

TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES OF NOVEMBER 20, 1989

The regular Planning Commission meeting was convened at 7:00 p.m. by Chairman Sias in the Council Chamber. Staff present: Lisa Wight, Planner; Dain Anderson, Assistant Director of Planning; and Jayni Barker, Planning Consultant.

A. ROLL CALL

Commissioners present: Julin, Kanis, Harle, Kroot,
Sias

Commissioners absent: Hayes, Yarish

B. CONTINUED PUBLIC HEARINGS

1. U-634 - Stapleton School of Dance, 1327 Sir Francis Drake Boulevard, A/P 5-231-17, Use Permit amendment to allow the dance school to expand their use into Rooms 601 and 603 and an office in Devonshire Hall on the Sir Francis Drake High School campus (current operation is limited to rooms 602 and 604). Continued to December 4, 1989.

2. U-637 - Annah McCluskey, the Sun Dancers, 1327 Sir Francis Drake Boulevard, A/P 5-231-17, Environmental Review and Use Permit to allow a film and video production business for educational and counseling uses in Rom 605 of Devonshire Hall on the Sir Francis Drake High School campus. continued to December 4, 1989.

3. U-638 - Rick Santangelo, Image Garden Productions, 1327 Sir Francis Drake Boulevard, A/P 5-231-17, Environmental Review and Use Permit to allow a film and video production business for educational and counseling uses in Room 605 of Devonshire Hall on the Sir Francis Drake High School campus. Continued to December 4, 1989.

C. PUBLIC HEARINGS

2. U-636 - Robert L. Ferroggiaro, 120 Laurel Avenue, A/P 7-115-09, use permit to rent a room in a single family dwelling. Taken out of order.

The applicant was present.

Dain Anderson presented the staff report, and noted that staff can make the findings to approve this use permit but would like to see a flare in the driveway to permit parking for a third vehicle.

Mr. Ferroggiaro said that his wife does not drive and they only have one vehicle. He did not feel there was a need to have a third parking space made available. His niece had been living with then for the past several years and there has never been a parking problem with her vehicle and his.

Commissioner Kroot had no objection to the use permit without requiring additional parking stating that he did not feel there will be an adverse impact on the neighborhood.

Commissioner Julin could approve the application without requiring additional parking if the use permit was specific to the owner. She thought that if the applicant were required to widen the driveway, mature trees would be affected.

Commissioner Kanis was swayed by the comments of his colleagues.

Chairman Sias would agree to the use permit with no additional parking as long as it was conditional to this owner.

M/S Kroot, Kanis, to approve Resolution 8903, identified as Exhibit 2 in the Staff Report dated November 20, 1989 with amendments to Sections 2 and 3 to reflect no need to increase parking:

Ayes: Julin, Kanis, Kroot, Sias

Absent: Harle

Motion passed. Audience advised of the ten day appeal period.

3. V-2314 - Robert Brzezinski, 35 Scenic Avenue, A/P 7-081-21, a 5 foot sideyard variance to construct a second story living addition within 3 feet of the side property line. - Taken out of order.

The applicant was present.

Dain Anderson presented the staff report.

The Commissioners had no objection to the proposal.

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M/S Julin, Kroot, to approve Resolution 8904, identified as Exhibit 2 in the Staff Report dated November 10, 1989.

Ayes: Kroot, Kanis, Julin, Sias
Absent: Harle

Motion passed. Audience advised of the ten day appeal period.

1. SR-348 - Orrick Travel Bureau, 232 Sir Francis Drake Boulevard, A/P 6-252-07, size variance for a projecting sign. Taken out of order.

The applicant was not present.

Lisa Wight presented the staff report.

The Commissioners had no objection to the proposal.

M/S Kanis, Julin, to approve SR-348 - Orrick Travel Bureau, 232 Sir Francis Drake Boulevard, A/P 6-252-07, sign variance for the size of the projecting sign for the following reasons: 1. The strict application of the provisions of the Sign Ordinance would result in unreasonable practical difficulties or in unnecessary hardships for the applicant, which difficulties or hardships are unique to the particular applicant and his use and are not present generally, or that the strict application of the provisions of the Sign Ordinance would bring about results inconsistent with the purposes and intent of the Ordinance; 2. That the granting of such application would not adversely affect the public health, safety, or welfare, or be detrimental to or endanger or depreciate the property located in the surrounding area. 3. The sign is of a size, shape, material, style, letter type, and color appropriate for the use and is aesthetically compatible with the premises and with existing improvements and the natural elements in the surrounding area; 4. The sign will not impair or interfere with the orderly and pleasing development, use, or enjoyment of other property in the surrounding area, including public lands and rights of way; and 5. The sign will minimize or eliminate adverse physical or visual effects which might otherwise result due to the relation and juxtaposition of such sign to: a. The scale, mass, height, area, and materials of adjacent buildings and structures, including other signs; b. Areas and rights of way for the containment, movement, or general circulation of persons, animals and vehicles; and c. Other developments or improvements which may suffer a diminution or elimination of sun and light exposures, views, vistas, and privacy. The specific reasons for approval are that the sign is located on a busy street and the size of the sign is in character with other signage on the street.

