

TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES OF FEBRUARY 5, 1990

The regular meeting of the San Anselmo Planning Commission was convened at 8:00 p.m. in the Council Chamber by Chairman Yarish. Staff present: John Kottage, Director of Planning and Public Works; Dain Anderson, Assistant Director of Planning; Jayni Barker, Planning Consultant; Lisa Newman, Planning Consultant, and Hadden Roth, Town Attorney.

A. ROLL CALL

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

Commissioners absent: Sias

B. WITHDRAWN APPLICATION

C-220 - John Paletta, 705 San Anselmo Avenue, A/P 7-211-17, design review amendment for a planting area within a required parking space.

C. PUBLIC HEARINGS CONTINUED TO FUTURE MEETINGS

1. 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 - CONTINUED TO FEBRUARY 12, 1990.

2. V-9002 - Gary Palmer, 173 The Alameda, A/P 5-101-25, 1) a 2' front yard variance and a 5' south side yard variance to construct a carport within 18' of the front property line and within 3' of the south side property line; and 2) a 4' south side yard variance to construct a living addition within 4' of the south side property line with an 18" roof overhand - CONTINUED TO MARCH 5, 1990.

D. PUBLIC HEARINGS

1. 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.

The applicant was present as well as Engineers Pauline Steuber and Andrew Allen from Van Houton and Associates.

Ms. Barker noted that the applicant has performed test borings and provided information about the test borings as well as additional information regarding drainage. She noted that a revision of the mitigation measure is that annexation on the County property must take place prior to submittal of the application for the Precise Development Plan.

Chairman Yarish asked if staff felt all avenues had been fully explored by the applicant to build on alternate sites.

Ms. Barker felt the Commission had adequate information to make a decision, including information from the Town Engineer and the applicant's engineers. She stated that it would be feasible, but not preferable, from an environmental standpoint, to build on the lower site because building would result in a significant loss of vegetation and soil on the site.

Director Kottage added that from a stability standpoint, it would be preferable to build on the existing pads rather than on the lower portion of the lot near the Alameda.

Assistant Director of Planning Anderson read the Town's General Plan R-H Ridge Zone policy.

Commissioner Hayes posed the question that if the ridge top was prohibitive to the applicant, would there be other sites on the lot that were developable? He said he walked the site and saw another pad, off the ridge, that was away from other homes, had a lovely view of the valley and did not look to be in the slide area. He wondered why that site wasn't a consideration.

Ms. Barker said that there are other developable sites outside the ridge zone however those areas would cause some significant environmental impacts that would result from building on the lower site.

Chairman Yarish wondered if the western most point of the site has been studied as a possible building site.

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Mr. Helfrich said that he had 4 legal lots and the Town Engineer, as well as engineers he has hired have addressed the reasons that building on the current pads are preferable rather than lower on the site because of slides. If the homes are to be constructed on the lower sites, 12-20 thousand yards of dirt will have to be removed and up to 15 feet of grading will have to be done. There would be significant loss of vegetation, and to replace the vegetation would also mean a significant amount of water to replenish the vegetation. Also, there is grave concern from the residents on The Alameda that building not be done on The Alameda. He is willing to agree to all the mitigations as outlined in the staff report. He has been agreeable to all the Commission has asked of him and finds it difficult to understand why the Commission can not approve his application. He said that the added increase in drainage run off because of his project will be 7/10%. That is miniscule. He said he will be improving the drainage by installing a larger 30" pipe and installing an additional 15 inch pipe off site and a trash grate. He said he has agreed to the 4' pedestrian easement for open space. With regard to alternate sites, months have been spent discussing this. There are four existing bedrock pads on the site which are buildable. There were two other sites investigated but they were determined to be not as feasible because of loss of vegetation, site instability and the amount of fill that will have to be removed.

Andrew Allen explained why so much dirt would have to be removed from the site if the homes were to be built on a landslide area. He said all the loose fill would have to be removed, and it was determined that in some areas they would have to go down 15 feet to reach bedrock. He said that it is generally not good practice to build on a active slide area.

Commissioner Julin asked for clarification on the proposed pedestrian easement. Mr. Helfrich said that the 4 foot pedestrian easement going up the eastern most part of the lot and connecting to the Cary property. Commissioner Hayes said that people would be more inclined to go up the driveway then through the eastern side of the lot that is bush. Kottage said that staff suggests that the pedestrian easement go through the existing 40' roadway easement rather than through the eastern most part of the property. He noted that typically easements offered to the public are offered in perpetuity.

