

The special meeting of the San Anselmo Planning Commission was called to order by Chairman John Sharp at 8:00 p.m. in the Council Chamber on October 28, 1985. John Kottage of staff present.

1. ROLL CALL

Commissioners Present: Bergeson, Harle, Hayes, Heubach, Kroot, Sharp

Commissioners Absent: None

Seats vacant: One

2. PUBLIC HEARING

- A. S-98 - Slide Mountain Corporation. Indian Hills, end of Tomahawk Drive, A/P Nos. 177-220-50, 177-250-40 & 41; proposed twelve unit single family dwelling subdivision

John Roberto, The Town's Consultant was present. He said he had prepared a draft resolution; The findings were based on Exhibit A, the tentative map and are relative to CEQA details for drainage and hazardous conditions; Exhibit B sets forth conditions of approval. It is designed for conditional approval. It will clearly improve some conditions and will have a net positive affect on downslope property.

He said he had looked into the issue of the water tank. Marin Municipal Water District is requiring a 50,000 water storage tank at the location shown on the tentative map. This project requires that tank per MMWD. The existing tanks are below the elevation of the proposed dwelling units. They need this higher tank. It will improve water pressure to 34 existing dwellings on Indian Rock Road and Indian Rock Court and some areas near the project site.

Regarding the width of driveway to serve parcels A and B, he said he had spoken to the RVFS who told him they could live with a minimum width of 14 feet of pavement. One concern is the possibility that people will park on the driveway. Any parking on the driveway would disrupt fire equipment from getting through. Ross Valley Fire Service is asking that certain requirements be recorded with the map.

About the access Road to Lands of Michetti, the easement will have to be shown on tentative map and will be for access only.

Town Attorney Hadden Roth spoke to the question of open space. He said open space should be in private access because of the maintenance liability. We recommend that it be private without access by public and with exception of one or two roads.

Larry Stack, 10 Alice Way, thanked the Planning Commission for their time and service. He said he had prepared a statement that he would like to submit a written statement to become a part of the record of the Planning Department. He then read the letter.

Reginald Soloman, 30 Tomahawk asked about the pumping station.

Bob Tozer, 22 Tomahawk asked how the water tank will help the adjoining residents.

Jack Greenland 76 Indian Rock Road mentioned possibility of slide damage and asked why the EIR cannot be brought up to date at least in two areas, traffic and drainage.

Pat Kauppila, 63 Indian Rock Road, asked about the drainage pipe that is on the easement to her property. She wished to know if it is adequate to carry drainoff from property above.

Al Barsochini, 4 Blackhawk drive submitted a petition containing signatures of 18 property owners.

He said a very good point was made that the EIR was done in 1982 and it is now 1985. He said it did not mention the water tank or pumping station. Alternate suggestions should have been a part of the mitigation of the EIR.

He said the owner of 9 Tomahawk, Mr. Picatello, is anxious about the project, and he intends to seek an injunction until the EIR is updated.

Mr. Barsochini said the Planning Commission and Town Council had approved 12 houses on this property, hence, the issue of 25 units is irrelevant.

The statement indicating geotechnical improvements will insure no adverse geological impacts seemed to Mr. Barsochini to indicate San Anselmo is guaranteeing that to the community.

Regarding the Michetti issue, he felt we needed something in writing from Mrs. Michetti to indicate her point of view. Agrees

Mr. Barsochini said cluster is something the Planning Commission has indicated for the R-1-H District. An alternative plan to see how clustering could be used should be developed.

He felt traffic issues from 1982 have no effect on today. What is the effect of additional cars, he asked.

Barrett Denton, 53 Miwok Drive said he recently bought the home from the Jordans. His property line stops 100 feet from where the road will be. He would have a problem with a slide coming down and falling on his house. He is concerned with restricting the public open space and the little group of trees.

Mr. Stack said he would like a survey re report from the Open Space Committee. He feels there is also regional significance. He would like an interpretation from San Rafael and the Fairfax Planning Commissions.

Mr. Barsochini asked if there was going to be a gate with any signing on the easement. He said he would prefer no sign and no gate.

The questions was asked of who was going to maintain the vegetation on the hillside.

