

TOWN OF SAN ANSELMO  
PLANNING COMMISSION MINUTES OF DECEMBER 18, 1989

The regular meeting of the Planning Commission was convened at 8:00 p.m. on December 18, 1989, in the Council Chamber, by Chairman Sias. Staff present: Dain Anderson, Assistant Director of Planning, Lisa Wight, Planner, and Jayni Barker, Planning Consultant.

A. ROLL CALL

Commissioners present: Julin, Kanis, Harle, Hayes,  
Yarish, Sias  
Commissioners absent: Kroot

B. CONTINUED PUBLIC HEARING

U-639/V-2323 - Theodore Janko, Ted's, 218 Sir Francis Drake Boulevard, A/P 6-252-03, a use permit and parking variance to permit the establishment to expand to the adjacent building to provide a game area (games to include video, dartboard, backgammon, shuffleboard, and similar games).

Lisa Wight noted that the applicant wishes to withdraw his application and staff will formally withdraw this application on the agenda for the next meeting.

C. PUBLIC HEARINGS

1. V-2322 - Suzanne Murphy, 174 Butterfield Road, A/P 5-101-36, a 20 foot frontyard variance to construct a covered storage area and extend the front roof eave height 1 foot within 0 feet of the front property line.

The applicant was present.

Lisa Wight presented the staff report.

The Commission was able to make all the appropriate findings.

M/S Harle, Hayes, to approve V-2322 - Suzanne Murphy, 174 Butterfield Road, A/P 5-101-36, a 20 foot frontyard variance to construct a covered storage area and extend the front roof eave height 1 foot within 0 feet of the front property line on the basis: 1. Due to special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the controlling zoning ordinance or regulation deprives such property of privileges enjoyed by other property in the vicinity and under an identical zoning classification, and the granting of the 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, specifically, the parking is separate from the yard and house and the new area is a logical addition to an existing storage area and is in keeping with the size of similar neighboring structures. 2. The granting of the variance is necessary for the preservation and enjoyment of substantial property rights of the petitioner, specifically the existing storage area is very small and the owner feels the increase in space is necessary; 3. The granting of the variance 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 public welfare or injurious to property or improvements in such neighborhood specifically. This is based on the approved drawings submitted with the application.

All ayes. Motion unanimously passed. Audience advised of the ten day appeal period.

2. U-640 - John Magine, Roma Foods International, Redhill Shopping Center, 850 Sir Francis Drake Boulevard, A/P 6-061-23, use permit for the on-sale of beer and wine.

The applicant was present.

Dain Anderson presented the staff report.

Commissioner Yarish said this was a continued use for the existing site and had no objection to the proposal.

Commissioner's Harle and Hayes supported the application.

Commissioner Julin thought this was a logical site for the proposed use.

Commissioner Kanis said that because there will be on site sale of beer and wine he hoped the applicant would be cautious about hiring young teenagers.

Chairman Sias supported the application and assumed the applicant would adhere to the ABC regulations.

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M/S Yarish, Julin, to approve U-640 - John Magine, Roma Foods International, Redhill Shopping Center, 850 Sir Francis Drake Boulevard, A/P 6-061-23, use permit for the on-sale of beer and wine on the basis: the establishment, maintenance, or operation of the use or building applied for will or will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the Town, and that the granting of the application is necessary for the preservation and enjoyment of substantial property rights of the petitioner, specifically that this is a continued use in this location with a delicatessen to serve on-sale beer and wine and there has been no problem with this use on the site.

All ayes. Motion unanimously passed. Audience advised of the ten day appeal period.

3. U-641 - Lorraine DeVore, 28 Hillcrest Court, A/P 5-091-13, use permit to rent a room.

The applicant was present.

Dain Anderson presented the staff report.

Richard Street, 15 Hillcrest Court, was concerned about the effect of additional traffic caused by the rental of the room. He said there are several illegal second units in the neighborhood and the additional traffic from them, along with this current request, is too much neighborhood. He said that although there are four tandem parking spaces off-street, the residents of 28 Hillcrest Court currently park some of the vehicles on the street. He said that the neighborhood is being turned into multi family from R-1 and he was opposed to that.

