

The regular 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 May 20, 1985. L. Wight of staff present.

1. ROLL CALL:

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

Commissioners Absent: Kroot, Sousa

2. APPROVAL OF MINUTES:

Approval of the minutes of march 25 and may 6 were continued until the next regular meeting.

3. PUBLIC HEARINGS:

The Chairman announced Items A, B, C and D would be continued to subsequent meetings.

E. V-2059 Allen and Mary L. McCutchebn

Mr. and Mrs. McCutchen were present.

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

M/S Hayes, Heubach to approve V-2059, application of A. Allen and Mary L. McCutchen, 7 Hampton Avenue A/P 5-243-14 for a three foot east sideyard variance to construct a deck, arbor and hot tub within five feet of the east side property line, on the basis that it is necessary for the preservation and enjoyment of substantial property rights; will not materially affect adversely the health or safety of persons residing or working in the neighborhood; variance is necessitated by the location of the structure on the lot, specifically the 5 foot setback on the east side. Passed unanimously. Applicants notified of the ten day appeal period.

P/C 5-20-85

F. V-2060 - Bonnie Wudtke

Mrs. Wudtke present.

Nora Baird, 127 Brookmead Court, read a letter opposing the variance.

John Parente, 120 Brookmead Court opposed the two story free-standing structure, which could be used as separate living quarters. Mr. Parente said Mrs. Wudtke already rents one room. This use would cause a change in the neighborhood which would not be consistent with the neighborhood.

Roberta Gerard, 209 Brookside Drive said she lives right behind this property. She said the proposed structure is only 5 feet from her own 2 story structure. She did not think it would be a safe situation.

Greg Garrison, 111 Brookmead Court said he had moved to San Anselmo to get away from congestion. The proposed building would hover his rearyard and deck; he is concerned over a possible multiple use.

Other comments were the concern of a two-story separate structure being a fire hazard; it is too tall for the next door neighbors; there were many objections from neighbors that the building is too close and too tall.

M/S Hayes, Harle to continue application of Bonnie Wudtke, 115 Brookmead Court, A/P 5-131-11, a 15 foot rear yard variance to construct a studio (no living quarters) within five feet of the rear property line to the June 17 meeting. Passed unanimously. P/C 5-20-85

G. Paul Gray and Holly Vernon Aurell

M/S Heubach, Bergeson, to grant V-2061, application of Paul Gray and Holly Aurell, 186 Floribel Avenue, A/P 7-095-23, a five foot east side yard variance to construct additions within three feet of the east side property line; a nine foot rear yard variance to construct additions within 11 feet of the rear property line; and a parking variance for the existing second space to be substandard in size, consistent with drawings received by the Town of San Anselmo on May 1, 1985, having found granting of the variance 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. Passed unanimously. Applicant notified of the 10-day appeal period. P/C 5-20-85

H. V-2062 Don and Connie Velazquez

Don Velazquez told the Commission the Town Attorney, Hadden Roth, said this is a legal building site. He exhibited two proposals for development, one showing a dwelling with a third story, to include a garage, and the other depicting development without variance in which a bridge would be constructed to the proposed parking deck. The proposal with the variance would have lot coverage of approximately one-half of the proposal without the variance.

Rick Sheviakov, 30 Oakwood said he did not know how physically this could be done. He had the same concerns as he had at the time of the previous applications: Soil, runoff, traffic. He thought this application indicated a larger amount of construction than the previous application.

Tom Hendricks, 23 Carlson Avenue, said he was concerned with water off the hill. Construction may increase the runoff and slides may occur. Mr. Velazquez's engineer appears to be concerned with slides also, Mr. Hendricks thought, since he proposed such a large number of piers. He thought it was clear there would be a lot of adverse affect if this construction takes place. He said he thought there was an implied threat in the presentation--either grant the variance or a building will be constructed over which the Commission has no control.

Russell Penn, former owner of the parcels and former applicant said this was a better overall plan, and it made sense to grant the variance.

Mr. Hendricks pointed out that the Council had denied a previous application with a 5 - 0 vote, but did say a new application could be presented without fee.

David Scalise, 25 Carlson Avenue, said his home is just below the proposed construction. The study did show slippage and soil creep. Any disruption of the soil could cause a massive slide. The land slopes directly toward his home, making it the most vulnerable.

Mr. Velazquez said the proposed dwelling was quite a distance from the Scalise and Hendricks homes, well over 200 feet.

