

**TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES OF OCTOBER 19, 1992**

The San Anselmo Planning Commission was convened at 8:00 p.m. in the Council Chamber by Chairman Kroot. Staff present: Ann Chaney Planning Director.

A. CALL TO ORDER

Commissioner's Present: Hayes, Israel, Julin, Mihaly
Commissioner's Absent: Harle, Sias

B. CONSENT

1. **Minutes - October 5, 1992**
2. **V-9236 - Charles Campbell, 557 Scenic**, A/P 7-061-17, an 11' front yard variance and a 7' north side yard variance to construct a living addition within the existing carport to be within 9' of the front property line and within 1' of the north side property line.
3. **V-9234 - Sue Peterson, 250 Redwood Road**, A/P 7-095-03, 1) a 14' front yard variance to construct a carport within 6' of the front property line; and 2) a 3'9" side yard variance to construct a carport within 4'3" of the side property line, on property located within the R-1 Zoning District (above 150' mean sea level).
4. **Water Well Ordinance - Town of San Anselmo** - A General Plan Amendment and Ordinance Code amendment to allow private domestic water systems and the adoption of a well ordinance relative to their construction, reconstruction, maintenance, removal and monitoring.

Director Chaney asked that Item B. 4 be removed from the Consent agenda and placed on the Public Hearing portion of the Agenda.

M/S Julin/Hayes, to approve Consent B2 and B3 as stated in the staff report with the following findings:

557 Scenic Avenue:

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 a 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. The special circumstances are the location of the existing structures; the difference in topography between the roadway and the existing dwelling; and the surroundings. The roadway is at a significantly higher elevation than the carport, so the conversion will not be visible from the street. The majority of the structure is existing and this is simply enclosing 3 walls, 2 of which are already partially enclosed. By keeping the structure tucked in below the roadway, within an existing carport structure, the neighboring properties are able to continue to enjoy the open space on the south and east sides of the lot. Staff is uncertain whether the carport was constructed at the same time as the dwelling in 1961 and records do not indicate whether or not there were permits. However, since the carport has existed for many years and appears to be unobtrusive, staff can support the variance request to fill in the existing structure. Another consideration is that the neighboring dwelling at 555 Scenic Avenue also converted their carport to living quarters years ago. The granting of this variance will not be a grant of special privileges inconsistent with the limitations upon other properties in the vicinity in which the property is located. *The granting of the variance, under the circumstances of the particular case, 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.* The attached carport presently has a roof and retaining walls around the sides, and is nestled at the bottom of a steep upslope next to the roadway. The neighbors should not feel the impact of the carport enclosure due to the fact that the majority of the structure already exists.

250 Redwood Road:

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 a 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. The special circumstances with this property are the topography of the lot, the location of the lot in relation to the roadway, and the surrounding trees. It is not possible for the parking area to conform to the 20' minimum front yard setback due to the location of the

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existing dwelling, the storage building, and the lack of level areas elsewhere on the site. The roadway is at a higher elevation than the dwelling. The lot is adjacent to a curve in the road, and the carport will be slightly setback from the road pavement. This particular property lends itself well to having a carport due to the angle of the road pavement. This particular property lends itself well to having a carport due to the angle of the lot adjacent to the roadway. The surroundings include a large oak tree on the south side of the car deck that drops sap on vehicles. The properties on either side of the applicant's property have uncovered parking decks; however, there are other properties in the immediate vicinity with garages and carports within the front and side setback areas. *The granting of the variance, under the circumstances of the particular case, 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.* The carport is a minimal height with a flat roof and because it will be open, it will not appear massive or looming. Safety is not compromised with the addition of the carport due to the configuration of the lot in relation to the road pavement. The 11' height over the car deck will not impact neighboring views to the west due to the higher elevation of those neighboring homes in relation to this property.

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

M/S Julin/Israel, to approve Consent B1.
Ayes: Hayes, Israel, Julin;
Abstain: Kroot, Mihaly.