Oscar Street, 15 Hillcrest Court, said most of the homes in the neighborhood are owner occupied and he did not want to turn the neighborhood into multi family. He felt the renting of a room would create a domino effect whereby an already terrible traffic problem would be made worse. He wondered if the owners requesting rentals would be required to pay additional taxes. Hillcrest is already a narrow street and difficult for emergency vehicles to access and he did not want additional cars on the street blocking traffic.

Dain Anderson said the criteria for approval is based primarily on the adequacy of on-site and off-site parking.

Commissioner Harle could understand the concerns of the neighbors but did not feel there were any grounds for denial because the applicant met the criteria for renting a room.

Commissioner Kanis thought the Town should look at the renting of rooms ordinance but this application meets the current requirements.

Commissioner Julin supported the application, stating it provides a small incremental amount of housing and there is required on-site parking.

Commissioner Hayes supported the proposal because it meets the criteria although he agrees that on-street parking is congested and there is adequate on street parking.

Commissioner Yarish had no problem with the use proposal but felt there should be a review of the ordinance, because he feels there will be more in the future. He thought perhaps a limit should be placed on each neighborhood, as is done for the second units.

Chairman Sias shared the neighbors' concerns but agreed there is adequate parking on the site to approve the use permit. He also thought it would be a good idea to look at the ordinance for renting rooms and address the issues about taxes and additional parking.

M/S Hayes, Kanis, to approve U-641 - Lorraine DeVore, 28 Hillcrest Court, A/P 5-091-13, use permit to rent a room on the basis: The establishment, maintenance, or operation of the use or building applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the Town, and that the granting of the application is necessary for the preservation and enjoyment of substantial property rights of the petitioner.

All ayes. Motion unanimously passed. Audience advised of the ten day appeal period.

4. V-2317 - Cyrus Ansari, 94 Berkeley Avenue, A/P 6-165-35, variance applications for 1) a 6 foot south sideyard variance to construct an open deck within 0 feet of the south side property line; and 2) a height variance for a fence (located on the south side property line and the southerly portion of the rear property lie adjacent to No. 98) to be up to 8 feet in height; and 3) a 5 foot rearyard variance to construct a lower platform on a previously approved car deck within 15 feet of

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the rear property line. Town Council referral of appeal of planning Director's approval of 1) a motorized gate to control access to the car deck located in the frontyard; 2) a pedestrian gate located in the frontyard; and 3) an access gate located in the sideyard.

The applicant and his attorney, Neil Blumfield, were present.

Lisa Wight presented the staff report.

Commissioner Julin asked if the applicant has received a Certificate of Occupancy. In addition, while doing a site check, she noticed that a portion of the railing by the front door is missing and is a real hazard. Lisa Wight affirmed that a Certificate of Occupancy has been obtained why would have to refer the comments of the railing to the Building Department.

Neil Blumfield questioned the discussion of Ordinance 3106 in the staff report. His client has removed some of the abatement items and they have also reached a tentative agreement with the Town through discussions with the Town Attorney. His comments were as follows for the request of Mr. Ansari: 1) The open deck - it will not create adverse problems and only a small section of the deck requires a variance. A railing for this area would impair the enjoyment of substantial property rights of the petitioner because he could not be able to access the area and therefore would create a detriment. 2) Fence height - There are many other homes in Town that enjoy 8 foot high decks, specifically the property at 104 Butterfield and 37 Suffield, and presented photographs to that affect. Mr. Ansari has cut back the other portions of the fence to 6 feet as required by the Town Council but is requesting to keep this portion of the fence. In September 1988, this owner originally opposed the 8' fence, but in April 1989, she advised staff that she no longer opposed the fence height. This neighbor at 98 Berkeley would be the only neighbor affected by the fence height. 3) Lower platform - only 70 square feet requires a variance and previously an approval was granted for the car deck and this platform is under the car deck. The use for this platform will be for light storage and Mr. Ansari will do whatever is necessary to satisfy the building Department requirements for construction of this platform. This could be a made a condition for approval. Another alternative, if this variance is not approved by the Commission, the 70 feet square foot section could be removed, so a variance would not be required. The railing design and color proposed is natural redwood but Mr. Ansari is open to discussion on color variations from the Commission if they are not satisfied. It should be noted that the Town Council approved a dark earth tone for the shearwall and that might be a color to consider. 4) Motorized gate - this is usually routinely approved, the motor is very quiet and Mr. Ansari requires security and privacy. The Planning Director has already approved the motorized gate, pedestrian gate and access gate. These are not variance requests. The Commission is hearing these items because the Planning Director's approval has been appealed, gone to the Town Council and the Council has forwarded it back to the Commission.

