, Inc. on June 14, 2004, and accepted by the Town Engineer.
3. The applicant must adhere to all recommendations established in a Final Drainage Plan prepared by a civil engineer, which will be subject to the Town Engineer’s approval prior to building permit issuance.
4. Work will be limited to weekdays and non-holidays between the hours of 8 a.m. and 4:30 p.m. Large vehicles and heavy equipment are restricted to the hours between 10 a.m. and 3 p.m. No work will be allowed on any holiday observed by the Town. To deviate from these work hours, a written request must be submitted to the Public Works Director for consideration. If approved, affected residents must be notified at least 24 hours in advance.
5. Prior to building permit issuance, the following off-site improvements to Scenic Avenue shall be subject to design approval by the Public Works Director: amendments to the plans date stamped received by the Town on October 13, 2005: 1) widen the traveled portion of Scenic adjacent to the proposed fire truck turnout such that the transition is smoother and thus creates a wider pavement area at the curve for motorists to use when a fire truck is not occupying the turnout; and 2) widen the driveway approach on No. 186 to provide a smoother egress and ingress on Scenic. Note that the actual construction work to
create the fire truck turnout and road widening shall take place at the building permit stage for No. 194.

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 Scenic Avenue prior to construction. The applicant shall also post a road improvement bond or provide other assurance to the Town that damage to Scenic Avenue or other public street resulting from construction vehicles will be corrected. The plan should include: 1) all construction equipment shall be adequately muffled and maintained; 3) hours of construction; and 4) construction debris fence, etc.

7. Prior to building permit issuance, the landscape plan shall be revised to include replacement of those species considered to be highly flammable pyrophytic plants. Such plan shall be subject to both the Planning Director and Fire Marshal's approval.

8. Prior to building permit issuance, a vegetative management plan shall be submitted, which would contain language for maintenance and issues that would affect the fire safety of the landscaping in the future, noting the condition that this plan be evaluated by an individual licensed by the State Fire Marshal's office every five years. Such plan shall be subject to the Fire Marshal's approval.

9. Prior to building and grading permit issuance, those trees identified to be removed on the landscape plan shall be marked accordingly, i.e., bright color tape with wording indicating the extent of pruning or removal. All pruning shall be in accordance with the Pruning Standards of the International Society of Arborculture. Pruning should be conducted during the winter when trees are dormant for deciduous species and between July and August for evergreens.

10. Prior to building permit issuance, 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. All protection shall remain in place until construction is completed. Any fill locations shall be reviewed by the Arborist prior to building permit issuance.

11. Prior to building permit issuance, an Indemnity Agreement indemnifying the Town of San Anselmo, its Council, Commissions, agents, officers, employees, and consultants against all claims, costs, suits, and liabilities or against any action to set aside or declare void the approvals granted herein, executed by the project property owner. The agreement shall be approved by the Town Attorney. The agreement shall be binding upon all successors in interest and shall be executed and recorded with the Marin County Recorder's Office.

12. Prior to building permit issuance, the plans shall include: 1) written setbacks of the proposed building foundation and walls to the property lines; 2) written elevations of the proposed sub-floors and finished floors; and 3) proposed roof sheathing and finished roof on the Building permit plans.

13. Prior to the foundation pre-pour inspection, the applicant shall have a licensed land surveyor confirm the setback locations of the foundation from the property lines.

14. Prior to rough framing and roof sheathing inspections, the applicant shall have a licensed land surveyor confirm the location and height of the floors.

15. Colors and Materials:

Siding-Stucco: Prior to the framing inspection a 4' x 8' panel shall be placed on the building, which would reflect the proposed stucco color. The panel shall be visible from Scenic Avenue. Using “low visual profile” as a theme, the applicant shall consider selecting tones that will blend with the natural environment. Subject to staff approval.
Stone Walls: Cultured Stone Corp. "Southern Ledgestone" (browns)
Gutters: Factory Paint "Brown" (dark brown)
Windows: Light beige/grey (to match stone)
Window Surrounds: Precast Limestone Medium Etch (beige/grey)
Roof: Class A Comp Shingles: Certainteed Presidential TL "Autumn Blend"
    (mainly black/dark grey)
Deck Rails: Wrought Iron (brown or black)
Driveway Retaining Walls: Shotcrete to resemble boulders

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

17. The replacement ratio for oak and redwood trees is 2:1 with the same species, and 1:1 for other trees with a 6" or greater diameter. Other (non-Oak and non-Redwood) trees shall be replaced with native, adaptive trees. All shall be at least 15-gallon unless otherwise determined by the Planning Director. No eucalyptus trees are to be planted. All replacement trees are subject to a tree maintenance agreement whereby the owner agrees to maintain the trees in a healthy condition for not less than three years and replace any unhealthy trees.

18. Prior to issuance of the Certificate of Occupancy, the landscaping shall be planted and automatically irrigated as shown on the landscape plan. The trees shall be maintained indefinitely.

19. Exterior lighting shall be designed to eliminate off-site spread of light through the use of hooded, low level, low wattage light fixtures, which cast light in a downward direction. Such lighting should be permitted for safety and security purposes only and must be unobtrusive and maintain privacy.

20. All conditions of approval shall be printed at the top of Sheet 1 of the Building permit drawings.

21. 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.

PASSED AND ADOPTED at a meeting of the Town Council on November 22, 2005, by the following vote:

AYES: Breen, Cooper, Kroot
NOES: None
ABSENT: Chignell

Peter Breen, Mayor

ATTEST:
Barbara Chambers, Town Clerk