Commissioner Yarish asked if it were possible to build lower on site number 2. Mr. Helfrich said the area in question is a heavily wooded area.

Mr. Anderson said that staff has received a letter from Jan Back of 439 The Alameda, dated February 5, 1990, and provided a copy of the letter to the Commission.

Jerry Draper, Member of the Open Space Committee, stated that putting a time limit on the easement would be completely unacceptable and putting a 4' pad along the eastern side of the property was also unacceptable because the terrain was cliff like. They would like to see a path going up the along side of the driveway easement, similar to the agreement entered into with the Quarry Mountain project. He said that 75 surveys have been sent out to the neighbors inquiring about whether or not there is an interest in an assessment district. To date, 62 out of 75 people are in favor of the assessment district. He said to do a complete survey would take approximately 2 to 3 months however to go through the entire process would take about 2 years. Mr. Draper discussed all the stages of forming an assessment district.

Mr. Helfrich stated that the Open Space Committee had adequate time to pursue the purchase of his property. He reiterated that he also has had two public meetings with the Open Space Committee and was informed there is no interest to purchase his property. Also, the Open Space Committee has submitted a letter to the Planning Commission indicating there is no interest in pursuing the purchase of his property. Therefore, he did not understand why there is the continued discussion about the Open Space Committee purchasing his property.

Town Attorney Roth thought it was somewhat dubious for Planning Commission to suspend the application while the Open Space Committee continues pursuing the acquisition of the site although legally there is no reason that both avenues can not continue to be pursued simultaneously.

Mary Mitsui, 423 The Alameda, wanted to know if the Planning Commission procedes and gives some approval to the plan before them, does that not add to the value that the assessment district will have to pay?

Roth affirmed; however he thought it would be none the less improper to suspend the application of Mr. Helfrich for that purpose alone unless there is something much more concrete such as an offer to such as an offer made to the applicant within a short period of time. Two years is too long to make the applicant wait.

Bill Bunsheau, 421 The Alameda, thought open space was great but that it is not fair to the applicant to discuss this after he has spent so much time and money, and at such a late date. He also wondered where people would park their cars if the property was open space. There is not adequate parking on The Alameda to accommodate the cars. He did not understand why the open space committee

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doesn't put together a master plan to begin purchasing all the designated open space as defined in the General Plan and involve the whole Town rather than try to purchase by piece meal.

Sally Fish, 120 Deer Hollow, felt the visual impact on the immediate neighbors and across the valley was very important.

Resident, 150 Deer Hollow, wondered how far the applicant would repave and widen the road. Also, she was not sure how vehicles will access the site because of the narrowness.

Vivian Williams, 411 The Alameda, asked if the widening of The Alameda will deprive residents of portion of their frontyards.

Mr. Kottage said that staff will recommend that paving go to the end of the Alameda to where it takes a sharp bend as he stated in his 12/15/89 memo to the Planning Commission. He read his 12/15/89 memorandum which stated staff mitigation measures. He also had some additional mitigation measures that he presented to the Planning Commission. They were: 1) Item 3 E should be that staff would like to see an approved trash rack placed at the entrance to the existing pipe at number 443 The Alameda. Also, staff believes access to the property through nuisance abatement would be allowed if the owner is not cooperative, although there is no indication at this time that the owner will not be cooperative; 2) With regard to Item number 4, there are some major oak trees that staff would like to see efforts made to save. With regard to the question about paving, that was addressed in earlier meetings and those mitigations should also be added to the mitigation measures in the staff report for this meeting. 3) There would be proper justification that the road be paved from the end of The Alameda to the full length of the Helfrich property because of the significant impact to the road during construction. 4) In keeping with the intent of the General Plan to minimize the building envelope, staff believes that the building envelopes can be reduced. Further, it is felt that this should be done during the preliminary plan process, rather than wait for the precise development plan because of the sensitivity of the site. 5) Would like to see all lands outside of the building envelope be dedicated as private open space, similar as Quarry Mountain. 6) Dedication of the pedestrian easement should be along the driveway, with the minimum width to be 10 feet. He would like to see it as a right-of-way across the asphalt rather than a path along side because of the additional grading. 7) Construction should take place during the dry season in an effort to minimize the disturbance of earth.