Marlene Kawahata, 84 Berkeley, said the quality of life will be damaged on Berkeley Ave by all the variances and noise associated with the proposals of Mr. Ansari. She objects to the additional building and looming nature of the additions. The quiet neighborhood that they enjoy is being endangered. If the Commission approves any proposals, she would request that they would be very specific in making the findings. Mrs. Kawahata presented photographs of the looming nature of the additions and the 8 foot fence, noting that the additional 2 feet for the fence really will not afford Mr. Ansari any additional privacy from a 6 foot fence. Her specific comments on each item were as follows: 1) Open deck addition - looks into her house and she has to close her drapes for privacy. The deck creates a looming effect and there is a sufficient amount of deck space available without this additional decking. The deck was built without permits, and was red tagged by the Building Inspector. 2) Lower platform - Mr. Ansari has vowed to have an in-law unit, and because it was denied, he is now calling it storage space. She wanted to know who would enforce this if the space was approved. She said she has planted redwoods to screen her property from that area but Mr. Ansari can still see into her home. The deck railing will add to the looming nature and she is opposed to that also. 3) Motorized gate - violates the reason a four car parking deck was approved and will take away from the existing parking. She does not oppose a sliding gate with no motor. She also wondered what the design was of the motor, and the color. 4) Access gate - she wondered why it was necessary for such a large access gate and thought that by approving this would take away from on-street parking. Her major objection to the access gate was the necessity of the width. 5) Pedestrian gate - she did not comment on that. Lastly, she said the deck and lower platform are still part of the nuisance abatement and Mr. Ansari will have to remove them if not he does not get approval for variances.

Marie Hoch, 51 Sunview, wondered why there was a need for a 9 foot gate, and said that Mr. Ansari will have to access his property by going over a curb and he will also take away from on-street parking. She opposed the open deck, stating that homes in the neighborhood do not have large decks and the lower platform was hideous and would be a detriment to the neighborhood. The neighbor at 98 Berkeley has her home up for sale and therefore would have no objection to the fence height being 8 feet in height but she opposes it because it is not consistent with other homes in the neighborhood.

Greg Smith 97 Berkeley, was opposed to the 8 feet fence and the lower platform. He wanted assurance that the platform area would be used as storage and not a second unit and who would enforce this.

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Larry Stack, 10 Alice Way, said the fence has not been reduced to 6 feet in the areas stipulated by the Council. He said there are areas that still exceed 6 feet. He did not feel there should be any further approvals by the Town for Mr. Ansari's property until all the current approvals can be completed, and the items that are to be abated as stipulated by the Town Council, be abated. Regarding the request for the 8 foot fence, the abutting property owner is currently involved in a property line dispute, stating that Mr. Ansari has encroached 2 feet onto her property. Mr. Stack said the Town was aware of this but feels it is a personal matter between the two owners. He added that he agreed with the statement of Marlene Kawahata of 94 Berkeley.

Alan Almquest, 6 Alice Way, concurred with the comments of Larry Stack.

Lisa Wight responded to the statements of the neighbors as follows: The Building Inspector measured the fence height today and found that the maximum height of the fence is 6 feet 3 inches, with the average being 6 feet. Therefore staff feels he has complied with the Town Council's requirement to cut that portion of the fence to six feet. Staff is not aware of a property line dispute, and is under the impression a survey has previously been done to verify the property lines.

Neil Blumfield presented the approved Ordinance to the Planning Commission. He said many of the delays and problems associated with the development are because of a personality conflict with the neighbors. He would hope the Commission would rely on Staff's findings for approval of their proposals. Mr. Ansari's proposals are no different than what has been proposed by other homeowners in San Anselmo.

Commissioner Julin wondered how long it would take Mr. Ansari to complete all building, including the current proposals before the Commission.

Mr. Blumfield said all work could be completed within six months, unless there are unforeseen circumstances.