Mr. Gunn said in answer to the questions of how the water tank is going to help others: Presently the water pressure available at the end of Tomahawk Drive is 42 pounds which is marginal for fire suppression. In the summer all homes are subject to adverse water pressure. The Fire Department needs 1,000 gallons per minute for 1 hour or 60,000 gallons. MMWD states that even 1 house must have 50,000. There are 62 homes with inadequate pressure and with the new tank all will be improved to full water pressure with the tank at this site for gravity flow. Further down the hill, the pressure becomes less. The tank could be hidden in the hill.

John Roberto, Consultant, said he had a stack of letters which were sent to him, and he thinks the Commission received all of them.

Regarding clustering, the Consultant said, there is no set definition. It would be the prerogative of the Commission and Council if they deem it cluster to development.

Mr. Roberto said he met with the Fire Department 2 weeks ago to update their position.

Regarding the slide damage, he said there have been 2 geological reports done which have addressed slide in the project area as well as subject area. They recommend things that should be done to stabilize the slope and it will improve existing conditions in that area over what they are today.

With regard to the EIR and its application, under CEQA we had a project for 25 houses which has spoken to impacts of a 25 unit development.

One of the first steps in determining if the EIR is adequate was to look at the previous EIR and existing conditions. The report came up with no significant findings. The EIR cleared in that area. Traffic: It was found that there were no significant traffic effects associated with this project itself based on 25 unit project. With specific question regarding the drainage pipes, and what pipe sizes are adequate to handle the runoff, it will require a detailed hydraulic calculation to tell us what pipe size will be required. This will be done at the Improvement Plan stage.

The water tank was discussed with Jim Mistrion, MMWD Engineer and he indicated if the pump was electric and encased in 2 layers of insulation and buried, it will virtually reduce all noise.

Open Space. All areas set aside as open space will be privately owned and the property owner responsible for maintenance. A stipulation would be no fencing and no structures. The open space should be kept in a natural state. The Public can look at it, but not have access to it except for trail way for regional open space. The gate at the easement is proposed for privacy.

A landscaping map with a bond to provide maintenance until established will be required. Native plants to be used. The copse of trees will not be disturbed; they will remain as they area.

Mr. Gunn said an unfair burden would be placed on the property owner if the open space were to be private and could not be fenced. If the Town does not want the responsibility for the open space, then they should let the owners have it.

The Town Attorney said there seemed to be some point in that, and perhaps some unobtrusive fencing could be allowed.

Mr. Gunn said he had never seen anybody on the ridge. He asked if future owners would be permitted to ride horses on the streets. He said the Town of San Anselmo should limit the number of horses per acre.

The Planning Director said he was concerned with overgrazing on hillsides.

Mr. Stack asked the Commission if they received all documents presented to the Planning Office.

Chairman Sharp said he believes he has seen every document previously mentioned.

Commissioner Kroot said a cluster layout would have been less obtrusive. There is good access. He sees no problem. He said locating the tank is functional and felt it could be hidden.

Commissioner Harle said he was content with the tentative map. He is particularly concerned with the public access easement to the ridge. He felt fence and feed trough to allow pasturing of horses on the two large parcels would be ok provided they specifically have Design Review at the time they are put in so we know they are properly placed.

Commissioner Hayes said he was troubled not by the density, although he would wish for a lower density, but with the design of the project. Lots A and B strike him as an appendage which does not seem to make good planning sense. The open space on such a large portion of the property does many things for others in the neighborhood. He agreed, the pump station should be moved up the hill. The landscaping is looking at a 20 year time horizon. There should be some phasing in the landscaping. Would like considered, the possibility of fast-growing plants which will die out as the natives grow and take over.

When asked about the status of the driveway for Lots A & B, Mr. Roberto said it would be private over which there is a public access easement.

Commissioner Hayes said he was concerned over the gate and the wording on the signage.

Mr. Gunn said the sign would be provided and the wording would be left to the Town.

Commissioner Heubach said in going over many, many months there have been adequate hearings. He agreed the pumping station could be moved. The noise may be a concern. He would like to see it buried and double insulated. He felt the fencing reasonable. Some improvements such as a watering trough are also reasonable. The water tank should have special design review.

Commissioner Sharp said he does not support, but he wanted the Commission to consider a few things before they act on this. The EIR states there are no significant impacts regarding traffic. He said he simply does not believe that and will not accept that. He questioned the number of trips in and out new construction would create. Attention should be paid to the tank with regard to noise and air pollution, he said. He agreed with the public use of the easement. He felt the Commission should not allow fencing of the private open space; but it should be kept in private ownership because of the liability to the Town. The idea of design review for the water tank is a great idea. The pump should be moved, buried and insulated and made a condition of approving. With regarding to clustering, he felt A and B appear to be sort of an appendage and urged the developer to consider 10 units rather than 12, deleting A & B.

