

The regular meeting of the San Anselmo Planning Commission was called to order by Chairman Hayes on January 4, 1988, at 8:00 p.m. in the Town Hall Council Chamber. Staff present: John Kottage, Director of Public Works and Planning, Lisa Wight, Planner, Hadden Roth, Town Attorney, and John Roberto, Planning Consultant.

A. ROLL CALL

Commissioners present: Hayes, Julin, Manning, Sias, Yarish, Zaharoff
Commissioners absent: Harle

B. APPROVAL OF MINUTES

December 21, 1987

Chairman Hayes expressed concern that there were several pages devoted to staff, applicant and neighborhood comments, but the Commission comments were not as detailed. He said his comments were stated, but there was substantive discussion which is not in the minutes and he is concerned about the imbalance. It was suggested by Mr. Kottage that in the future staff will not detail the staff report since it is in writing in the file and perhaps this will create the balance of comments. Chairman Hayes said that would satisfy his concerns. Chairman Hayes asked that this item be continued to the February 1, 1988 meeting for the minutes to be revised.

C. PUBLIC HEARINGS

1. A-144 - Mauro Passetti, 60 Mariposa Avenue, A/P 7-284-32, design review of ten apartment units and review of the environmental document.

Mauro Passetti, applicant, present.

Mr. Roberto presented the staff report dated December 30, 1987.

John Silvey, 50 Mariposa Avenue, recommends there be larger trees on the east side to provide screening and privacy.

Barbara Tracy, owner of 64 and 66 Mariposa Avenue, suggested taller vegetation to break up the buildings. Her primary concern is drainage as all the surrounding properties presently drain onto 60 Mariposa Avenue.

Dick Tracy, owner of 64 and 66 Mariposa Avenue, echoed concerns about drainage.

Commissioner Zaharoff said she sympathizes with the neighbor's drainage problems and feels taller vegetation to screen the second stories is appropriate.

Mr. Kottage noted this property is within the 500 year flood zone, which is not considered a flood hazard area. Clearly, there is a problem with local flooding. The degree of fall from the property to the street is adequate for proper drainage and he agrees that a detailed topographic map and a tightly controlled drainage plan are needed. With this information, and the drainage plan is simple to design.

Commissioner Yarish said he is not satisfied with the visual impact - either better landscaping or building articulation is necessary.

Mr. Passetti responded that he feels the building is articulated and that large pine trees will serve no benefit to the property as they will cause shadows.

Commissioner Sias said the project must be more visually appealing to surrounding east and west properties by taller trees and building articulation; the drainage plan sounds like it needs to be done precisely to eliminate problems to other properties; and he is concerned that the proposed trim and fascia color not be too reflective in nature and hopes it will be duller.

Commissioner Julin said Japanese Maples are slow growing trees and she recommends another choice that will provide faster screening.

Commissioner Manning said he feels more landscaping and articulation of the building is necessary.

Chairman Hayes said further articulation is needed in either shape or trim as there is an expanse of light colored material. The second priority is the landscape plan. The use of the trellises is cosmetic and will not be viewed from above the fence so he is not sure of necessity. Japanese Maple trees are slow growing and deciduous. Detailed engineering is needed on the drainage issue. He is concerned that there not be obtrusive lighting from the interior of the garage spilling onto the street.

Mr. Roberto advised this application was submitted prior to the adoption of the urgency interim ordinance and, therefore, it can be considered. Should the application be denied, the applicant cannot reapply until the expiration of the interim ordinance.

It was determined this item should be continued to later in the meeting so the applicant can discuss his options with staff.

2. Proposed Interim Ordinance to prohibit applications for a General Plan amendment; zone change; zoning ordinance amendment; annexation; rezoning; subdivision of lands in the R-1 H zoning district; and subdivisions, development and land use applications on properties where the current zoning is inconsistent with the current San Anselmo General Plan.