Commissioner Julin would like to see a deadline placed on the project of June 30, 1990 and a fine levied after that date if work is not completed. She also wondered if there was a possibility that a cap could be put on any future building, or requests for variances, until the current work is completed. She did not feel she could vote approval on the proposals before the Commission until the current outstanding building permits are complete.

Commissioner Hayes commented on the proposals as follows: 1) open deck - did not feel the open deck would have an adverse impact on the neighborhood and therefore had no objection to it provided that staff has verification the property lines are accurate; 2) Fence - did not support an 8 foot fence. 3) Lower platform - did not support, because it only adds to the looming effect and wanted all joists to be cut back. 4) Motorized gate - could approve if it does not jeopardize the existing four car parking for the deck with the gate opening inward. He was not sure however, that there was adequate space. 5) Pedestrian gate - could support if it does not exceed 6 feet; 6) Access gate - could support if it was not used as a driveway and did not jeopardize any on-street parking.

Lisa Wight noted that the applicant could apply for a permit for a second driveway where the access gate is proposed because two sides of the house face the street. Also, the plans indicate there is approximately 50' length from the edge of the existing parking deck to the edge of the roadway.

Commissioner Yarish was concerned about making a decision on the fence height while there is still a question about the property line. In general, he also concurred with Commissioner Julin that he would rather not make a decision on the variances before him until the current permits have been finalized. His specific comments were: 1) Fence - he opposed the fence height, stating that it was previously denied and did not feel there was a need for an 8 foot fence. 2) Lower platform - was opposed to the platform because it was overdevelopment of the site 3) Motorized gate - was concerned about the gate taking away from the existing four car parking; 3) Pedestrian Gate and Access gate - could approve these contingent upon existing building permits being finalized.

Commissioner Harle echoed the comments of Commissioner Hayes, adding that he would like clarification on the property line dispute question and the lower platform has previously been denied as a second unit and feels it is an eye sore.

Commissioner Kanis was inclined to go along with all of staff's recommendations. His specific comments were as follows: 1) 8 foot fence - does not feel it affords anymore privacy than a 6 foot fence; 2) Lower platform - was not opposed to the lower platform because there is an already approved car deck above it and this lower platform will not extend beyond the existing car deck. 3) Motorized gate - was not opposed to the gate as long as it did not jeopardize the existing 4 car parking. He suggested a telescope gate as an alternative if a regular one took away parking. 4) Access gate - wondered if the width could be limited to a size of less than 9 feet, perhaps not wider than 4 feet.

Chairman Sias generally concurred with staff recommendations. His specific comments were as follows: 1) fence - was opposed to this; 2) Open deck - was unable to make the required findings; 3)

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Lower platform - thought it was overdevelopment and unable to support; 4) Motorized gate - unable to make a decision without additional information regarding the noise of the motor and if the four car parking will be endangered with the gate that is required to swing inward; 5) Pedestrian gate - had no objection to this; 6) Access gate - would object to this if it was used for parking or a second driveway and thought that it could present a safety hazard. There is already adequate parking on site. Also questioned why there was a need for the width to be 9 feet.

Commissioner Harle suggested that staff prepare a resolution, incorporating the comments of the Commission.

Dain Anderson asked if the Commission was going to allow any more public testimony at the next meeting.

Chairman Sias said that the public hearing was closed.

M/S Hayes, Julin, to direct staff to prepare a resolution encompassing the comments made tonight. The resolution will be presented to the Planning Commission at the meeting of January 8, 1990.

All ayes. Motion unanimously passed.

5. V-2321 - Blain and Karen Beckman, 7 Millbrae Avenue, A/P 6-112-12, a 19 foot rearyard variance to construct a two car garage within 1 foot of the rear property line.

The applicants were present.

Dain Anderson presented the staff report noting that it is difficult to exit the driveway because of the narrow street, however, there are other narrow streets in San Anselmo.

Commissioner Julin was puzzled by the duplex on the site. Mr. Anderson noted that there was a legal second unit on the site.

Mr. Beckmann presented notes from the neighbors and garbage company complaining about the existing parking problem. He said the Town requires a 12' roadway clearance and there is inadequate space for parking on the street and still maintain the clearance. The proposed garage will be low profile and dug into the hill. He said the proposed site has been staked out to show the location.