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

C. CONTINUED PUBLIC HEARINGS

1. **U-9203 - Jean Brunswick and LaMonte Cochran, 22 Magnolia Avenue, A/P 7-212-34**, a use permit to allow for a residential duplex on property located within the P Zoning District. CONTINUED TO THE MEETING OF NOVEMBER 2, 1992
2. **DR-9216 - Nelly Dolinsek, 37 Canyon Road, A/P 7-064-16**, 1) design review to demolish an existing dwelling and construct a new single family dwelling; and 2) removal of one (1) 36" diameter heritage tree, on property located within the R-1 Zoning District (within the 150' mean sea level). CONTINUED TO THE MEETING OF NOVEMBER 2, 1992
3. **V-9217 - Robert and Suzanne Legnitto, 20 Bolinas Road, A/P 7-302-21**, a 3'6" side yard variance to construct a first and second story addition within 4'6" of the required 8' side yard setback on property located within the R-1 Zoning District. CONTINUED TO THE MEETING OF NOVEMBER 16, 1992

D. PUBLIC HEARINGS

1. **Water Well Ordinance - Town of San Anselmo** - A General Plan Amendment and Ordinance Code amendment to allow private domestic water systems and the adoption of a well ordinance relative to their construction, reconstruction, maintenance, removal and monitoring.

Ms. Chaney stated that she had no objection if the Commission wished to discuss the item tonight but she asked that the Water Well Ordinance be continued until the Town Attorney had an opportunity to review the new information that was provided to her from Mr. Hochstrasser since the staff report was prepared. She stated that Mr. Hochstrasser is questioning why an applicant should give up their domestic water well at such time MMWD will allow hook up. She handed out Mr. Hochstrasser's letter to the Commission.

Chairman Kroot stated that he had no objection that the number one priority be that owners hook up the MMWD water system. However, if the Water District does not have water available at such time the owner is requesting water, then the well should be permitted. Further, the owner should not be penalized by having to remove the well once the Water District decides they can provide water.

Commissioner Mihaly asked for more guidance on the public policy issues prior to a decision.

Commissioner Hayes was troubled about Item #9 on page 3. He also has questions about "feasible". He agreed on a continuance.

M/S Hayes/Julin, to continue to November 2, 1992. Motion unanimously passed.

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1. **V-9213 - Harry Kraft, 214 The Alameda**, A/P 5-054-07, a 20' front yard variance to allow a 7'3" existing trellis structure to remain within 0' of the front and side property line, on property located in the R-1 Zoning District. (AFTER-THE-FACT).

The applicant was not present.

Ms. Chaney presented the staff report. She noted that this trellis would be permitted in the Ordinance if it were less than 60 square feet.

Commissioner Mihaly asked how much the trellis had to be reduced to conform. Ms. Chaney was uncertain. Commissioner Israel also wondered what the input would be from the Public Works Director. If the fence was not permitted from the Public Works Director then the location and size of the trellis would be a moot point. Since the applicant was not present to respond to the Commission, it was agreed that the item would be continued. Ms. Chaney asked that the Commission provide input for the applicant even though the application was to be continued.

Commissioner Israel stated that he did not want to see all fences at the street side but this trellis was well covered by vines and not very visible and did soften the fence.

Commissioner Mihaly concurred that the trellis softens the fence but he would not like to see it permitted over the exempted 60 square feet.

Commissioner Julin stated she could go either way on this application.

Commissioner Hayes stated that this was a relatively minor issue but he was uncertain of what the special circumstances would be.

Chairman Kroot felt he could make the special circumstances because the trellis softens the fence and supports existing landscaping.

Director Chaney stated the issue of fence height could be taken up at the General Discussion period after the public hearings.

M/S Hayes/Julin, to continue **V-9213 - Harry Kraft, 214 The Alameda**, A/P 5-054-07, a 20' front yard variance to allow a 7'3" existing trellis structure to remain within 0' of the front and side property line, on property located in the R-1 Zoning District. (AFTER-THE-FACT). This is continued to the meeting of 11/2/92. Motion unanimously passed.

2. **PDP-9203 - Ben O'Hare, Redwood Road** (near 269 Redwood Road), A/P 7-141-04, 7-097-05 and 7-097-02, Preliminary Development Plan for the creation of two parcels from three existing parcels and the ultimate development of two homes and the extension of a private driveway. The 2.6 acre site is located along Redwood Road near 269 Redwood Road. The property is located within the R-1H Zoning District.

The applicant was present.