Commissioner Bergeson commended Mr. Roberto for a concise and comprehensive analysis of the whole situation, although he doesn't agree with it all. He also thanked Mr. Stack and other members of the audience for their patience and concern. He said the pump should be as far removed as engineering permits from the housing and as close to the tank as possible. The water tank should be undergrounded, being no more than 5 feet above ground. He disagreed with Commissioner Sharp about the traffic impact. He said there would be an obvious change. The problem is how could the Commission deny the project. He questioned the life span of the EIR.

Mr. Roberto said there was no time limit on an EIR. The question, he said, does it adequately address the issues.

Commissioner Bergeson said he did not feel clustering is germane to this issue since these lots are to be sold and developed individually. He felt the biggest problem is with sites A and B.

Commissioner Kroot said he thought fences to 6' high should be allowed on property lines and in the private open space. He said he was in favor of site on different sides of the ridge. He felt the plan was reasonable.

Commissioner Hayes pointed out the extreme elevation change on Lot B.

Mr. Gunn said Lot B has one house proposed which cannot be seen from any location in Town.

Commissioner Heubach said he felt this very reasonable and fair compromise. He said Mr. Gunn had gone a long way to accommodate the Commission's concerns. He felt cluster building would not make much sense unless a the project was developed as a single unit. He said he would like to see fencing limited.

Doug Elliott, San Anselmo Property Owner, said he understood this is a very emotional consideration. There are zoning issues and the question arises if this parcel of property should have been zoned R-1. It has been zoned R-1 H for 12 units.

A lady from the audience said she did not see how development would benefit anybody.

John Roberto said the owner had rights to some use of his property. The Town cannot do a taking of property.

Commissioner Sharp said he did not think that a property owner had any guarantee to any measure of value on his property.

Mr. Denton, 53 Miwok, said he felt the Town had a duty to protect the public against adverse impact.

Mr. Barsochini said the resolution should include provision for the water tank to be buried. He said there are no facts in evidence to support the statement on traffic issue.

Mr. Gunn said an attempt had been made to minimize the impact on the Town.

Attorney Roth said he would like to see the access easement to the Michetti property placed on the map and made part of the approval of the Commission.

M/S Heubach Harle, adoption of the proposed resolution and condition as set forth in Exhibit B and as amended by comments of Mr. Roberto preceding this discussion and also further requiring that the tentative map itself be labeled so as to incorporate Mr. Roth's suggestion concerning the easement and the fact of that easement itself, to the Michetti property.

Roll call resulted in a tie vote as follows:

AYES: Harle, Heubach, Kroot

NOES: Bergeson, Hayes, Sharp

Attorney Roth said this constituted no action. The Commission should try again.

Commissioner Hayes said in principle it failed to pass with the 3 to 3 tie vote, and he would hate to see that be the end of it. He said perhaps the Commission would be willing to reconsider.

Mr. Roth urged that course.

Commissioner Heubach asked if Mr. Gunn could appeal the decision to the Council if the Planning Commission did not take further action at this time.

M/S Hayes, Kroot to reconsider S-98 for Slide Mountain.

Mr. Gunn asked for action on the application. He said he could see no point in a continuance.

Commissioner Bergeson said he had voted No because he was against only one thing, and that was the location of Building B.

Mr. Gunn suggested they give reconsideration to the matter at a not too distant time in the future.

Mr. Roth said he felt strongly that the Commission should take action on the map.

Commissioner Sharp said he would like to see the Commission avoid any procedural or legal difficulties.

Mr. Stack said he wanted to see a recommendation from the Fire Department in the file as a part of the public record.

Mr. Barsocchini said he would like the entire file incorporated as part of the resolution.

Motion passed by the following vote:

AYES: Bergeson, Harle, Hayes, Heubach, Kroot

NOES: Sharp

M/S Hayes, Bergeson, to continue this item to the special meeting of November 25, 1985.

Passed by the following vote:

AYES: Bergeson, Hayes, Heubach, Kroot

NOES: Harle, Sharp

At 11:25 p.m. the meeting adjourned to the next regular meeting of November 4, 1985.