Dennis Scialli, 8 Sunny Drive, presented a petition from the neighbors on Sunny Drive that oppose the garage. He said that Sunny Drive is only 12 feet wide and it would be very hazardous to have the garage so close to the property line. Drainage is currently a problem and if the topography is altered, additional problems could occur. The removal of retaining walls to construct the garage could ruin the aesthetic value and the construction of the garage will change the charm that already exists.

Connie Irwin, 16 Sunny Drive, said that if the variance is granted she would like to have a condition placed that the applicant would secure a bond for any roadway damage. Also, she has just completed a retaining wall and would like some assurance that the applicants do not undermine her wall. And lastly, she wanted the project to be engineered so there is proper drainage.

Joe Taylor, 25 Sequoia, felt the stone retaining wall was beautiful and would hate to see it removed. He thought there was quite a bit of space between the house and the proposed garage and thought the proposal would be an intrusion on Sunny Drive. He was also concerned about the stability of the hillside.

Diane Sheradan, Sequoia, said the street was narrow and to allow the garage to be built 1 foot from the property lines would be dangerous for through traffic.

Mr. Beckmann responded to the comments made by his neighbors. He said that there will be proper drainage on the site and that he would be happy to repair any damage to the street. He proposed to use some of the stone from the retaining wall onto the concrete wall on the site. He is a contractor, but has no intention of using his garage as a storage for his equipment. He has space elsewhere for that. He said that he has adequate insurance and would be covered in the event any damage is done to the adjacent property.

Commissioner Hayes understood the concerns of the neighbors that the garage could be a detriment to the neighborhood. The roadway is very narrow and would not allow the owners very much room to exit the driveway.

Commissioner Yarish said the Town approves of off-street parking but it seems that the owners are taking the parking problem off of Millbrae and creating a problem for Sunny Drive.

Commissioner Harle said the real question is if backing out of the garage can be accomplished safely because of the narrow street. He wondered if perhaps the tree should be removed on the lot to allow for the garage to be placed elsewhere on the site.

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Commissioner Kanis thought the structure look too massive and was bothered by any structure that would take away from the open space. He suggested an uncovered parking pad rather than a garage on the site.

Commissioner Julin agreed with Kanis, she did not like the structure. The parcel is small and narrow and the garage looked bulky. She thought this parcel was similar to that at 26 Rutherford and 214 Laurel. The addition of the garage might be considered overdevelopment with the owners looking at adding on to their home in the future.

Commissioner Yarish was concerned about the narrowness of the street and thought an unroofed parking structure would be acceptable, incorporating the stone wall into the retaining wall. He thought that turf stone paving would look nice. He would also need assurance that there would be adequate drainage and some landscaping.

Chairman Sias supports off-street parking, but there is so much opposition from the neighborhood with the proposed plan that perhaps another design could be prepared, that was less wide and less deep. He hoped the applicants would get together with the neighbors to come up with an acceptable solution.

Mr. Beckmann said he would be willing to rework his plans with the neighbors to come up with an acceptable design.

M/S Hayes, Kanis, to continue V-2321 - Blain and Karen Beckmann, 7 Millbrae Avenue, A/P 6-112-12, a 19 foot rear yard variance to construct a two car garage within 1 foot of the rear property line to the first meeting of February to allow the applicants time to discuss alternate plans with the neighbors.

All ayes. Motion unanimously passed.

6. PP-14/V-2315 - James Helfrich, between 444 and 500 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. 177-133-13 and 177-220-54, preliminary plan review, variance to construct a driveway over subject properties, and the initial expanded environmental study for the development of 4 single family dwellings.

There was a discussion as to whether or not to proceed with this item or continue it to the next meeting because of the late hour of 11:30 p.m. The consensus was to proceed with public testimony and Commission input. Commissioner Harle noted that when a decision is reached the motion should be embodied in form of a resolution.

The applicant was present.

Janyi Barker presented the staff report and showed the Commission the proposed building sites on the map. She said development of the lower site on The Alameda will require much loss of vegetation and substantial removal of soil. She said that both the Town Engineer and Geotechnical Engineer recommend development higher on the site.