Dan Goltz, 107 Holstein, said the applicant is proposing three houses on the ridge. The General Plan specifically talks about not building on the ridge. There are alternative building sites on the property. The developer wants to build on the ridge because of the value of the property. The applicant is not being asked to build on a slide area but there are four other buildable sites on the property without having to build on the ridge. He also presented a petition, signed by 91 people in the immediate vicinity that are opposed to the building on the ridge zone because it is against the General Plan. He urged the Commission not to go against the General Plan. The developer could find four other buildable sites on the property without building in the ridge zone or in the slide areas.

Sita Khufu, 290 The Alameda, said she has been circulating the open space proposal for the assessment district and has had quite a bit of interest from residents. She would like to see the Open Space Committee continue to pursue the acquisition of the parcel.

Michael Malk, 443 The Alameda, felt that additional trees on The Alameda would make it worse and even though the additional run off would only be 7/10 percent, why add to the existing problem. Perhaps the Town should look into a solution for the existing problem. With regard to building on The Alameda, if the statistics are accurate, it would be ludicrous to have the building sites there because of the excess amount of dirt that would have to be removed.

Frank Berger, 324 The Alameda, said there have been significant changes since this project was heard in 1988. The General Plan has become much more definitive. The developer has very reputable engineers and has offered several different solutions and have been thoughtful to the neighbors and Town staff. However, there are other things to consider. Specifically, the General Plan has just recently been revised and if this application is approved the Commission will have to decide if this precedent can take place in other areas of the Town. He also felt the Town would be opening up the path for additional building in the County and setting precedent for building in the ridge zone. The precedent will be difficult to turn around. He felt a focused EIR should be performed because it is difficult to determine the environmental effect of building on The Alameda as opposed to building on the ridge. He did not feel the environmental effects could be determined by a consultant, staff or a brief discussion by the Commission.

Matt Ristani, 512 The Alameda, said he enjoyed the open space and wanted the site to continue to remain status quo.

Commissioner Hayes said there is a policy in the General Plan that makes a very important statement about the Town's commitment to building in the ridge zone and on the ridge top. He said he loathes to go against the policy and did not think that all the possibilities have been exhausted for building further down off the ridge. In light of that, he therefore is unable to make the necessary findings. If

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he was forced to vote tonight, he would have to deny it. It may well be that the momentum that is building would be to continue to pursue the acquisition of open space.

Commissioner Kroot did not feel that building on The Alameda was the solution but after the discussion tonight he felt there are alternative sites that were possible. In light of the new information, he would not be able to support the proposal as it has been presented.

Commissioner Julin was unable to support the plan as proposed for the same reasons as her colleagues and that the proposal contradicts the General Plan about building in the ridge zone. He felt the applicant should look at alternative sights and keep density as it currently is if possible.

Commissioner Harle said the only argument for building on the ridge top was that there were no alternatives available, and that is not the case based on the discussion tonight. Therefore he was unable to support the proposal before him.

Commissioner Kanis felt the applicant's proposal has always been in conflict with the General Plan and did not feel the necessary findings could be made for approval.

Chairman Yarish felt that the applicant has proven why building should not be done on the lower sites by The Alameda. Further study is now necessary for other sites off the ridge zone. He asked the applicant if he would be interested in continuing the application.

Mr. Helfrich said he would like to continue his application to allow for additional time to prepare changes. He requested that the Commission join him on the site to provide additional input as to what alternate sites might be acceptable. In any event, he will research other proposed sites on the property and if they are safe to build, he will.

The consensus of the Commission was not to walk the site with Mr. Helfrich because they did not feel they should be planning projects for the applicants. However, the Commissioners felt they have provided input on their feelings from discussing this issue over a period of several meetings. Additionally, the General Plan has specific guidelines. They felt the burden of proof should be placed on the applicant.

Commissioner Hayes wondered if the areas designated as slides are all slides or is some of it sluffing of fill material? Also, are all parts of the slide areas as bad as other area?

Andrew Allen said they would not recommend building on the areas they have designated as having landslides.

Attorney Roth noted that the Commission would have to make a decision on the project by April 21, 1990. The applicant can agree to a one time only, up to a 90 day extension.

Director Kottage said that he interpreted from the Commissioners that they did not want building to take place in the ridge zone, and the engineers did not feel it was safe to build in the slide areas, therefore those areas can be illuminated as well as the roadway.

M/S Hayes, Kroot 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 March 5, 1990.

All ayes. Motion unanimously passed.

2. AR-9001 - Philip and Barbara Tamarkin, 170 Oak Springs Drive, A/P 5-011-66, architectural review of a proposed single family dwelling on property zoned R-1H.

Commission Kroot to abstain.

The applicants were present.