Ms. Chaney presented the staff report which included the background of the project. She stated that although this is just advisory and is considered non-binding, Mr. O'Hare has requested the Preliminary Development Plan prior to the Precise Development Plan. This will allow him to get a sense of the Commission's feelings on the project prior to submitting the Precise Development Plan. She also stated that this application was deemed complete on May 8, 1992 and the Planning Commission must make a determination no later than November 4, 1992. She was hopeful that Mr. O'Hare would agree to a 90 day extension if the Commission was not able to reach a decision prior that date.

Commissioner Mihaly understood that it was only advisory but wondered about the wording in the proposed Resolution in the staff report. He wondered if the initial study was approved, would the Commission waive the right for an EIR at a future date? Ms. Chaney did not think it precluded the Commission from requiring it in the future.

Chairman Kroot asked if the Town Engineer has reviewed the proposed retaining wall. Ms. Chaney responded that the previous Acting Public Works Director John Hill did a thorough review of the wall and modification have been made by Mr. O'Hare.

Commissioner Julin asked if the Town had documentation on the easements. Ms. Chaney affirmed. Commissioner Julin stated that she would like to see an alternate plan for an easement that would remove less vegetation. She stated that the Town's geological map indicates that the parcels are in Zones 1, 3 and 4 and there are swales and yet the applicant's geologist indicates it is only in zone 4 and does not indicate swales. She felt this was the most environmentally sensitive project that has come to the Commission since she has been on it and felt certain that she had many issues that could not be resolved prior to the CEQA deadlines on

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November 4, 1992. She stated that a previous staff report indicated that no soil or trees were to be removed from the site and wondered how that can be achieved with so many proposed cuts and with the cutting down of 16 or so large trees. She also wondered what the impact could be on this project if the LOSD would go from a D to an E as stated in a previous traffic study.

Ms. Chaney felt that although several trees were to be cut, they would remain on the property. She also was not sure if the area may be E now prior to any construction. She was skeptical about whether or not a new traffic count would gather any different information than what exists in the 1990 report.

Commissioner Mihaly asked if the Fire Department's requirements would differ if there was a proposal for three homes instead of two. He also wanted the Town Attorney's opinion on approving one house instead of two and asked about the Commission's authority of treating all the lots as one.

Mr. O'Hare stated that is project has been delayed several times in the past because of staff's inability to meet deadlines and is reluctant to agree to a continuance in the fear that his project will be put off again. He stated that in 1990 he was asked to provide a traffic study, which he did. He is totally against providing another one when the old study was never used. He stated that Ms. Chaney admitted that there has been no current study by the Town because the traffic counter is broken and that the Engineer she questioned about the increase in traffic just made a general statement about the probable increase in traffic flow.

Commissioner Mihaly asked if the proposed growth of 12 homes up Redwood were part of the future 30 homes that are under discussion with MMWD and the large water tank. Ms. Chaney affirmed, stating that the Fraser property is zoned for a maximum density of 12 homes.

Commissioner Hayes asked staff to research how many other undeveloped lots were on Redwood Road besides the Fraser property.

Richard Clark, 270 Redwood Road, presented staff with a video of the drainage problems affecting him and other neighbors with run off and an ineffective catch basin. He was fearful that future rains will create slippage in the area and with the proposal of two new large homes, this could make the situation a disaster. He recommend that there should be a drainage grate across the entire driveway and that the Town Engineer should look closely into the overall drainage problem.

Cathy Sanders, 310 Redwood Road, stated she went on the site and measured several of the proposed trees that were scheduled for removal. She said the largest heritage tree was 132 inches in circumference. All the trees have very large canopy and cutting these large trees would take away the natural vegetation and remove screening on the site. She felt this proposal was a violation of General Plan Policy 7.2 that calls for protection of minor and major ridges. The houses are too large in size, approximately 5,000 square feet, with a length of 140 feet. She stated that was in violation of General Plan Policy 11.1. She felt the trees closest to the proposed houses should be protected and there should be an arborist report on the proposed project. She also agrees that the drainage situation should be evaluated.

Michael Cone, 406 Oak Avenue, presented a panoramic view of the proposed site from Oak Avenue. He did not feel the site was large enough for 2 houses because of the disruption to the environment. He felt there should be alternate sites investigated because of number of trees to be removed.

Camilo Wilson, 419 Redwood, was concerned about the size of the houses, the location of the houses on the ridge and the removal of so many trees.

