

**TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES FOR THE MEETING OF MAY 16, 1994**

The regular Planning Commission meeting was convened at 7:45 p.m. in the Council Chambers by Chairman Mihaly. Staff present was Director of Planning Ann Chaney, Associate Planner Lisa Wight and Planning Consultant Delvin Washington.

A. CALL TO ORDER

**Commissioners present: Julin, Sargent, Hayes, Mihaly
Commissioners absent: Sias, Israel, Harle**

B. CONSENT

1. Minutes - May 2, 1994
2. **DR-9408 - Nellie Dolinsek, 37 Canyon Road, A/P 7-064-15, 1) a design review to demolish the existing structure and construct a new residence, and 2) request to remove one (1) redwood tree that is 36" in diameter, on property located within the R-1 (Above 150' Mean Sea Level) Zoning District.**

M/S Julin/Sargent to approve minutes. Motion unanimously passed.

M/S Julin/Sargent to approve Nellie Dolinsek. Approval is based on the following:

Design Review

1. Is functionally and aesthetically compatible with the existing improvements and the natural elements in the surrounding area. This area is developed with single family residences and the proposed land use and structure are similar in scale and activity type as surrounding residences in this neighborhood. *2. Provides for protection against noise, odors, and other factors which may make the environment less desirable.* This proposal will not have any major long-term detrimental impacts on the environment. Conducting the proposed use (single-family residence) will be consistent with current activities occurring in this neighborhood. A condition of approval has been included limiting the work hours and days minimizing construction impacts on the neighborhood. *3. Will not tend to cause the surrounding area to depreciate materially in appearance or value or otherwise discourage occupancy.* The construction of a new dwelling will not cause the depreciation of property values in the surrounding area. The activity of a single family residence is consistent and compatible with activities currently occurring in this 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.* The additional vehicular trips generated by this new dwelling unit will not have a significant impact on this neighborhood. The location of the house will not obscure visibility on Canyon Road nor will it inhibit the smooth flow of traffic onto neighboring properties. The actual construction of a residence on this property will not be an increase in intensity on the neighborhood because the site is currently developed with a single family residence which will be demolished. *5. Will not adversely affect the health or safety of persons using the improvement or endanger property located in the surrounding area.* The proposed dwelling will conform with all established codes controlling building and grading associated with the construction of a new single family residence. These standards have been adopted to ensure that all new development will not create any adverse or hazardous conditions during construction and after completion. Special drainage improvements have been included as conditions for this project. *6. Conformance to the approved precise development plans.* This property is zoned R-1 and a precise development plan is not required. *7. Adequacy of Screening.* All but one of the mature trees existing on this site will be maintained and a landscape for the front setback of the property is required. The proposed location of the house will not be highly visible even when standing directly in front of the property on Canyon Road. All the neighboring properties have an extensive amount of mature trees that will be maintained unless a Heritage tree permit is obtained from the Town. *8. Selection of architectural features that enable the structure to blend with its environment.* The architectural elements used on this house are consistent with those elements used on other properties throughout San Anselmo. The applicant will be required to modify the exterior incorporating a natural wood or some type of cedar finish on the exterior.

CONDITIONS OF APPROVAL 1. That the request for Design Review is granted to construct a new single family residence, in accordance with the plans date stamped received by the Town of San Anselmo on April 1, 1994. 2. All necessary off-site improvements including drainage, road paving, and retaining wall construction shall be provided by the applicant, designed to Town standards and approved by the Director of Public Works prior to issuance of a building permit. 3. The applicant shall strive to carpool site construction workers in order to reduce the

TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES FOR THE MEETING OF MAY 16, 1994

number of vehicles driving on Canyon Road and to park construction vehicles on or immediately adjacent to the site. 4. Construction activities shall be limited to Monday - Friday between the hours of 7:30 am to 5:00 pm. 5. The applicant shall develop a landscape plan for the front setback of the property and secure the services of a certified arborist to develop a tree protection plan for the existing trees on the property. These plans shall be submitted prior to the issuance of a building permit. 6. The applicant shall incorporate a natural wood finish such as a lap or cedar shake siding to be incorporated on the exterior of the house. The final design shall be reviewed and approved by the Planning Director. 7. The plan design, site preparation, construction, and monitoring recommendations of Jon C. Hom Associates and Mike Wolski, GEO Design shall be followed unless modified by the Director of Public Works. 8. Unless waived by the Ross Valley Fire Department a sprinkler system shall be installed in this residence. 9. The applicant shall secure a demolition permit on the existing residence and commence demolition on this structure prior to issuance of a building permit for the new residence. 10. The applicant shall submit a complete application to merge the two properties identified by the following Assessor parcel numbers 7-064-15 and 7-064-16 prior to issuance of a building permit. 11. The applicant shall lengthen the proposed turnaround area on the driveway to a depth and width of 9' x 19' so as to accommodate a third non-tandem off street parking space.

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

C. PUBLIC HEARINGS-CONTINUED

1. Oak Avenue Master Plan and Development Agreement - David Hansen APN's 7-154-02, 7-154-05, (possible applicants Michael and Linda Gill APN's 7-154-08, 09 and 11), William Broderick APN's 7-154-10, 7-201-02 and 12, the project site is located on the northeastern slope of Bald Mountain. It is bordered by Oak Avenue and scattered residential housing to the north and east, and by open space to the south and west. The subject property is comprised of 8 parcels of land totaling an estimated 16.2+ acres. The proposed project, which includes a master plan and development agreement, focuses on buildout of some, but not all, of the properties at the end of Oak Avenue. The proposed master plan and development agreement seek entitlement to construct four (4) new homes, appurtenant structures, and infrastructure improvements. The documents do not include the design level information required by the Town to approve specific homes or any of the other entitlements needed before construction can begin. The property is located in the R-1 H Zoning District. CONTINUED TO MAY 23, 1994
2. V-9411/DR-9409 - Nick Kaeonil, 727 Sir Francis Drake Boulevard, A/P 6-083-07, a design review and parking variance (6 required, 5 provided) to establish a new restaurant on property located within the C-L Zoning District. CONTINUED TO JUNE 6, 1994

D. OPEN TIME FOR PUBLIC DISCUSSION

Barbara Schmidt, Austin Avenue, asked that Austin Avenue be included in the traffic study for the Oak Avenue Master Plan.

E. PUBLIC HEARINGS

1. PDP-9401/VTM-9402/ER and Density Determination, Peter and Pamela Fraser, near 390 Redwood Road, APN's 7-071-03, 7-101-02, 7-154-04, Environmental Review, Density Determination, Precise Development Plan, and Vesting Tentative Map applications for a 25.65 acre site located off Redwood Road near 390 Redwood Road. The subdivision map would create seven (7) homesites on about 5.7 acres and a Public Open Space parcel totaling 19.95 acres. No homes are being proposed at this time and such homes would require Design Review approval prior to construction. A Density Determination of 12 units is requested although 7 units are proposed. This property is located within the R-1-H Zoning District.

The applicant, and his engineers were present.
Ms. Chaney presented the staff report.

Ms. Chaney explained that Condition 2 specifies that the Town would take on the small area behind Lot A if Marin County Open Space did not want it and they are not interested. Staff is concerned from a timing standpoint to take it on. She has provided the Commission with a memo dated May 16, 1994 addressing her concerns.

**TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES FOR THE MEETING OF MAY 16, 1994**

Ms. Chaney addressed Condition 3, 5, and 23 regarding language. She stated that the Town Attorney is concerned that if this application doesn't evolve, the subsequent owners may want to say there is a 12 lot determination.

Ms. Chaney said that the Town Council subcommittee has met and discussed the off site improvements. The cost of the long term improvements was changed to 50%, which will reduce the amount for Fraser. Also roadway improvements have been reduced to 750 linear feet.

Ms. Chaney discussed Commissioner Julin's comments about Fraser not be burdened with all the off site improvements. She stated that Commissioner Julin has submitted alternate wording to be substituted 19A, 14 through 17.

Commissioner Julin said that her proposed wording changes are for General Plan Consistency.