Ayes: Julin, Kanis, Kroot, Sias
Absent: Harle

Motion passed. Audience advised of the ten day appeal period.

4. C-220/V-2259 - John Paletta, 705 San Anselmo Avenue, A/P 7-211-17, design review of a rearyard 6 foot high privacy screen on a second story open deck, design review amendment for an exterior building color change, and a parking variance amendment to establish an additional office on the second floor without adequate on-site parking.

Commissioner Kroot to abstain.

Art Chartock, Architect, represented the applicant.

Lisa Wight presented the staff report.

Commissioner Julin thought that converting living space to office space was in conflict with the General Plan. She did not have any objection to the 6' high privacy screen but objected to the exterior color change, noting that the Commission previously approved another color.

Ms. Wight noted that the space in question was a study, which would not decrease the number of persons allowed to reside on the premises.

Commissioner Kanis was satisfied that the space being converted from the den to an office would be small in size and therefore he had no objection to the parking variance or the design review requests. He also did not object to the exterior color.

Chairman Sias did not feel the color change was substantially different than what was previously approved and therefore had no objection to it. He also did not feel that the conversion from study to office would be a detriment and concurred with staff's comments.

M/S Kanis, Julin, to approve C-220/V-2259 - John Paletta, 705 San Anselmo Avenue, A/P 7-211-17, design review of a rearyard 6 foot high privacy screen on a second story open deck and parking variance amendment to establish an additional office on the second floor without adequate on-site parking for the following reasons:

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Design Review:

1. Is functionally and aesthetically compatible with the existing improvements and the natural elements in the surrounding area; 2. Provides for protection against noise, odors, and other factors which may make the environment less desirable; 3. Will not tend to cause the surrounding area to depreciate materially in appearance or value or otherwise discourage occupancy, investment, or orderly development in such area; 4. Will not create unnecessary traffic hazards due to congestion, distraction of motorists, or other factors and provides for satisfactory access by emergency vehicles and personnel; and 5. Will not adversely affect the health and safety of persons using the improvement or endanger property located in the surrounding area.

Parking Variance

If the two offices are used for one low traffic generating use, then the strict application of the Zoning Ordinance would deprive the property of privileges enjoyed by other property in the vicinity and under an identical zoning classification, specifically, there are other uses in this area that have no on-site parking and are higher traffic generators. 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 in that most other properties in the area have obtained parking variance; and 2. The applicant feels the granting of the variance is necessary for the preservation and enjoyment of substantial property rights of the petitioner in that additional office space for the first floor office is better use of space than a study off the bedroom; and 3. The granting of such variance may not materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and may not be materially detrimental to the public welfare or injurious to property or improvements in such neighborhood: 1) The applicant proposes to provide two parking spaces on the lot in an area of Town where most properties do not have any on-site parking; 2) there is two-hour on-street parking in the vicinity; 3) utilization of the 90 square foot second floor area for use as a commercial office rather than a residential study may result in a lesser impact on parking for the reason that the study could be used as a second bedroom and occupied by someone with an additional vehicle. The commercial use must be a low traffic generator and is subject to approval by the Planning Director. Therefore, the Town will have a better handle on the parking demand that can be generated by the office space than if it were part of the residential use.

Ayes: Julin, Sias, Kanis

Abstain: Kroot

Absent: Harle

Motion passed. Audience advised of the ten day appeal period.

M/S Kanis, Sias, to continue design review amendment of an exterior building color change until the meeting of December 4, 1989 because the Commission did not have a quorum of votes.

Ayes: Julin, Kanis, Sias

Abstain: Kroot

Absent: Harle

Commissioner Harle arrived at 8:00 p.m.

5. 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 Development review, variance to construct a driveway over subject properties, and the initial expanded environmental study for the development of 4 single family dwellings.