Dain Anderson noted that staff received a letter of support for Mr. Helfrich's proposal from the property owner at 500 The Alameda, and that he was against the idea of homes being built lower on the site, closer to The Alameda.

Commissioner Julin was puzzled by the fact that staff does not recommend annexation. She did not feel the Commission could make a decision on a parcel that is partly in the County without annexation. Ms. Barker said staff has made that a mitigation measure.

Mr. Helfrich said the proposed footprints are approximately 3,000 square feet but the houses will be smaller. He said he would have no problem dedicating open space to all the area outside the building envelope. He has had two public meetings with the Open Space Committee and the Open Space Committee has responded to the Commission. He has some concerns about agreeing to a public easement running through his property. That has not been asked from any other property owner that backs up to the Cary property. He would agree to offering a public pedestrian easement across his property into open space if and when the Cary property is acquired with perhaps a 3 year deadline attached to it. It would be unfair to leave it open ended. He would be willing to start the annexation process if that is a requirement of the Commission. Drainage has been reviewed and approved by the Town Engineer. With regard to alternative building sites, the General Plan talks about minimizing cuts and fills and he will conform by building higher on the site. He has been informed that if they were to develop along The Alameda, anywhere from 40 to 50 thousand yards of fill would have to be removed. He said that his current proposal will stabilize the soil and help stop erosion on the site. The General Plan states that construction on the ridge zone can only be done if it is a detriment to construct in other areas. Mr. Helfrich felt he has done all that was required by him from staff, from the neighbors, and has followed the General Plan. Therefore he requests approval of his project.

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Linda Hoch, Open Space Representative, recommended that a public easement, consistent with policies 4.4 and 4.6 of the General Plan Open Space Element, be developed through the property, providing the first link of a new public access to the San Anselmo/Terra Linda Divide open space. By extending this easement in the future through the 21 acre Cary property, a continuous route would be created from The Alameda to the Marin Open Space District lands.

Jim Jacobson, The Alameda, wanted to know if the Town has received approval or eminent domain from the owners of the property where the culvert and debris box are located.

Roberta Stoddard, 444 The Alameda, felt there were too many houses proposed for the site and the plan is unrealistic. She felt the site is unstable and would like the space purchased as open space. She did not feel that the Open Space Committee has given sufficient time and energy into the possibility of obtaining this property. She would be willing to canvas the neighborhood to see if there is an interest in pursuing the property for open space.

Jan Back, 429 The Alameda, asked if there was still a possibility to establish an assessment district for the property.

Commissioner Yarish thought Mr. Helfrich's plan was well thought out and the sites proposed for the dwellings are the most logical based on the information from the Town Engineer and the geotechnical engineer. He thought the applicant has been sensitive to the comments of his neighbors and has tried to satisfy the neighborhood. The possibility for the Open Space Committee to purchase the property does not seem eminent based on the comments from the Committee. Therefore, he can support this project with the mitigation measures as stated in the staff reports relating to drainage and paving.

Commissioner Harle had nothing further to add to Commissioner Yarish's comments.

Commissioner Kanis said the Open Space Committee has had a limited amount of time to prepare any ground work to determine if the neighborhood wants to form an assessment district. At the very least, he felt the Commission should allow the interested people time to poll the neighborhood. There is an awareness for open space in San Anselmo and the residents care about protecting their hillsides and open space. He also did not feel that he had sufficient information as to why the alternative site was not suitable. There should be other alternatives presented before the Town approves any building on the ridge top.

Commissioner Julin said the Town is faced with an inherited situation and feels confident that the applicant is going about the project the right way. She would like to work cooperatively with the applicant and not cause undue delays or unnecessary expense. She also does not want to override Town policy.

Commissioner Hayes said there are four units on a parcel that he always envisioned as tolerating a maximum of three. He did not think that any of the alternatives looked that good and wondered if an alternative could be overlooked. He does not want to see a roadway built that leads to the Cary property. Other questions were: What makes this applicant's proposal different from that of the previous applicant? What is the minimum width required by the Fire Department for access? How confident is staff that the flood and drainage controls will not adversely impact the neighbors? And what assurance can be given the neighbors that the flood and drainage controls will not adversely impact them?

Janyi Barker said that the Town Engineer and other engineers feel confident that the mitigation measures will eliminate many of the current problems associated with this site.