Hadden Roth explained the adoption of the two existing urgency ordinances and the need for this new ordinance should the other two be declared invalid.

Mr. Roberto noted the slight change in this interim ordinance from the previous two urgency ordinances is that it will prevent the subdivision of lands in the R-1 H zoning district.

It was pointed out the Commissioners did not have copies of the Ordinance so the item was continued to later in the meeting.

3. PP-9 - Robert M. Yeakey, 80 South Oak Avenue, A/P 7-241-50, review of a Resolution for Denial of a preliminary plan of a single family dwelling in an R-1 H zone.

Robert M. Yeakey, applicant, present.

Mr. Kottage presented the Resolution for Denial as prepared by staff at the Planning Commission's request.

Paul Nave, 1679 Center Road, Novato, said he questions the validity of the denial when the professionals have said it is feasible to build on this property.

Commissioner Yarish said he does not completely agree with the reasons for denial and, therefore, cannot support the resolution; specifically: 1) Geologic stability - the soils engineer says it is feasible to construct in this location; 2) effect on roadway - not unsurmountable; 3) amount of excavation is substantial, but will have no effect on the natural features of the land; 4) he was originally concerned about the drainage discharge of drainage water, but the engineer explained in detail that the net change in water exiting the property would equal 1/2 percent of what is going down the street. 65 percent of the water in heavy rain will run off anyway in that area; 5) supply of potable water is an important issue. The spring has been effective since 1900 and there is no indication it would fail. It is up to somebody to prove it would not continue without some regularity; 6) The Ross Valley Fire Department feels service will be possible.

Commissioner Sias said he is comfortable supporting the denial for the following reasons: 1) a large portion of the building is located over a geological hazard; 2) he is concerned about the amount of excavation on an unstable hill and the truck loads over a poor road; 3) drainage report does not cover the capacity of water that is draining into the existing drainage system; 4) discrepancies on the water supply and question the permanence of a water supply; and 5) the applicant has the opportunity to respond to these questions and has not.

Commissioner Julin suggested it be added to Finding No. 1: "Building site locations . . . stability and any development of that site should avoid that area."; with regard to finding Nos. 2 and 3: the geologic stability of the road and excavation of fill, there should be heavy bonding ahead of time and a balance of cut and fill, so there are less truck loads; everything is made moot by the lack of water supply and inability for fire suppression use; and change Article 12 to read Chapter 3.

Commissioner Manning said he will abstain since he was not at the last meeting.

Commissioner Zaharoff said she concurs with the document.

Chairman Hayes said this document captures the sense of concerns from the last meeting. With regard to the Finding No. 2 on grading he is having difficulty making that in all good conscience when a small house was previously approved on this lot in a different location.

M/S Sias, Julin, to pass the Resolution of Denial for PP-9 for Robert M. Yeakey, 80 South Oak Avenue, A/P 7-241-50, for a preliminary plan of a single family dwelling in an R-1 H zone.

Motion carried: AYES: Hayes, Julin, Sias, Zaharoff
 NOES: Yarish
 ABSTAIN: Manning

Audience was advised of the ten day appeal period to the Town Council.

1. CONTINUATION OF A-144 Mauro Passeti, 60 Mariposa Avenue, A/P 7-284-32, design review of ten apartment units and review of the environmental document.

Mr. Passeti requested a continuance of the application.

Mr. Roberto said he will interpret the Planning Commission's concerns for the applicant. He recommends the staff prepare a Notice of Negative Declaration and place it on the next agenda.

Mr. Kottage again explained the drainage situation on the surrounding properties and said a simple plan could be prepared with perimeter drainage to drain the water off the property. He advised the audience that their drainage problems would not be exacerbated by this development with a proper drainage plan.

M/S Zaharoff, Sias, to continue A-144 for Mauro Passeti to the regular meeting of February 1, 1988.

Motion passed unanimously.