Lisa Newman presented the staff report, noting that this was continued from a previous meeting. The applicant has taken photographs from Tomohawk Drive, which show the proposed dwelling will not have a significant adverse impact from across the valley. Staff is supporting the 5/12 roof design, but would like to see a drip irrigation system added to the mitigation measures currently in the staff report.

Mr. Tamarkin read his letter to the Commission that was dated January 26, 1990. He noted that some of his neighbors would like to see plantings of pine trees on the site. He presented photographs taken from Tomohawk Drive and stucco samples proposed for the dwelling. He said that the ridge is running through his property and therefore no matter where the dwelling was placed, it would still be on the ridge. He felt it was important not to create a negative impact on his neighbors by placing the

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dwelling too close to them. He noted that the deck now proposed is stucco but would be willing to go to a wooden deck if the Commission so desired.

Commissioner Julin supported the proposal and preferred #4 stain and #2 stucco. She had no additional comments on the landscaping.

Commissioner Harle supported the application and had no comment about the color.

Commissioner Kanis thought the proposal for the house was too high on the ridge and too massive. Therefore he could not support the proposal.

Commissioner Hayes thought the proposed house was too massive and even if the house was pulled closer to the street it would appear looming. He felt that darker colors for the exterior of the building would be preferable.

Chairman Yarish supported the project. He felt it was a compact design with the amount of space available and that the roof line is the best it can be. His comment about stucco was that when painted, the color always is darker than the color on the chip.

M/S Julin, Harle, to approve AR-9001 for 170 Oak Springs Drive A/P 5-011-66 based on the required findings for Preliminary Plan: 1) The proposed Preliminary Plan can be completed within four years of the approval of said plan; 2) That each individual phase of development, as well as the total development can exist as an independent unit; 3) That the roadways proposed are suitable and adequate to carry projected traffic, and the proposed development will not generate traffic in such amounts as to overload the street network outside the project area; 4) That the proposed plan will not adversely affect the health or safety of persons in or adjacent to the area or endanger property located in the surrounding area; 5) That the proposed plan is in conformance with the San Anselmo General Plan; Precise Development Plan: 1) That the Precise Development *Plan in its entire context is in substantial conformance with the previously approved Preliminary *Development Plan; Architectural Review: That the proposed improvement: 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 or safety of persons using the improvement or endanger property located in the surrounding area; (Section 10-3.1213 (b)) 6) Is adequately screened; 7) Contains a selection of architectural features that enable the structure to blend with its environment. Specific conditions for color are: 1) siding is to be limited to "2" Toupe solid stain, number 4, 6, or darker; 2) stucco is to be either number 2 Saddleback or number 3 Misty, or darker; 3) Prior to issuance of a building permit, the applicant shall prepare and record a reciprocal access easement for each property, #168 and #170 Oak Springs Drive. The Assistant Director of Planning shall review these documents prior to recordation; 4) Prior to issuance of an occupancy permit, the Town shall quit claim the existing easement and record a revised access easement for both #168 and #170 Oak Springs Drive centered on the existing access driveway; 5) Site drainage facilities shall be designed to connect with the existing storm drainage system in Oak Springs Drive. This is based on the plans dated January 31, 1990 and the color samples presented at the meeting on February 5, 1990.

Ayes: Harle, Julin, Yarish,
Noes: Hayes, Kanis
Abstain: Kroot.

Motion carried. The audience was advised of the ten day appeal period.

3. PP-9001/PD-9001/AR-9002 - Grizzly Hill Construction Company, End of Martha Lane, A/P 5-031-32, preliminary plan review, precise plan review, and architectural plan review of a single family dwelling on property zoned R-1H.

John Arnold, Architect, present to represent the applicant.

Lisa Newman presented the staff report noting that the Commission at their last meeting asked that story poles be placed on the site and that the applicant consider the feasibility of locating the garage adjacent to the stairway. The applicant has provided a revised landscaping plan and the applicant's soils engineer, EgoEngineering, conducted a site reconnaissance to identify whether soil conditions had changed since a previous study in 1980 was performed. Their report, dated January 22, 1990, found the original report to still be applicable with regard to site conditions. The applicant also submitted a Hydrologic Study conducted for this site by Kenneth A. Frost dated January 30, 1990. The question of the prescriptive easement was addressed with the Town Attorney and the conclusion is that it is not the Town's role to enter into or decide such a dispute.

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Mr. Arnold said that he believes the alternate garage location on page 2.2 is preferable to the original garage location.

