

The regular meeting of the San Anselmo Planning Commission was called to order by Stan Hayes at 8:03 p.m. on July 1, 1985.

1. ROLL CALL

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

Commissioners Absent: Sousa, Sharp

2. APPROVAL OF MINUTES

Minutes of May 20 held over.

Minutes of June 3, 1985 approved as written.

3. PUBLIC HEARINGS

The Chairman announced items 3 A, B and E.

C. Z-237 ROBERT AND MARY BROOKS

Staff announced this was a Town-initiated rezoning. Staff is recommending all three parcels be combined for a total of 5 units.

Mr. William Lewis, part-owner of the property was present. He requested a total of 6 units for the three parcels. He proposed new access from the large parcel into the 2 small parcels. He proposed to combine the 2 additional parcels into one parcel and that would be the sixth site.

Commissioners Bergeson said he had no problem with the application provided the easement could be granted.

Commissioner Kroot said he was agreeable if access could be provided.

Commissioner Heubach agreed and said he favored the 6 units.

Commissioner Harle stated the applicant would add significant area to Parcel 19.

Mr. Charles Mastin, 5 Traxler Road, said the site were not clear to him. He asks where the access is for the new sites.

Commissioner Heubach stated he felt 6 units on all 3 parcels would be acceptable if the small lot on the southeast was considered a buildable lot.

Commissioner Bergeson suggested leaving the large parcel R-1-H and Parcel 19 R-1.

Mr. C. Mastin said the neighborhood was not notified about a sixth unit.

Commissioner Heubach pointed out this would actually be down-zoning since there could be 2 units on the two additional parcels.

The Chair questioned whether there had been adequate notice, noting, however, one of the applicants had traveled from Sacramento to attend this meeting.

Commissioners Bergeson, Kroot and Harle agreed with leaving the lots as they are.

Commissioner Hayes wanted to be sure lots 19 and 7 would be combined through the combining ordinance.

M/S Heubach, Harle, move to renote the application to rezone the entire parcel with a maximum density of 6 sites rather than 5, and continue the matter to July 15, 1985.

Passed by the following vote:

AYES: Harle, Heubach, Hayes

NOES: Bergeson, Kroot

P/C 7-01-85

Z-236 - Karl H. Baeck

Mr. Ed. Hageman, Architect was present with the applicant. He said they had pushed the addition back 3 feet and lowered the roof line to accommodate the wishes of the immediate neighbor.

Mr. Jerry Frank, adjacent neighbor, said he reviewed the plans and agrees with the present request with the 3 foot setback. He preferred the building to have no overhang of the roof.

Commissioner Heubach said he favored the project--it would go a long way toward low cost housing quotas.

Commissioner Harle agreed.

Commissioner Kroot agreed and said he felt a little overhang would be effective, even if only 1 foot.

Commissioner Bergeson said it was satisfactory to him; he would leave the overhang which he felt would improve the view from the adjacent property. He also suggested landscaping at grade.

M/S Heubach, Bergeson to recommend the Council accept the Negative Declaration dated 4-26-86.

M/S Harle, Kroot to recommend approval to the Town Council of Z-236, application of Karl H. Baeck, 36 Ross Avenue and 29/35 Woodland Avenues, A/P Nos. 7-282-19, to rezone from R-3 (Neighborhood Apartment District) to SPD (Specific Planned Development) for 19 apartment units (16 existing; 3 additional proposed) on the basis that it conforms to the General Plan, would not be detrimental to the health, safety, peace, morals, comfort, and general welfare of the Town; approved in accordance with plans revised 6-8-85. Passed unanimously.

Staff announced the rezoning would be heard by the Town Council on July 9, 1985.

The Chair stated the issue of the overhang would be resolved at the use permit hearing.

P/C 7-01-85

J. Z-143 Red Hill Shopping Center

Dan Goltz, Architect, present with applicant, Alan Arntz. He gave a history of the application and said the Town Council seemed to indicate they wanted to keep the trellis. He had tried to come up with three plans.

Commissioner Heubach said the plan looked just fine.

Commissioner Harle said it looked good to him.

Commissioner Kroot agreed with others. He questioned egress from the west end.

Commissioner Bergeson said the plans did a good job of answering the questions and problems of moving traffic to the west side of the center.

M/S Harle, Heubach to approve Z-143, application of Red Hill Shopping Center, 850 Sir Francis Drake Boulevard, A/P 6-061-23, for a use permit/design review of a revised parking plan.
Passed unanimously. P/C 7-01-85

F. V-2062 Don and Connie Velazquez

Mr. Don Velasquez said he had more information on the soils and drainage and had filled out a new application. He wondered if everyone on the Commission had seen the new application. He was informed by staff the Commission had received the new application.