Ms. Chaney stated that another concern was how to measure natural grade and that lot 4 should be lowered to 30 feet with the provision that it can go higher if it can be demonstrated during the Design Review process that a house can be built without adverse visual impacts. The subcommittee has recommended that items 1 and 2 be removed from the conditions however staff still feels it should be left in. The final decision will be left up to the Commission.

Ms. Chaney stated that Staff is recommending the Resolution plus wording that states "The Vesting Tentative Map will not become operative unless or until all the terms of the Land Purchase/Trade Agreement are satisfied."

Peter Fraser said if that wording is included in the Conditions of approval there is no deal. He also disagrees with some of the changes. Page 8 of the Resolution, he requests that it be stricken. This has tax implications to him but does not affect the Town's position. He said that wording was negotiated out of the contract and now this is a reversal of the Town's position and will have some negative tax benefits; also condition 23 "That the Density Determination of 12 units, made for tax and appraisal purposes shall be effective on recordation of the Final Subdivision Map creating seven (7) single family parcels and one (b) public open space parcel contained 5 single family density units, as proposed in the Precise Development Plan." The density determination can not be given away if it is not born yet. He checked with the title company and Conditions 1,2,5, and possibly No. 7...the wording should state..."upon recordation of the Final Map " on "...prior to recordation....".

Ms. Chaney stated that it is necessary to keep the word "prior to" in the condition until the map is recorded.

Mr. Stroeh stated that it is done, one after the other in the recorders office but it really has to be done all at once. Another words it has to be done sequential.

Regarding Condition 19, "F", Fraser said he would be part of an assessment district but would retain an easement for a private lateral. He does not anticipate using it but wants that put in the agreement. He concurs to removing the height standard because there are review standards. Also there has been concern to the Foleys for health and safety because they do not feel their needs have been satisfied. He met with his engineer and the Foleys to try to satisfy their concerns regarding emergency access, road repair etc. and he assured them that their concerns will be taken care of when the Town Engineer implements the roadway conditions. It is not addressed in the conditions of approval but perhaps the Commission address that. Also, regarding the comment by staff that "Vesting Tentative Map will not become operative unless or until all the terms of the Land Purchase/Trade Agreement are satisfied." he objects to that wording and that there is necessary and adequate remedies on both parties part and at this late stage for the Town to say is no vesting tentative until the map has been finalized when there are a bunch of things that have to be accomplished with the approvals in place. Financing, bonding etc. It will prevent accomplishing the purposes of the contract by its inclusion now the way it is structured and therefore he objects to it being put in at this time. He thinks there are enough safety factors in the resolution and the land purchase agreement that all parties are protected. In summary, he does not think this is appropriate unless one of the parties wants to vary from their contract obligations.

Chairman Mihaly asked about the wording...he does not want to see a successor in interest to a bank come back to the Town in the future and argue with the Town about their rights under the Vesting Tentative Map were. It is his understanding the Vesting Tentative Map is created for the purpose of simultaneous finaling at the close of escrow. He asked Mr. Fraser if there was another way to accomplish that without this wording.

Mr. Fraser said that he intended the Vesting Tentative Map to be approved about six weeks ago and that would give him time to do the necessary financing and bonding and requirements in order to accomplish the Final Map. He needed time to make housekeeping chores. Now, it is backing up into everything be condensed and there is no time. The Vesting Tentative Map is still operative to the Final Map and under the Final Map there are certain requirements that have to be done; either by him or successor in interest, they are still are bound by the technical requirements of the Contract that specify that.

**TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES FOR THE MEETING OF MAY 16, 1994**

Chairman Mihaly asked if it all happens at once. Fraser said instead of having all the roadway improvements, drainage and site work done they will be done through bonding. If the Final Map gets recorded everything is as everyone has agreed to. It is very clearly spelled out in the contract how many homes can be built. Therefore, to say there is no Vesting Tentative Map until there is a Final Map means there may not be able to be a Final Map because of the housekeeping chores in order to get the Final Map recorded. This means the Vesting Tentative Map approved. Once approved, the terms of the contract bind the parties.