Chairman Sias stated that public testimony could be taken but no decision will be reached tonight because the General Plan states that the Open Space Committee must give a recommendation on this parcel as to whether or not they want to pursue the purchase of the property. The Open Space Committee has not provided any recommendation at this time.

The applicant was present.

Jayni Barker, Planning Consultant, presented the staff report.

Mr. Helfrich said he has spoken individually with each neighbor and has tried to address all their concerns. There is a signed petition from several neighbors that they approve of his proposal. He has met with the Open Space Committee as required by the General Plan and has responded in writing his interpretation of the meeting. He has tried to purchase the easement from the owner of the parcel in the County (Carey) however the owner is unwilling to sell. He moved the 4th house to comply with the Commission's request to end the driveway 90 feet prior to the County land. He retained a Botanist and the plan he is proposing will not call for the removal of any trees. In the event trees need to be removed, he has agreed to replace two trees for each one removed. He

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presented a rendering of the street and valley views of the proposed project. He noted that he will pave a portion of The Alameda in front of his property and would be willing to head a committee to assist the neighbors in developing a plan to pave the rest of The Alameda.

Gary Van Houten, Engineering Geologist, provided a report on the geological stability of the project and affirmed that planned improvements for the Helfrich property will stabilize currently unstable slopes. Specific recommendations for mitigating slope instability are presented in the Geotechnical Investigation report, dated September 15, 1989.

Commissioner Kroot asked how Mr. Van Houten proposed to handle the driveway in the area where there was a previous landslide. Mr. Van Houten felt that the area would either be stabilized by regrading or by retaining walls.

Pauline Stuber, Stuber-Stroech Associates, Inc. presented a report, outlining the drainage requirements for the project, noting that this project will help to alleviate drainage problems currently on the property. With regards to grading, she noted that this is a balanced cut and fill so there should be no need for heavy equipment to remove excess dirt from the site.

Johnathan Braun, Open Space Committee Chairman, said the property is designated as proposed open space in the General Plan. The owner of such properties are to meet with the Open space Committee prior to submitting a development application. The Open Space Committee was not contacted regarding this property until two and a half weeks ago. At that time development plans were complete and were being reviewed by the contract planner. The Open Space Committee met with the property owner on November 15 and because of the late involvement with the developer, was unable to respond within three working days to the Planning Commission. The Open Space Committee will pursue the matter and report to the Commission at a later date.

Philip Bundschu, 421 The Alameda, supported the proposal specifically because the project will correct many of the problems that currently exist on the site that adversely affect the neighborhood. Part of the drainage problem was caused by the culvert located on private property at 443 The Alameda. This was due to debris not being cleaned out, not the size of the culvert. He hoped the new owner of the property was made aware of the responsibility of the culvert.

Jan Back, 439 The Alameda, raised several questions: 1. What was the risk of a landslide occurring during construction and who would be liable? Would the Town could require the developer to secure a bond? 2. Will the developer offer funds to the Town funds to redirect the culvert and maintain it at 443 The Alameda or will the new owner continue to be responsible for cleaning it out? 3. Will the developer be required to secure a bond for repaving the road if it is damaged during construction? 4. Wondered how four homes could be built on 3.6 acres? This seems to be against the General Plan. 5. A requirement from the 1988 hearings was that all homes affected by this project should be notified, even if it exceeds three hundred feet. Not all the neighbors were notified regarding this project, specifically those along the creek.

John Loutis, 353 The Alameda, said he lives on the creek and it seemed like this developer is willing to listen to the concerns of the surrounding residents however, he wanted to make sure that the property owners below the subject property are not adversely affect because of the development. He added that he was not notified of this hearing and wanted to be in future hearings.

Roberta Stoddard, 444 The Alameda, felt threatened because of the possibility of landslides. She would like to have the land undisturbed and purchased for Open Space.

Vivian Williams, 411 The Alameda, said it would be great if the developer could solve all the problems related to this property however, the information presented tonight is no different than that presented by the past developer.

Russell Sandberg, 433 The Alameda, felt that all the alternative drainage solutions 1 through 5, as specified in Questa Engineering Corporation report dated September 14, 1989, to Gary Van Houten, Van Houten Consultants, should be considered.

Andrew Allen, Civil Engineer, Van Houten Consultants, Inc., said that although there have been landslides on the site, the proposed mitigations would make the site more stable than it currently is. In response to the question about potential landslides during construction, construction will take place during the dry season when the site is very dry.