2. CONTINUATION OF Proposed Interim Ordinance to prohibit applications for a General Plan amendment; zone change; zoning ordinance amendment; annexation; rezoning; subdivision of lands in the R-1 H zoning district; and subdivisions, development and land use applications on properties where the current zoning is inconsistent with the current San Anselmo General Plan.

Mr. Roberto distributed copies of the ordinance and explained its purpose. Mr. Roth advised there is no legal need to act on this ordinance this evening and since the Commission has not had adequate time to review it, he recommended the public be permitted to speak, but then continue the item.

Peter Fraser, 12 Kientz Lane, asked that all past written correspondence and comments made at meetings be incorporated into tonight's comments. He feels that the zoning of his property for 12 units was approved on a motion that stated consistency with the General Plan. He suggested the ordinance only control those parcels that would affect the implementation of the General Plan.

Hugh Cadden, 100 Shady Lane, Ross, owner of R-1 H property in San Anselmo, said his property is not affected under the previously adopted interim ordinance because he has only three lots, but the proposed ordinance will affect him as it will not permit the processing of any R-1 H subdivision applications.

M/S Zaharoff, Julin, to continue the Proposed Interim Ordinance to the regular meeting on February 1, 1988.

Motion passed unanimously.

4. PP-10/V-2209 - Carradine, Incorporated Architects, The Alameda, South of 443 The Alameda, San Anselmo jurisdiction A/P Nos. 5-043-16, 5-043-22, 5-043-31, and County of Marin jurisdiction A/P Nos. 177-220-54 and 177-220-55, preliminary plan development, variance for a driveway easement across subject properties, and discussion of environmental clearance.

Michael Carradine, applicant, present.

Mr. Roberto presented the staff report dated December 30, 1987.

In response to questions of the Commission and audience, Mr. Roth advised the easement was created legally and it is too risky not to give him the variance for the lot that does not have frontage on The Alameda. This does not mean the other three lots have to access on that easement if they can access off The Alameda.

Mr. Roberto asked Mr. Roth: if the Town is bound to provide an access easement, are we bound to this alignment since there are growth inducing questions, i.e.,

the 22 acre Carey property who may have the right to use it. Mr. Roth said it is conceivable the alignment could be different.

Commissioner Julin asked by what right do we have to process the County parcel? Does not the variance go with the parcel? Mr. Roth said the easement is in Town and somebody has to take jurisdiction. The County couldn't grant a permit for access through Town property. Commissioner Julin suggested annexation. Mr. Roberto said we can take action to initiate annexation and the applicant has indicated he is not opposed.

Mr. Carradine presented documentation to show the legality of the lots and easement, noting that it was the Planning Commission at that time that required the owner to eliminate Lot 5 of 13 lots for the easement to continue through the end of the property to adjoin the County property. The properties have since reverted to three Town lots and one County lot. It seems ironic to him that now it is up to the applicant to find negative mitigations to what the previous owners were not party to. The map was never recorded because the bonding for improvements was not done.

Mr. Carradine said the lots are owned separately and the owners are not willing to give up their building sites.

Mr. Roberto asked Mr. Roth if the Town can relocate the access if Mr. Carradine is not willing to go along? Mr. Roth said he would have to think it through, but it seems strange that Mr. Carradine is representing four persons and that they are playing against each other.

Frank Berger, 324 The Alameda, said none of the matters mentioned in the staff report have been addressed tonight, i.e., hydrology, drainage, fire safety, soils, etc. and, therefore, he is unable to respond.

John Loutas, 353 The Alameda, discussed the drainage situation and said more facts are needed.

Dan Goltz, 107 Holstein Road, said he respects the applicant's right to develop the property if it is done legally. He questions the legality of the drive (easement) and lots. Mr. Roth said that although he appreciates Mr. Goltz' arguments, he does not consider them valid. Mr. Goltz said if a street is permitted up to a ridge, then it will open development on the ridge (referring to the 22 acre Carey parcel).