Mihaly said that it seems to him if in five years the County did not come up with the money and nothing happened that map would be just the way it is. Fraser agreed but added that nothing would be able to be recorded. The Final Map couldn't be recorded, there is a Vesting Tentative Map and for the operative element of the Final Map the Town gets its open space, the retirement of the units, the three units A, B and C, so all parties get what they bargained for.

Steve Arago commented on page 2 of the Resolution, item 1B, first paragraph if this is tied into statement 4 of the resolution, this means they cannot submit the improvements plans for review until all the terms are met. Mr. Stroeh suggested that more suitable wording should be "...upon final map can be recorded until all the land purchase/trade agreement...." Ms. Chaney noted that the wording is on page 10, Condition No. 4 of the Resolution.

Mr. Arago said if it is not operative, then it is not approved. He also stated that page 2 of memorandum, condition word should be "quit claim"; to resolution, page 12, condition 16D should be revised to state "....all trees should be 15 gallons minimum..." Regarding Condition No. 19 under Improvements Plans, page 13, paragraph 2, he does not believe they should be included as part of the Improvement Plans because a lot of those were included as exhibits (constraints, maps etc) and are really not included as improvement plans.

Regarding Condition 7, Fraser said he would like it deleted. Ms. Chaney stated that the Town does not know who the engineer will be. Fraser suggested that the Bond Engineer do that, independent of all parties. He felt it would be fine if it were the Town Engineer or his designated representative.

Mr. Stroeh commented that on page 13, No 19, regarding "All improvements shown on the Redwood Hills Subdivision Maps 1 - 11 to be included on the Final Map and the Final Map does not include that kind of information. The Final Map is a recorded document. Ms. Chaney said that there is a standard condition to tie the maps to the condition. Staff has realized there was no standard condition that tied the maps into the document. Mr. Stroeh said that all the maps then be incorporated into the improvement plans but not in the final map. Chairman Mihaly suggested wording "...that the Final Map and the Improvement Plan be in so far as it is relevant, be consistent with the Sub Division Map 1 through 11." All parties concurred with the wording

Barbara Schmidt, Austin, asked why Melville and Austin are not included in construction bonding if damage is done to the roads. Also, what about parking for the people who access open space. He also asked about how the Summit property is tied into this project. In summary she felt a EIR should be done on this project. She does not really want to see this land touched at all. This will affect a lot of erosion and drainage problems. She felt the Town will get into drainage problems and lawsuit with all the hillside developments.

Deann Campbell, 107 Allyn, said she would like a copy of the document about the lot line adjust. Re drainage and slides, she has concerns that there may be problems regarding drainage and floods in the future. Also, the story poles were not erected on lots 1 and 2 and would like to see them reconsidered for visual impact.

Kathy Sanders, 310 Redwood Road, "should" and "shall" does make a difference; page 12, #C, "should" be "shall, page 12 #17, should be "shall"; page 17 #20, "shall", page 17#11, "shall", page 17, #13, "shall", page 18, "shingles". She asked if there could be a condition on the size and length of construction beds. She questions the roadway bond to only be \$10,000. She stated that the legalize is above most of the audience but she wants to make sure that there will never be 12 homes up there. She therefore asks for the Town Council review this.

Glen Smith, Austin, was upset about the 100 Chipman house being approved and they were never consulted. They just built a new deck and reshingled and all that was for nothing. In summary, he wants story poles erected on all the Fraser lots

Non Weintraub, 45 Allyn Avenue, said the drainage around his house has been very tenuous at best. In the last few years they have cleared some of the drainage systems to keep his house where it is. Any interruption in the hillside (sites A and B are above his property), he is very concerned about any development and would like to see drainage plans.

Chairman Mihaly said that when there is a notice of a public hearing by the Town interested parties should be present at the meetings.

**TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES FOR THE MEETING OF MAY 16, 1994**

Paul Bailiff, 75 Allyn, said the soil is all clay and expansive, very steep and a tremendous amount of water does down this site; Page 16, item 2, if a ditch is done across the slope there is a retaining wall there, any cut could cause problems and that language should be changed to "...soils report will be required..." Also, there is extremely erosive conditions in this area. He is concerned about the new road off of the Foleys by sites 1 and B; he is more concerned about the roads here. He is also concerned about Lot B and a bridge to the lot, the structure will be crossing the gully and he is concerned if any footings impede water, (this drainage area is not listed in any of the conditions).

Susan Murray, 76 Allyn, is the next downstream pipe after the Foleys. The water is very heavy during the winter, and goes into Floribel which floods every year.

Cheryl Foley, 390 Redwood Road, said safety is a prime issue to them, however it can only be truly addressed by their family to be removed during the heavy construction. She would like to know if they can be assured that this issue could be addressed, as well as with the change in ownership. People will use their driveway as a turn around.

Wallace Murray, 76 Allyn Avenue, is concerned that this Town has gone this far without an environmental impact report.

Barbara Geisler, asked for clarification on the bond for the roadway. Ms. Chaney explained. Mr. Bush added that \$10,000 is the highest amount of money that he is aware of that has been required as a roadway bond in the Town. Ms. Geisler also asked for clarification on the 6/18th that would benefit for the long term improvements. Chaney explained that they should be shared with the other properties.

Barbara Geisler asked where the construction vehicles will be kept. Ms. Chaney stated that it is addressed on page 16. However, the Public Works Director could ask for staging areas also.

Mrs. Foley 390 Redwood, questioned the 8:00 starting time, and would like the Commission to consider a 8:30 time instead because workers arrive at the job site early even though they are not allowed to start work at 8:00 a.m.

Paul Bayliff 75 Allyn, would like to make sure the Town will not allow 12 houses in this area and pleaded that this be brought before the Town Council.

Mr. Bush stated that heavy construction vehicles cannot start until 10:00 a.m..

Ms. Chaney noted that she will change all the "shoulds" to "shalls" This was agreeable to the Commission.

Mr. Foley said that if several workers will be going up the hill prior to 8:00 this could be a terrible hazard.

Mr. Bush had no trouble with an 8:00 a.m. or 8:30 a.m. start time. Mr. Stroeh did not care as long as it is reasonable.

Consensus by the Commission that the staff recommendation of 8:00 is fine.

Chairman Mihaly questioned height limits; page 18, 1 and 2 and the requirements of story pole, bottom of the page. Commissioner Sargent said there was no reason to delete, but change the word "shall" to "may". Commissioner Hayes concurs with Sargent. Ms. Chaney noted that she is tempted to replace the wording in the zoning ordinance as a mandatory condition. Chairman Mihaly said this condition comes from the wording of the Bald Hill Committee.

Commissioner Julin said on the height that there was an objection to a 30' height limit on Lot 4 and she would like to leave that to design review. Regarding 1, it is essentially what is in the staff report that the subcommittee felt there were enough controls already. Therefore she felt it should be left at 35' and decrease to 30' at design review stage if necessary.

Commisisoner Hayes said the lot is likely to have more visibility and therefore he is inclined to keep it in because it is a more sensitive lot than the others. Regarding #1, it is fine the way it is.

Commisisoner Sargent would like to keep the height as low as possible; Regarding story poles, Commissioner Hayes would like to see it as "should". Commisisoner Mihaly would also like to leave it in. Consensus is to leave it the way it is.

There was a discussion by Commissioner Julin that this wording is more stringent than what is in effect currently and is therefore contrary to Vesting Tentative Map law. Chairman Mihaly said that being more stringent is what we are trying to achieve for Bald Hill.

Fraser said the height was put into affect to allow two stories to be build on a slope; this might reduce the building to only 1 story. Ms. Chaney stated that the story pole was visible, and staff wanted the

**TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES FOR THE MEETING OF MAY 16, 1994**

burden of proof to be placed on the applicant.

Chairman Mihaly asked about Lot A which is next to the open space area. Commissioner Julin recapped the issue. Fraser stated that if the lot goes to the Town, the Town could decide in the future that the lot could be built on and he does not want that. Commissioner Julin expressed her reasons for including the area as part of the total open space package being offered to the Marin County Open Space District. Conditions 1 through 5.