Mr. Helfrich responded to the questions raised from the audience as follows: In response to the question regarding liability in case of landslides, all engineers are licensed and their crews have proper insurance. With regard to road damage, he would be willing to replace any damage done to the road during construction. The potential buyer of 443 The Alameda has been notified of her responsibility for the culvert and he will also help contribute, within reason, to keeping the culvert cleaned out. With regard to extra water run off because of development, the area has flooded in the past and Mr. Helfrich said he is offering something better than what currently exists. He would be willing to help in contributing to the expense of a new culvert but it is a monumental task and the Town's

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responsibility. The hydrology study performed indicates there will only be a 2.4% drainage increase with the construction. Mr. Helfrich said that Alternative #5 of the Drainage study, "...that would be to bypass the sections of 30-inch diameter pipe with another pipe along the south side of The Alameda..." would require an Assessment District according to Director of Public Works Kottage. Mr. Helfrich was in agreement with Alternative #5 that "...would be to extend the drainage culvert from alternative 4 directly to Sleepy Hollow Creek by way of The Alameda and Caleta Avenue".

Dan Goltz, 107 Holstein Road, did not think this issue should have come before the Commission and was in conflict with the General Plan. The Open Space Committee was never given the opportunity to speak to the developer about purchasing the property prior to submittal of a development plan. In his opinion, the meeting that took place five days ago between the developer and the Open Space Committee was a token meeting. He does not feel the developer would be willing to sell the property but the intent of the General Plan was to allow the Open Space Committee an opportunity to purchase the land. Mr. Goltz said that three of the four houses proposed are in the ridge zone, at the 300 foot elevation. If the Commission allows these homes to be built, they will look like a replica of Quarry Mountain. The density is way out of line for the elevation. He did not think the pads were on bedrock and felt the homes should be moved to an area lower on the ridge. The developer is only offering a token 1/3 acre for open space and he did not think that was adequate. He feels the developers can make more money by building on the ridge top but the ridge should be allocated for open space. Mr. Goltz felt that the Open Space Committee should hold a public meeting and see if they can get an assessment district to purchase the property.

Marty Back, 439 The Alameda, agreed that the Open Space Committee should be given a chance to pursue the purchase of the property.

John Loutis, 353 The Alameda, said that the Open Space Committee had an opportunity to purchase the property at the same time as Mr. Helfrich. It was common knowledge that the property was sold at a tax sale.

Mr. Helfrich wanted clarification as to why the Commission had to continue the meeting. It was his understanding that according to the provisions in the General Plan a public meeting was to be held with the Open Space Committee. He had to respond in writing to the Commission about his meeting. He has done that.

Chairman Sias said that the intent of the General Plan was that a formal report is required from the Open Space Committee before any action is taken.

Johnathan Braun said a report could be prepared for the Planning Commission meeting on December 18, 1989.

Commissioner Julin said that when the application was denied without prejudice in 1988, it was made clear that submittal of a new application required a simultaneous application to LAFCO for annexation for the parcel in the County. She also thought it would be more meaningful if there was a separation made between those items identified as required by the General Plan and those items that were mitigations, noting that what is legally required would not be considered a mitigation.

Commissioner Harle concurred with Julin regarding the mitigations and further requested previous minutes that reflect the comments of the Commissioners.

Commissioner Kanis would like more information on construction in the ridge zone and would like to see alternatives reviewed and discussed and/or documentation as to why the applicant cannot build out of the ridge zone. He felt this application should have gone before the Open Space Committee prior to the applicant providing a preliminary plan.

Commissioner Kroot wanted to know the Town's policy for requiring bonds on construction projects. He also wanted minutes of the previous meetings.

Chairman Sias requested that all the appropriate residents affected by this project be noticed of the next public meeting on December 18, 1989.

M/S Kanis, Julin, 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 development review, variance to construct a driveway over subject properties, and the initial expanded environmental study for the development of 4 single family dwellings. This is continued until the meeting of December 18, 1989.

Motion unanimously passed.

D. APPROVAL OF MINUTES: NOVEMBER 6, 1989

M/S Kanis, Harle, to approve minutes of November 6, 1989 with the following amendments: page 2, last paragraph, delete: "All ayes. Motion unanimously passed." Add: Ayes: Harle, Julin, Kroot

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Yarish, Noes: Kanis. Motion carried; page 4, paragraph 4, change: "\$47" to "#47"; add: "In addition, fence design,...".

Ayes: Harle, Julin, Kanis, Kroot,
Abstain: Sias

E. ADJOURNMENT

The regular meeting of the San Anselmo Planning Commission was adjourned at 10:20 p.m. to the next regular meeting on December 4, 1989.

BARBARA CHAMBERS
ADMINISTRATIVE SECRETARY