Mr. Roberto said we can now focus on environmental concerns and he will talk to the applicant about ways to reduce effects with mitigations. Although working towards a mitigated Negative Declaration, staff may recommend a focused EIR.

Chairman Hayes questioned how four building sites would be permitted on 3.25 acres, and questioned how the smaller lot was subdivided off the large Carrey lot. Mr. Roth advised the four building sites were created legally as separate lots and that when the smaller lot was subdivided off, a map was not required for less than four lots.

Chairman Hayes announced that Alan Friedman, 500 The Alameda, contacted staff today to advise he opposes the project.

M/S Zaharoff, Sias, to continue PP-10/V-2209 to a special meeting on January 25, 1988.

Motion passed unanimously.

Mr. Berger requested that answers to their questions be available to the public prior to the meeting on January 25. Mr. Roberto advised information would be available on January 15.

5. V-2207 - Wie-Shing and Lorraine Lee, 208 Brookside Drive, A/P 5-132-28, a ten foot frontyard variance and a five foot north sideyard variance to enlarge a garage to accommodate two vehicles within ten feet of the front property line and three feet of the north side property line.

Wie-Shing and Lorraine Lee, 208 Brookside Drive, and Chris Blum, contractor, present.

Ms. Wight presented the staff report dated January 4, 1988.

Mr. Blum distributed photographs to the Commissioners to show that in his opinion the site distance will not be affected. He added that to construct the garage extension to the south would reduce the living area of the house and would be costly; the applicants wish to have covered parking for two vehicles; and there will be room to park two vehicles diagonally in front of the garage.

Bob Sisler, 212 Brookside Drive, said he objects to the proximity of the proposed garage to the street as it will block his view when pulling out of his garage and it will be out of character with the neighborhood to be that close to the street; and the garage will be too close to the side property line.

Roberta Gerard, 209 Brookside Drive, echoed Mr. Sisler's objections.

Commissioner Sias said he cannot support the application as presented for the reasons that 1) the driveway length is not adequate; 2) two covered parking spaces will replace three useable spaces; 3) there will be a driving hazard on that curve; 4) the sideyard construction will be too close to the neighbors; and 5) it could be considered overdevelopment of the property.

Commissioner Julin questioned staff's comments that it would be possible to redesign the garage to eliminate the frontyard extension. She said she does not feel there is a problem with the site distance nor with the sideyard variance, but does not support the frontyard extension.

Commissioner Manning said he did not support the Sisler extension and does not support the Lee extension as there are no special circumstances. There will be a safety problem with the structure as proposed.

Commissioner Zaharoff said she supports the sideyard variance, but not the frontyard variance as it will create a safety hazard on the curve. Other properties in the neighborhood enjoy two car garages, but this case has an anomaly of reducing on-site parking.

Commissioner Yarish said he agrees with Commissioners Julin and Zaharoff. The line of the front of the garages on Brookside Drive is consistent and this proposal will break up that consistency. He supports the sideyard variance.

Chairman Hayes noted the Commission recently approved the Sisler's garage extensions and understands the Lees might feel they should be approved as well. What is different is that it forces the garage to the front so the property will have less one parking space.

Ms. Wight pointed out that staff's comments about redesign of the garage to eliminate the frontyard setback will require a greater sideyard variance and this is not a recommendation of staff because it is not our responsibility to redesign projects.

Mr. Blum requested a continuance.

Kay Sisler, 212 Brookside Drive, said the granting of a two foot sideyard variance (should the plan be revised to eliminate the frontyard extension) would be a granting of special privileges that the Sislers were not allowed. She added that the Lees were concerned about the loss of open space and privacy when the Sislers made their application.

M/S Zaharoff, Julin, to continue V-2207 to the regular meeting of February 1, 1988.

Motion passed unanimously.

D. ADJOURNMENT

The regular meeting of the San Anselmo Planning Commission was adjourned to a special meeting on January 25, 1988.

LISA WIGHT
PLANNER