Doug Anawalt, architect, said he had submitted a revised site plan. He indicated there will be 4 bay trees removed in the proposed atrium, and 1 below. He said they no longer require a third story variance since there will be only 2 stories in any given area. Mr. Velazquez is asking for a zero setback for the front overhand, the foundation of the building will be 3 feet from the front property line. There will be an 8 foot garage door on the street side. He proposes 20 pier foundation with standard grade beam construction. Some of the piers will be 10 - 15 feet down. He said he understood some of the fears of the property owners below is "creep and slide". Pier and grade beam construction would actually stabilize the soil. The piers are designed to resist any lateral movement of the soil. He said there did not seem to be severe creep condition in this area. He feels there should be no concern over this question. The foundation would not be visible through the trees. There are proposed no high balconies. The deck and outdoor area is toward the street. Building is proposed to be shingled with complete skirting and no exposed underpinning.

Mr. Tom Hendricks, 23 Carlson Avenue, thanked the Commission for their courtesy and consideration. He said the rock in this area is highly fractured and highly unstable and tends to carry water and put it further downhill. He reiterated his concerns over how this became a buildable site and referred to letters from the Town Attorney. He said a Town Attorney opinion that it was a building site did not guaranty safety or address water problems. He said water flows off the hill in spring-like fashion for several days after it stops raining. He said equipment on Oakwood Court would prevent access to homes and asked the Commission to deny the variance request.

Mr. John Procter, 21 Carlson Court said there were bad water problems; they had heard nothing about what they are going to do with the water.

Carmen Mitchell, Oakwood Court refuted the new application regarding deck safety, etc.

Phylis Ostrander, 45 Oakwood is concerned over drainage problems and said essentially Oakwood is a one-way road.

John Mitchell, 55 Oakwood said he felt under threat--he said he felt he was being blackmailed.

Mr. Miller, Oakwood Court, said he sees 26 piers with the building anchored on the street; he questioned how they would be placed. He said George Davison had recommended no one even walk on the property, and he is concerned over what will happen when they go down the hill 26 times to place the piers.

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Mr. Velasquez said he has spent a lot of money and brought in engineers. He said although Mr. Hendrickson has said he has talked to a lot of engineers, he has not seen a written report from any of them. Mr. Velasquez said he has spent his life-savings on this project, and he felt George Davison should have some consideration in this since he has gone to a lot of inconvenience on this application. Mr. Velasquez said he did not see how a variance is going to change the health and safety.

Mr. Don Riddle brought up the Red Hill Slide and compared this location with that.

Mr. Miller said Mr. Penn had wanted to build a house here, raise a family and stay the rest of his life; however, he subsequently sold the lot to the Velasquez'

Commissioner Bergeson said this was becoming a stand-off between the neighbors and the owners. The Commission should be looking at the variance application only. If the Department of Public Works finds the application inadequate, then something must be done at that stage; the planning issue is what needs to be resolved. He said it was very difficult to make a judgment on the frontyard variance.

Commissioner Kroot said the variance is justified and he feels it is a buildable site; he is concerned with the neighbors objections.

Commissioner Heubach said the history of how this became a building site is very interesting. He felt the Town Attorney's opinion must be accepted. He said objecting to a frontyard variance is not the proper way to resolve the question of a buildable site. He said he did not find an objection to the variance.

Commissioner Hayes said he had difficulty with the project with having adequate information to make the finding that it was not a detriment to the neighborhood. He felt it was not a simple variance. It is unusual and he feels it is important to consider the details. He said the construction would have a substantial impact on the neighborhood.

Commissioner Heubach said he shared Commissioner Hayes' concerns; however, the variance request, per se, would not be detrimental to the neighborhood.

Commissioner Harle said denial of the variance cannot be used to handle engineering problems.

M/S Bergeson, Heubach, that V-2062, application of Don and Connie Velazquez, 27 Oakwood Court, A/P 5-062-80 and 83, for a 20 foot frontyard variance to construct a garage, dwelling and deck within zero feet of the front property line be granted with the condition that ongoing architectural and structural design by subject to review by the Commission at appropriate dates, with special emphasis on structural design, soils engineering findings, drainage and construction in terms of storage of materials, how he is going to get to the site and how he is going to store equipment on the site; the motion is made with the findings that this application will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the property involved and will not be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood; granting of the variance is necessary for the preservation and enjoyment of substantial property rights; granting is based on the special circumstances of the steepness of the site and is based on plans as proposed dated June 7, 1985, as prepared by Doug Anawalt, and indicate a desirable architectural solution to the application of this setback.