Commissioner Harle said that the concept for this project is no different than that proposed by the previous applicant with the exception that Mr. Helfrich has proposed an alternative of building on The Alameda.

Chairman Sias did not feel that the building pads should be on The Alameda. He said the Commission has until October 21, 1990 to act on this application. He was not sure the Open Space Committee could canvas the neighborhood and form an assessment district within the allotted time but because of the importance of the issue he was willing to give the neighbors an opportunity to canvas the neighborhood. Perhaps the Open Space Committee would contemplate the purchase of one lot, that nearest the Cary property. He wondered if the building envelopes could be smaller and the houses pushed towards The Alameda and as far away from the ridge line as possible. Landscape should be planted between the homes and the ridge line for screening. He advocates shrinking the size of the roadway to a minimum of 14 feet to discourage access to the Cary property.

In response to the suggestion that the building envelopes be reduced somewhat on the preliminary plan, Ms. Barker said that to get any more specific on the location of the dwellings at this time would be difficult. Mr. Helfrich added that he has not yet hired an architect to design the specific dwelling locations.

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Commissioner Harle added that once the building envelope is decided, nothing can be built outside of the envelope and that the Commission can determine perimeters within the envelope. He did not feel it would be fair to make the applicant wait for an undefined period of time to allow the Open Space Committee time to determine whether or not they want to pursue an assessment district.

Commissioner Kanis volunteered to meet separately with the Open Space Committee regarding this issue and report back to the Commission for the following meeting.

Commissioner Yarish wondered if the easement would still exist if the Cary property eventually becomes open space. Ms. Barker said she will research this with the Town Attorney and report back to the Commission.

Mr. Helfrich said that he has had two public hearings with the Open Space Committee and only a total of four members of the public attended. He felt he has done all that is expected of him and has complied with the General Plan regarding Open Space.

M/S Yarish, Harle, to continue PP-14/V-2315 - James Helfrich, between 444 and 500 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. 177-133-13 and 177-220-54, preliminary plan review, variance to construct a driveway over subject properties, and the initial expanded environmental study for the development of 4 single family dwellings to the meeting of January 15, 1990.

All ayes. Motion unanimously passed.

7. PP-11 - Paul J. Nave, Marie Nave, and Andy S. Bachich, End of Oak Avenue, A/P 7-201-08, staff recommendation for denial for application without prejudice to any future application, due to inability to process within on-year time limitation.

Dain Anderson presented the staff report, noting that the applicants have not been able to come up with funding.

M/S Hayes, Kanis, to deny without prejudice, PP-11 for Paul J. Nave, Marie Nave, and Andy S. Bachich, End of Oak Avenue, A/P 7-201-08.

All ayes. Motion unanimously passed.

8. V-2278 - Steve Zamlich, 121 Humboldt Avenue, A/P 7-033-03, review of landscaping condition.

The applicant was not present.

In view of the late hour the Commission decided to continue this item.

M/S Yarish, Julin, to continue V-2278 - Steve Zamlich, 121 Humboldt Avenue to the meeting of January 8, 1990.

All ayes. Motion unanimously passed.

E. STAFF REQUEST TO SCHEDULE SPECIAL MEETING ON JANUARY 8, 1990.

M/S Hayes, Julin, to approve setting a special meeting on January 8, 1990.

All ayes. Motion unanimously passed.

F. NOMINATING OF PLANNING COMMISSION CHAIR AND VICE CHAIR FOR 1990.

M/S Julin, Hayes to nominate Yarish for Chairman.

All ayes. Motion unanimously passed.

M/S Kanis, Hayes, to nominate Julin for Vice-Chairman.

All ayes. Motion unanimously passed.

G. APPROVAL OF MINUTES: NOVEMBER 20, 1989

M/S Julin, Harle, to approve the minutes of November 20, 1989 as written.

Ayes: Kanis, Harle, Julin, Sias  
Abstain: Hayes, Yarish




TOWN OF SAN ANSELMO  
PLANNING COMMISSION MINUTES OF DECEMBER 18, 1989

Motion carried.

H. ADJOURNMENT

The meeting was adjourned to the special meeting on January 8, 1990.

  
BARBARA CHAMBERS  
ADMINISTRATIVE SECRETARY