John Saftner, 9 White Way, was concerned about the location of the houses, the protection of the ridge line and the removal of so many trees. He did not think a 2 for 1 tree replacement policy was going to mitigate the removal of two hundred year old trees. He also felt there should be a plan to protect the existing trees around the houses and the retaining walls.

Gene DelPrado, 248 Redwood Road, stated that the condition of Redwood is very poor and any additional traffic and construction vehicles would only make the situation worse. The Fire Department has a difficult time getting up Redwood Road now and wondered what the impact would be with increased housing. The large houses would require a significant amount of grading and he was concerned about that. He wanted the oak trees preserved.

Karen Johnson 296 Redwood, agreed with what has been already said and added that Gerlach Road is in very bad shape and would not be able to handle additional traffic.

Mary Cohen, 347 Redwood, stated that the proposed houses will hook up to her sewer line at the bottom of her driveway and she would like additional information on this. She was also concerned about the size of the houses and the removal of trees.

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Gloria Berger, 259 Redwood, stated that she was concerned about drainage. The current situation is very pool, in fact there may be an underground spring. She stated that the bay tree at the base of her driveway is huge and wondered if that would be protected. She felt the ridge line should be protected and that the retaining walls should be carefully reviewed.

David Bell, 10 Fernwood, stated the driveway will be adjacent to his property. He was concerned about the removal of trees and protection of those trees that are to remain. He stated that from his current experience of building his house, he has noticed that the bull dozers are not careful and additional unauthorized trees could come down. He wondered if Mr. O'Hare has considered building a bridge instead of a retaining wall. A bridge would not need as much grading or tree removal as the retaining wall. The piers would need to be driven for an elevated roadway only on the down hill road side. He also wondered if an alternate site has been considered by Mr. O'Hare, such as on the upper portion of the property. He stated that he would prefer one large house on the upper site because it would be wooded and not very visible. He also wondered if Mr. O'Hare would consider a general meeting with the neighbors to discuss possibilities prior to the public meeting. He stated that he would have appreciated feed back from the neighbors so that when it came to the public meeting many of the concerns could have already been worked out. He also asked if Mr. O'Hare was within his right to remove trees for grading prior to approval of the project.

Caterina Chase, 232 Redwood Road, stated that she has a terrible problem during the rainy season. Mud is constantly collecting at the base of her property and she has to manually remove it. The culvert should be evaluated by the Town Engineer. She stated that she does respect property rights but was against the driveway.

Gay Kagy, 280 Redwood Road, stated that a neighborhood meeting was a wonderful idea. She discussed other catch basins that had not been previously identified and read a report into the record.

Stephanie Fine, 249 Redwood Road, concurred with the other neighbor's concerns. Of particular concern is the narrowness of the road and the difficulty of the Fire Department to access homes in the event of an emergency. She was also concerned about the slope of the driveway. She recommended that a mirror be placed at the curve of the road fronting her property to alert drivers going up and down Redwood. With regard to the short cut on the Laurel Fire Road, she wondered if the public will still be allowed to access it.

Bill Holdegart, 269 Redwood Road, agreed about the need for a neighborhood meeting and was looking forward to some good dialog with Mr. O'Hare.

Mr. O'Hare stated that after hearing the concerns of his neighbors he would be willing to work with them. He agreed that the catch basin should be redesigned to adequately carry runoff, perhaps it should be located underground. With regard to the location and size of the houses. He has always felt that this was just a concept stage and did not really think about the size of the houses. He did not realize that the footprint of the houses would measure out to approximately 5,000 square feet. He had no objection to building the house much smaller and is willing to fine tuning that at the precise development stage. With regard to the tree removal. He did not really want to remove all the proposed trees but the Commission should realize that there is a grove of over 100 trees on his properties and this is a small percentage. He has investigated alternative sites and is of the opinion that these are the best. He felt the north end of the property was too steep. He reminded the Commission that he does have a legal easement to his property as shown on the map. He felt Mr. Bell's idea of a bridge was excellent. In fact, his engineer has considered an elevated overlap. He stated that it has never been his intent to bull doze the area.

Commissioner Hayes asked the applicant if he has considered placing the houses adjacent to Redwood Road, as was stated in an old EIR. Mr. O'Hare did not think that was feasible.

Ms. Chaney was hopeful that Mr. O'Hare would seek a 90 day extension on his project so the Commission will have time to come to a closure on this project. She also stated that she would like to set up a meeting with the applicant and the Public Works Director to discuss the drainage issues and ridge issues. She felt the applicant would be willing to work with her on reducing the house size. Although this is not binding, as was stated at the beginning of the meeting, she wanted it to be made as clear as possible for both the Commission and the applicant.