Passed with 4 Aye votes and Commissioner Hayes voted no.

Applicant informed of the 10 day appeal period. P/C 7-01-85

G. PP-6 - SLIDE MOUNTQAIN CORPORATION OF INDIAN HILLS COMPANY

Staff reported the application was for 12 building site, single family residential; applicant had provided all information required by Hillside Density Ordinance.

Mr. Roberto, Town's Consultant, pointed out the building sites and briefly discussed each. He said there may be some potential relocation of the building on site A & B. He said Site A was adjacent to a slide area, but could be engineered around. He felt the site could handle 12 buildings. A detailed staff report had been provided the Commission prior to the meeting.

The open space proposed is not public open space. There are proposed pedestrian and equestrian easements to open space above.

He said lots K and L will be the most visible.

Mr. Roberto recommends approval in accordance with items 1 through 6 of the staff report.

Robert Tozer, 27 Tomahawk Drive said he would like to see the open space remain.

M/S Harle, Bergeson to we recommend to the Council acceptance of the EIR presented previously on A/PS 177-220-50, 177-250-40, and 177-250-41, as being adequate to cover the present proposed project; this motion is based on the discussions tonight and staff report page 6, dated April 1981 by Del Davis and Associates. Passed by the following vote:

AYES: Bergeson, Harle, Hayes

ABSTAIN: Heubach, Kroot

Mr. Calvin Gunn said the project was well-covered in the staff report.

Mr. Jonathan Braun, 479 Scenic Avenue said this was a nature area. He asked about an access road to proposed water tank. He said this being in a ridge zone and the first time that a major development is proposed in a ridge zone, said he feels that this plan doesn't really address potential for what could happen. There is no idea of what the final result will be. He said there will be 12 individual applications for design review. He felt he would be more comfortable with an overall design.

Mr. Gunn said there is a possibility of burying the water tank. The Marin Municipal Water District wants to know how many houses there will be. The plan is still conceptual at this point. There will be individual buildings and an application made for each.

There will be almost 2 acres of lot area for each house so there will be room to move around.

John Roberto said there was a question as to whether the water tank was necessary. It may be proved there is adequate fire protection for the homes. The applicant should look at options for the water tank.

Commissioner Bergeson said the water tank should be a part of the preliminary concept. He said he did not think this plan did justice to the site.

Commissioner Kroot said there should be pedestrian easements connecting Tomahawk to the other easement and open space. He said he had not read the EIR, but he was concerned with site G and H.

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Commissioner Harle said he had a number of concerns, but this appeared to be an agreeable use of the site. He said it was not quite clear if the access to open space is to be left as it is or improved.

Mr. Gunn said the trails will be open for runners and horses.

In answer to Jonathan Braun's question about private property where the pedestrian easement ended, Mr. Gunn said there were trails on both sides, and surely there were prescriptive easements.

Commissioner Heubach said the plan may not be as creative as he would want to see. He asked if the building was willing for the houses to be built within the proposed envelope. Mr. Gunn said he was.

Commissioner Hayes said he had reservations about A and B.

Mr. Gunn said A was not visible to the Town. He said B can be virtually out of sight.

Commissioner Harle said the houses should be attractive to live in and not obtrusive and opposed to not visible. He does not wish to see them pushed together or clustered out of sight--that is not the objective.

M/S Heubach, Bergeson, to approve PP-6, application of Slide Mountain Corporation of Indian Hills Company, at the end of Tomahawk Drive, A/P 177-220-50, 177-250-400 and 41, preliminary plan review of twelve single family dwellings, subject to the conditions set out on pages 6 and 7 of the John Roberto Staff Memo dated 6-25-85, also subject to further restriction on water tank; will there be one, will it be undergrounded? also for further input on possible pedestrian access

in addition to the pedestrian and equestrian easement noted on the drawing received 6-12-85. We are approving a plan for 12 lots for single family houses building envelopes will be generally located as depicted on the plan; however, building sites A and B may be modified as to the location depending upon additional geologic and visual information.

At this point, Commissioner Bergeson withdrew his second.

M/S Heubach, Harle to approve application PP-6, Slide Mountain Corporation of Indian Hills Company, end of Tomahawk Drive A/P 177-220-50, 177-250-40 and 41, for a preliminary plan review of twelve single family dwellings received June 12, 1985 for 12 building sites subject to the conditions recommended by the Consultant on pages 6 and 7 of the staff report dated June 25, 1985, subject to input on the question of the water tank, whether it is necessary or not; regarding location of pedestrian and equestrian easements and further input concerning location of building envelope and lot lines, further that the recommended requirements on pages 6 and 7 of the Consultant's report be amended to strike recommendation 6 on page 7 of staff report.