Perry Paradiso, 176 Camino de Herrera, was horrified with the size of the deck and the mass it will create. He also wanted assurance that the large oak trees will remain and that the hillside is safe to build on. He had no preference to placement of the garage. Because he is the uphill neighbor he was concerned about slides. He said that Camino de Herrera is a privately maintained road and asked that the applicant be required to secure a bond for any potential damage to the road.

Mr. Donaldson, 8 Martha Lane, said he met with the applicant and many of the concerns he had at the last meeting have been resolved. He said the applicant has provided additional space for him to park his vehicles but wondered if the Town could include that as a condition. He did still have concerns about the width of Martha Lane and drainage and slides still need to be addressed. He said he would go along with the consensus of his neighbors about placement of the garage.

Billy Cody, 103 Carlson, was very concerned about the underground seepage and did not feel there has been adequate discussion on that.

Mr. Arnold said that the hydrology study performed said that the development of this site will not add to the problem.

Commissioner Hayes wondered if the Fire Department would consider amending their requirement that a turn-around be placed at the end of the road. If the turn-around was not required the deck could be greatly reduced and therefore reduce the bulk. He did not think it would be a safety hazard because the fire trucks would still be able to access the two homes on Martha Lane.

Mr. Arnold requested that the Commission approve the plans as revised tonight and then have staff negotiate with the Fire Department about the turn-around. He would have no objection to bringing the application before the Commission again if the Fire Department was agreeable to amending their decision. The extensive deck will be very costly to his client and therefore if the deck is not necessary they would be happy to modify their plan.

The Planning Commissioners were all in support of this project, including the conditions addressed in the staff report.

M/S Kroot, Julin, to approve PP 9001/PD 9001; AR 9002 - Preliminary Plan and Precise Development Plans, Architectural Review and Lot Line Adjustment for end of Martha Lane; A/P 5-031-32 for the following reasons: Preliminary Plan: 1) The proposed Preliminary Plan can be completed within four years of the approval of said plan; 2) That each individual phase of development, as well as the total development can exist as an independent unit; 3) That the roadways proposed are suitable and adequate to carry projected traffic, and the proposed development will not generate traffic in such amounts as to overload the street network outside the project area; 4) That the proposed plan will not adversely affect the health or safety of persons in or adjacent to the area or endanger property located in the surrounding area; 5) That the proposed plan is in conformance with the San Anselmo General Plan. Precise Development Plan: 1) That the Precise Development Plan in its entire context is in substantial conformance with the previously approved Preliminary development Plan. Architectural Review: That the proposed improvement: 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 or safety of persons using the improvement or endanger property located in the surrounding area; (Section 10-3.1213 (b)) 6) Is adequately screened; 7) Contains a selection of architectural features that enable the structure to blend with its environment. This is based on the plans dated received 1/17/90 and revised garage plan dated February 5, 1990. Specific conditions are: 1) The applicant shall label a color and material board "Exhibit A" which includes samples of the color palette and materials approved by the Planning Commission and submit this to the Planning Department prior to issuance of a building permit. 2) The applicant shall resurface Martha Lane with 2 inches of asphalt to a finished width of 14 feet upon completion of home construction. This work shall be completed prior to issuance of an occupancy permit. Road widening shall be performed in accordance with the plan reviewed and approved by the Commission. 3) The applicant shall strive to car pool site construction workers in order to reduce the number of vehicles driving on Martha Lane and the number of parked vehicles at the site. 4) In order to protect the 36-inch Oak along the entry drive, the applicant shall adhere to all recommendations in the letter dated December 13, 1989 from Peter Thompson. 5) The applicant is to use 2 lb per cubic yard, lamp black exposed aggregate for the deck. 6) The mitigation measures addressed in the Hydrologic Study performed by Kenneth A. Frost, dated January 30, 1990 should be adhered to. Further, the Commission directs staff to review the size of the deck with the Fire Chief to see if the size can be reduced.

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

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E. Approval of Minutes: January 8, 1990

M/S Julin, Kanis, to approve the minutes of January 8, 1990 as written. Ayes: Kanis, Hayes, Julin, Yarish; Abstain: Harle, Kroot. Motion carried.

F. REPORT OF UPCOMING APPEALS TO TOWN COUNCIL

Cyrus Ansari, 94 Berkeley, will be heard by the Council on February 27, 1990.

G. ADJOURNMENT

The regular meeting of the Planning Commission was adjourned at 1:30 a.m. to the special meeting on February 12, 1990.

BARBARA CHAMBERS
ADMINISTRATIVE SECRETARY