Regarding Lot A and the proposal by Commissioner Julin: Ms. Chaney said she did not want this to be held up in the negotiations. It is her understanding that if the Town accepts this parcel of land as a dedication, the Council has to hear this project. If this has no impact on the deadline, then she totally agrees with Commissioner Julin.

Commissioner Hayes agrees with Julin. It should be accepted as an overall condition. Mihaly and Sargent concur.

All the Commissioners Concur that all the words "should" be changed to "shall".

Fraser said that he supports the concept of broom eradication but that it would be easier to deal with on a house by house eradication program. Ms. Chaney said that it would be envisioned as part of the site plan for individual houses and to the infrastructure improvements.

Regarding Condition #3 and #5: Commissioner Sargent asked for rationale by a tax attorney. Fraser said the questions were asked by the Attorney and it was decided that it would be left in. The wording should be deleted because it is not in the contract. Commissioner Hayes stated that we are all going after the same goal. Fraser said if you look at the actual wording on condition #23, he is willing to accept that wording. Mihaly said that he thought the contract talks about three parties and what they will do; he is concerned about the Vesting Tentative Map and feels that there is the issue of the appraisal and the May 16th memo. He is inclined to go with staff recommendation with a few changes and let the Council deal with this. He is reluctant to go against the Town Attorney advise. Regarding the Vesting Tentative Map: the wording is a little vague but he does not feel that the wording by the applicant protects the Town.

Regarding Condition #23: Chairman Mihaly said that he does not want to go against the Town Attorney. Fraser said that the precise words were in the contract and they were removed. Commissioner Hayes said there may be different concerns. It may be an economic concern to the applicant. He is assuming the Town Attorney is protecting the Town for the 12 units. Chairman Mihaly said that if he were to change this wording he would be much more specific and consequently much more damaging to an appraisal and therefore it has to be very diligently worded.

Fraser said that he will not accept the wording. He stated that this same discussion took place last year. He told the Commission that they have the right to make whatever wording they want and therefore he also has the right to say no to the deal and appeal it to the Council". Commissioner Julin said she would like to refrain from wording changes on Condition #23 without a recommendation. Commissioner Hayes is worried that the Town Attorney has very clearly recommending that the wording be left in although he has some questions and therefore perhaps this should be continued. Chairman Mihaly said that he spoke with Mr. Roth and he conveyed his concerns about the wording on the May 16th memo. Commissioner Sargent said it would be foolish to go against the Town Attorney's opinion. Chairman Mihaly to recommend the wording with the recommendation but that the stop gap for the Council to use the Town Attorney's advise to take a look at the wording.

Page 19, drainage plans for all impervious surfaces which would not exacerbate the existing drainage conditions (at time of design review). Mr. Stroeh felt that was too detailed at the drainage study level. He suggested wording "Conceptional drainage plans with mitigations to be submitted as part of the design review applications."

Long Term Roadway Wording Mitigations: Commissioner Julin said it is arguable that it is inconsistent with the General Plan. The extent of the mitigations is a bit of a policy change. The General Plan said no expansion of roadways etc; in 1993 the Fire Chief established a standard of 15', Circulation Element Policy 10.2, for fire protection. There is a gap between the two. There is an implication that the General Plan should be changed. Also, regarding the 6/18th of total cost of mitigation, the other 12 parcels are, in effect, being assessed tonight without due process. Therefore she has provided substitute wording. Commissioner Julin said that although this means the improvement will not be paid for right away, all the property owners should have an opportunity to participate in policy and planning decisions. Commissioner Hayes said it makes sense from a conceptional standpoint however if this is deferred to the future it may or may not occur. Commissioner Sargent asked how many people on Redwood Road are aware that they will have to participate? How does staff handle this? Ms. Chaney said on page 15 of the conditions addresses this. Mr. Bush said that would address priority one first and would be a public hearing. Priority one, page 15, can be done first. Chairman Mihaly suggested wording ". pursuant to a Redwood Road Improvement Plan. Redwood Road Improvement Plan is to include 15,16,17, to widen to the 15'

**TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES FOR THE MEETING OF MAY 16, 1994**

standard or another width if deemed appropriate." The Planning Department will schedule a meeting and will formulate a plan as to how to spend the funds. Mr. Bush said that the idea of the improvement plan is to be developed with neighborhood participation. Fraser said that the agreement is not being considerably changed ...the amount of money was agreed to in the subcommittee and he therefore objects to the changes and does not agree to it. Therefore he reserves his right to appeal to the Council. Commissioner Hayes said that as long as the Commission agrees in concept with a cap of \$17,400 that is important. Chairman Mihaly said that the wording "...the applicant shall contribute \$17,400to include improvements to Redwood Road to but limited to: (the four items)". Commissioner Julin said that her issue is the public process.

Fraser comment on Lot 4: He said he is going to be part of the assessment district on Oak Avenue. The mechanics of that will take another 3-4 months. He wants to show a private lateral to be quit claim upon the assessment district being formed so they can service the property with a lateral. That is acceptable with the Sanitary District. Therefore Page 16, #1 at the top, should now state "that the Frasers shall be allowed to record a private sewer lateral easement". This is to be added to #1. Mr. Bush wondered whose property it would cross. Fraser said it would cross private open space. Ms. Chaney said the applicant has drilled a test well and looks like a well on the site will be fine. The actual yield test cannot be done until 7/15. Therefore, the wording of E on page 15. She stated that she is very concerned about creating a legal lot of record without water. Fraser said that was the reason water was going up to Lot 4. Ms. Chaney responded that it was going to hook up to the spring. Mr. Stroeh said he will write a letter on this, if there is 25 gals a minute.

M/S Sargent/Julin to approve the Negative Declaration, including a mitigation monitoring program.

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

M/S Mihaly/Julin, to move the Staff Report and include the process for the concept of drainage plans, and changing all the "should" to "shall".

Also, 1) Condition #2 Lot a be omitted. 2) A new condition be added at the end #24 that says "The Vesting Tentative Map is hereby approved but shall be operative solely for the purposes of carrying out the Land Purchase Trade Agreement." 3) Condition relating to the process of design review under height: "Should" instead of "shall" or "may". 4) Page 18 Regarding height: leave in staff recommendation. 5) Page 14 - long term improvements - the first sentence be the same. Second sentence should read: "This represents their fair share of the total estimated costs of engineering and constructing improvements as part of a Redwood Road improvement Plan and funding program to be formulated by the Town pursuant to public hearing(s). The public process shall determine the final list of improvements and applicable standards. The list shall potentially include, but not be limited to : 14,15,16,17 on page 14 and 15. 6) Page 16, add to paragraph 1 "The applicant may record a private sewer lateral easement from Lot 4 to Redwood Road if the Town determines that such easement will not interfere with or burden the public open space parcel. Such easement shall be pursuant to the requirements of the Sanitary District and the Land Purchase/Trade Agreement. 7) Include the words improvement plan and funding program in the Redwood Road Improvement Plan (page 14). 8) The Planning Director transmit to the Council that in supporting Conditions 3, 5 and 23 is on advise of the Town Attorney and reflects the concerns of the Commission. However the Commission is interested in alternative wording but do not have advise on Counsel.

Commissioner Julin felt it was acceptable even though she doesn't agree with all the conditions, but in the interest of moving this along she will vote approval.

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

Mr. Fraser said he will appeal.

2. **V-9413 - Alex and Leslie Cook, 170 Prospect, A/P 6-192-08, variance to construct a third story master bedroom addition (two stories permitted by Code) on property located within the R-1 Zoning District.**

Staff presented the staff report, noting previous Planning Commission action, the history of the development; and recommended that the request be denied on the basis that staff was unable to make the special circumstance findings. Staff felt there would be no adverse impact to neighboring properties. Should the Commission approve this request, staff recommended that the blue awnings not be continued on the addition.

Commissioner Sargent asked if a finding were required to approve the variance. Staff stated "yes".