Passed by the following vote:

AYES: Commissioners Harle, Heubach, Hayes

NOES: Commissioner Bergeson

ABSTAIN: Commissioner Kroot

Applicant informed of the 10 day appeal period.

Staff announced next step is before the Planning Commission with a tentative map.

P/C 7-01-85.

H: AR-5 - Philip and Barbara Tamarkin

Mr. Philip Tamarkin was present and presented design for one of the two single family dwellings approved for this site.

Mr. Richard Weisner 164 Oak Springs Drive, said the grass is extremely high right now. He requested the high grass be cut back.

Commissioner Bergeson said he had no problem with the plan.

Commissioner Kroot liked it

Commissioner Harle said it looked nice.

Commissioner Heubach said it had a nice look.

M/S Bergeson, Heubach to approve AR-5, application of Philip and Barbara Tamarkin, for architectural plan review of one of the two

single family dwellings on A/P 5-011-64, having found that it is in compliance with the General Plan. Unanimously Approved

P/C 7-01-85

I. V-2063 RICHARD H. DOYLE, JR.

Staff reported the building was within the 35 foot maximum height but needed a 3rd story variance.

There was no one in the audience to comment on the application.

Commissioner Heubach asked where the house is in regard to the trees.

Mr. Doyle said no trees are scheduled to be removed at this point.

M/S Harle, Heubach, to approve U-2063, application of Richard H. Doyle, Jr. 3 Indian Rock Court, A/P 5-102-54, for a three story variance for a new dwelling be approved on the grounds that it is necessary for the preservation and enjoyment of substantial property rights; granting of the variance will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the property involved and will not be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood; variance necessitated by the terrain and placement of the house in accordance with the plans. Passed unanimously.

Applicant informed of the ten-day appeal period. P/C 7-01-85

K. V-2066 - Lewis and Evelyn Champion

Staff reported this was a request for an after-the-fact variance.

Rita James, owner of the property directly behind said she had submitted a picture of the building from the deck of her property. she said it was clearly visible from the living room and the bedroom of the apartment with the southern exposure.

Mr. Champion said he had purchased the property a year ago in a very run down condition. He stated he had done a lot of work on the property and intended to do a lot more, and he said he needed the storage shed he had added and was unaware that it required a permit or needed to adhere to setbacks.

Commissioner Heubach said he had notice the improvements and generally, they look very nice; however, he did not think the storage shed fit into the area and felt it was an intrusion.

Commissioner Harle said it was more detrimental to the owner than to the neighbor, although he could see a minor detriment to the neighbor. He mentioned the building at the rear of the pre-school looked as though it had a recent addition also. He wondered if the applicant could lower the building.

Commissioner Kroot felt it was an intrusion on the neighbors and suggested perhaps it could be painted with the neighbor selecting the color.

Commissioner Hayes agreed with other Commissioners. He said it was about 3 7 1/2 feet above the fence.

M/S Heubach, Kroot, to refer V-2006, application of Lewis and Evelyn Champion, for an 18 foot rear yard variance and a six foot west side yard variance for a tool shed at 172-174 Tunstead Avenue A/P 7-213-44, to be within two feet of the rear and west side property lines, be referred back to the applicant for further consideration or submittal of additional revised plans for the meeting of July 15, 1985. Passed unanimously. P/c 7-01-85

L. Z-238 MAX F. AND M. MONICA HOLSINGER

Mr. and Mrs. Holsinger were present. and explained they thought all of their existing units were legal and felt they were asking for one additional which was already formed and plumbed.

Commissioner Bergeson questioned the tandem parking.

M/S Kroot, Heubach, to recommend to the Town Council approval of the Negative Declaration. Passed unanimously.

M/S Kroot Heubach, to recommend approval to the Town Council of Z-238, application of Max F. and M. Monica Holsinger, H & P Holdings, 51 Essex Street, A/P 6-121-38, rezoning from R-3 to SPD for ten existing legal units, to legalize an existing 11th unit and permit construction of a 12th unit on the grounds that it is consistent with the General Plan, in accordance with plans received by the Town of San Anselmo revised July 1, 1985. Passed unanimously.

Staff announced this item would be heard by the Town Council July 9, 1985.

M. Review of Affordable Housing Site Study and Recommendation to Town Council.

In view of the hour this item was continued.

Commissioner Heubach said he would be unable to attend the July 8 meeting.

At 1:45 a.m. the meeting adjourned to the special meeting of July 8, 1985.

Thelma Foster