Commissioner Hayes said he found the concerns of the neighbors to have real merit. It is up to the applicant to present an extra special burden of proof to insure them there is no danger for them. He wished there was more information in the soils report. He asked the applicant what drainage studies had been performed. The applicant said none yet. The applicant, Mr. Velasquez stated that it was not unusual for water to come up out of the ground.

Commissioner Heubach stated it was very hard to accept the fact that this is a building site.

Commissioner Harle said he felt the frontyard variance was acceptable. He was somewhat concerned over the third story variance. He felt he could not find a lack of detriment to the downhill neighbors.

Commissioner Bergeson said the Council had referred the item back with a suggestion of maximum number of one variance. He said the soils and drainage are very critical; however those items were up to the building department. He asked if a registered architect had prepared the drawings.

Commissioner Sharp said the detriment to the neighborhood could not be taken care of by variance. He felt the granting should be conditioned by Design Review. He felt the soils report was not complete.

Both Mr. Penn and Mr. Velazquez said that all that can be done for the soils report has been done already. Mr. Velazquez said that the Town Engineer, George Davison, told him he should not bring in a drill rig to make further investigations. He also stated it was not unusual for water to come up out of the ground.

M/S Hayes, Harle, that V-2062, application of Don and Connie Velazquez, 27 Oakwood Court, A/P 5-062-80 and 5-062-83, for a 20 foot frontyard variance to construct a garage and dwelling within zero feet of the front property line; and a third story variance, be referred back to the applicants for the purpose of obtaining additional information; such additional information shall include, but not be restricted to, information on drainage, soils stability, architectural design and drawings by an engineer or architect and the mitigation of construction impact. The purpose of obtaining this information is to ascertain the detriment or lack thereof the the proposed application on the neighborhood. An analysis and presentation by staff regarding their interpretation is requested.

Motion passed by the following vote:

AYES; Harle, Hayes, Sharp

NOES; Bergeson, Heubach

Staff agreed to renote neighbors at the time of the next meeting with this item on the agenda.

I. Slide Mountain Corporation of Indian Hills Company

John Roberto, Town Consultant was present for the Public Hearing on the Preliminary Planned Development Application. He said additional information is needed before action can be taken. He suggested the Public Hearing be opened and continued with a possibility of a workshop. Before the preliminary plan can be approved, the requirements of CEQA must be met.

The meeting was now declared a workshop.

John Roberto said this was three parcels totaling 24 acres at the end of Tomahawk Drive. Houses are sited on both sides of the road. A small water tank is needed. The density, he said, is in conformance with the existing zoning ordinance.

Jonathan Braun, from the audience, said he was gratified to see the proposal for open space in perpetuity; he is not in agreement with site 12 and 9. He thinks 12 is a most unlikely site. He objected to a water tank on the top of the hill, saying something needs to be done to make it non-visible.

Larry Stack, 10 Alice Way, said he had an aerial view of the property and offered it as a loan. He said it should clearly demonstrate that any building on the ridge top would have a significant impact. He said his personal view was the application does not comply with the General Plan; specifically, page 21, conservation zone with regard to preserving ridge tops.

Dagmar Jordan, said her house abuts the property. She said the slide is still moving. She is concerned over a change in the road. She would like a guarantee against grading.

John Roberto said an updated soils report was needed--the last was prepared in 1980. It needs to address what the effects will be. He said the nature of the open space easement should be clarified, and it should be shown with access.

At this point the work shop was closed. The next step will be a Public Hearing.

M/S Bergeson, Heubach to open the Public Hearing. Passed - unanimously.

M/S Heubach, Harle to continue PP-6, Slide Mountain Corporation of Indian Hills Company at the end of Tomahawk Drive, A/P Nos. 177-220-50, 177-220-40 and 177-250-41, preliminary plan review of twelve single family dwellings to the meeting of June 17, 1985.

J. Review of Affordable Housing Site Study and Reconstruction

This item continued to the meeting of June 17, 1985.

K. Abandonment of Moss Lane.

M/S Bergeson, Harle to recommend to the Town Council, abandonment of Moss Lane on the basis that it is not in conflict with the General Plan. Passed unanimously.

4. WORKSHOP

Discussion of Possible Future Uses of Red Hill School Site.

Item continued to the next regular meeting.

ADJOURN

At 12 midnight, the meeting adjourned to the next regular meeting of June 3, 1985.

Thelma Foster