The applicant presented photos and letters from the neighbors stating their concurrence with this project. He stated that they have three bedrooms with two small children and one on the way and a mother who lives with them. He stated that they had falsely assumed they were on a steeper slope where 35°, 3 stories, would be allowed. However, there is a plateau on the lot so there is not a 25% slope. The neighbor, Mrs. Beal, does not want the house extended to the rear or side. The applicants believe that this is a good solution to what they are needing.

**TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES FOR THE MEETING OF MAY 16, 1994**

Commissioner Julin said she was in general agreement with the request but could not make the findings.

Commissioner Sargent said he was in agreement with the request and there are other homes that have two stories and a basement

Commissioner Hayes said the addition is a three dimensional notch filler.

Chairman Mihaly felt there is a lack of any view blockage of other properties and this is an improvement to the design.

M/S Julin/Sargent to approve V-9413 - Alex and Leslie Cook, 170 Prospect, A/P 6-192-08, variance to construct a third story master bedroom addition (two stories permitted by Code) on property located within the R-1 Zoning District. Approval is based on the following: 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 the 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, to approve the variance on the special circumstances which dictate that the strict application deprives the property of privileges enjoyed by other properties in this vicinity in identical zoning districts; that the addition is de minimus; and is an expansion of an existing third floor; and does not constitute a grant of special privileges; and will not be materially detrimental to the neighborhood in that it appears to staff that there will only be a slight view of the addition from some windows at No. 170, but the views will be insignificant due to the existing tree foliage between the two properties and the difference in elevation. There should be no adverse impact to views from No. 170. From the rear, staff visited the property at 15 Wellington in Ross and found the same situation. Photographs were taken from windows in the house at 15 Wellington and it appears that the addition will only be slightly visible from second story bathroom windows. Staff suspects the addition will be more visible from the yard of 19 Wellington in Ross; however, we were unable to gain access to that property. Our feeling is that although the addition may be visible, it is only filling in a corner of the house and should not have an adverse impact on 19 Wellington.

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

2. **V-9413 - Alex and Leslie Cook, 170 Prospect, A/P 6-192-08, variance to construct a third story master bedroom addition (two stories permitted by Code) on property located within the R-1 Zoning District.**
3. **V-9406 - Michelle Chouinnard, 208 Sequoia, A/P 6-114-01, a variance request to: 1) allow the applicant to relocate a spa off the neighbors property to within 1' of the side property line (8' is required); 2) to relocate a trellis and arbor off the neighboring property and be within 0' of the side property line (3' is required); and 3) to allow portions of a fence and trellis to be 9' in height (6' is permitted); 4) to relocate an existing 150 square foot arbor that encroaches 4" on the neighbors property and will be within 0' of the side property line (8' is required) on property located within the R-1 Zoning District. (After-the-Fact) Note: The spa and portions of the fence trellis and arbor currently encroach into the adjoining property.**

M/S Julin/Sargent to continue 208 Sequoia to 6/20/94 and to be placed number 1 on the agenda. All ayes.

4. **V-9412 - Douglas and Lyn Sherer, 72 Lincoln Avenue, A/P 6-241-18, a request to enclose an existing front porch that is 12' from the front property line (20' is required) on property located within the R-1 Zoning District.**

M/S Hayes, Sargent to continue 72 Lincoln to 5/23/94 to be placed on Consent. All ayes.

5. **V-9414 - John and Maureen Geoghegan, 61 Sais Avenue, A/P 6-074-30, a variance request to 1) increase the height of an existing residence from 19' to 25' that is 12' from the front property line (20' is required); and 2) construct a new carport above the existing driveway that will be 3'6" from the side property line (8' required) , on property located within the R-1 Zoning District.**

M/S Julin/Sargent to continue 61 Sais to the meeting of June 6, 1994. Motion unanimously passed.

F. GENERAL DISCUSSION

**TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES FOR THE MEETING OF MAY 16, 1994**

G. REPORT OF UPCOMING APPEALS TO TOWN COUNCIL

H. ADJOURNMENT

The regular Planning Commission meeting was adjourned at 12:15 a.m. to the next special meeting on May 23, 1994.

BARBARA CHAMBERS