Mr. O'Hare stated that he would be willing to sign a 90 day extension but wanted the Commission to keep in mind how much time has already passed on this project and was looking for results in a short period of time.

Commissioner Hayes was inclined to use the 1990 Traffic Study that Mr. O'Hare had done. He did not feel it would be right to ask him to prepare another study, especially if the Town required one in 1990 and never used it. He did not think that much has changed in two years. The size of the houses seem large, the footprint was large and the length of the houses were too

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long, measuring approximately 140 feet. Other houses in the area are smaller in their projections. With regard to the houses on the ridge line, he felt that other areas should be considered. He wondered if the applicant has looked into the possibility of moving the house locations or tucking them into the hillside more. He also wondered if the applicant had considered the location of the houses just off Redwood Road. He noted that an old EIR indicated that might be a consideration. With regard to the trees, the ridge area and oak trees in the driveway should be protected as much as possible. The removal of the trees could have a substantial affect on the sites. He stated that the drainage situation should be looked at carefully.

Commissioner Julin stated that her concern was due process. She also encouraged the neighbors to meet with Mr. O'Hare.

Commissioner Israel did not feel there was a need to has the applicant get another traffic study. He would like staff research the information from Mr. Roberto as was brought up by Ms. Cagy. He wondered what the recourse would be if the service level dropped from D to E. With regard to size of the houses, he felt that the footprint was more of an issue in this particular situation rather than house size. He felt the sweeping expanse of the houses is the real problem. He wondered if the applicant has considered placing one of the houses off Redwood Road and the other in another location, perhaps on the ridge line. He felt there were some beautiful spots where the houses could be sited and not viewed from across the valley because of the mass of vegetation. He wanted the vegetation to be protected. He felt the notion of a bridge was a great idea. He advocated the neighborhood meeting with the applicant. He felt that the Fire Department would provide adequate measures at time of building plan review. With regard to drainage, the cross drain on the driveway would certainly reduce the problem and reduce the sheet flow across the driveway.

Commissioner Mihaly stated that drainage and house size should be discussed during the precise development plan, not the preliminary development plan. He felt the removal of trees was an important issue and asked staff to research with the Town Attorney as to whether or not they could reduce the number of lots and houses for this project. He thought that it was important to prepare an EIR. He questioned whether or not there were alternative sites, he was concerned about the cumulative affect on traffic. He thought that there could be considerable staff time required on this project and wondered if a consultant might be hired to take over this project.

Chairman Kroot felt the traffic report on file with the Town was adequate and concurred that Mr. O'Hare should meet with the neighbors. He felt uncomfortable about siting the houses on Redwood because of the considerable cut necessary. He would like to see minimal tree cutting, and the houses down sized. He wanted to see the driveway screened and although the bridge was a good idea, he did not think it would be feasible. There were also several drainage issues that needed to be resolved.

Commissioner Mihaly stated that if the general feeling was not to require an environmental review he would like to see the staff would talk with the Town Engineer and see if he thought there might be alternative sitings for the houses.

Director Chaney requested continuance of this project until the meeting of November 16, 1992.

Mr. O'Hare stated he would sign a 90 extension provided the Town would continue to work on the project.

M/S Julin/Mihaly, to continue PDP-9203 - Ben O'Hare, Redwood Road (near 269 Redwood Road), A/P 7-141-04, 7-097-05 and 7-097-02, Preliminary Development Plan for the creation of two parcels from three existing parcels and the ultimate development of two homes and the extension of a private driveway. The 2.6 acre site is located along Redwood Road near 269 Redwood Road. The property is located within the R-1H Zoning District. This is continued to the meeting of November 16, 1992. Motion unanimously passed.

E. GENERAL DISCUSSION

Director Chaney suggested that the sub committee discuss the issue of the height of front fences.

F. OPEN TIME FOR PUBLIC DISCUSSION

There was none.

G. REPORT OF UPCOMING APPEALS TO TOWN COUNCIL

H. ADJOURNMENT

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The regular meeting of the Planning Commission was adjourned at 11:45 p.m. to the next meeting of the November 2, 1992.

BARBARA CHAMBERS