

**TOWN OF SAN ANSELMO  
PLANNING COMMISSION MINUTES OF DECEMBER 15, 1997**

Chair Wittenkeller called the meeting to order at 7:30 p.m. in the Council Chamber.

**CALL TO ORDER**

Present: Wittenkeller, Israel, Cronk, Dowd  
Absent: Harle, Zwick  
Staff: Planning Director Chaney, Senior Planner Wight, Assistant Planner Griffin

**OPEN TIME FOR PUBLIC EXPRESSION**

No one spoke during this time.

**CONSENT AGENDA**

1. MINUTES: November 17, 1997 and December 1, 1997-CONTINUED
2. **V-9745 – Derek Johnson, 22 Broadmoor Avenue, A/P 5-184-12**, a south side yard variance to construct a one-car garage within 1' of the south side property line (8' required). In conjunction with this project, the existing one car garage shall be removed, on property located within the R-1 Zoning District (Staff person: Wight)

M/s Israel/Cronk, and unanimously passed (4-0), to approve the Consent Agenda. The audience was advised of the ten-day appeal period.

**CONTINUED ITEMS**

1. **U-9304/V-9744 Wyn Hoag, 22 Magnolia Avenue, A/P 7-212-34**, amendments to the 1993 approved use permit and parking variance: 1) to change the use from one 1,694 square foot residence and one 586 square foot professional office to the use of 2,280 square feet of professional offices; and 2) to retain the existing 4 tandem parking spaces in the front yard, but change the parking variance request: the previous use had required 7 on-site parking spaces, and the current use requires 8 on-site parking spaces on property located within the Professional (P) Zone. (Staff person: Wight ) CONTINUED TO 1/5/98

2. **V9742 - Jocelyn Olivier, 34 Elm Avenue, A/P 7-053-02**, a Variance request to build an accessory structure (studio) within 1' 6" of the rear property line (20' required) and within 3' 8" of the southerly side property line (8' required), on property located within the R-1 Zoning District. (Staff person: Griffin ) CONTINUED TO 1/20/98

3. **DR-9713 Mr. and Mrs. Edward Heavey, 405 Sequoia Drive, A/P 6-117-08**, Design Review of a new single family dwelling; setback variances: a) rear yard and north side yard variances to construct a parking deck for a third parking space within 6' of the rear property line and within 0' of the north side property line; b) rear yard, north side yard, and south side yard variances to construct a dwelling within 15' of the rear property line, within 6' of the north side property line, and within 11' of the south side property line (20' rear required; 12' street side required) on property located within the R-1 Zoning District (above 150' mean sea level) (Staff person: Wight ) CONTINUED TO 12/5/98

4. **V-9746/DR-9734 - Ken Chase, 240 Redwood Road, A/P 7-095-01**, Design Review to build a new 2,491 square foot, three story home. A Variance to build a 21' long, 6' wide driveway parking deck within 0' of the front property line (20' required) and within 3' of the westerly side property line (8' required). Existing house to be demolished and removed. Proposal includes landscaping and street improvements, on property located within the R-1 Zoning District (above the 150' mean sea level). (Staff person: Griffin) CONTINUED TO 1/5/98

**PUBLIC HEARINGS**

1. **PDP-9402/DR-9407 Amendment Karen Behnke, 65 Summit Road, A/P 7-031-28**, amendments to the 1994 approved Precise Development Plan and Design Review for a new single family dwelling, on property located within the R-1H Zoning District (above 150' elevation) (Staff person: Wight )

Ms. Wight presented the staff report.

Commissioner Israel asked about the height of retaining walls and also wondered if the landscape plan is in conformance with the Bald Hill Plan. Ms. Wight responded that this property is not located on Bald Hill but the Commission can require the condition of tree replacement of 2 to 1. Ms. Behnke stated that the retaining walls would go from two to four feet in height.

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The hearing was opened to public testimony.

Mark Becker, Architect representing the owner, stated the house is the same size but have tried to make it less formal by added more wood to create shadow lines and tilted the house with the hillside. They have saved a bank of critical trees by rotating the house. The colors have not changed since the last meeting.

Jonathan Braun, 479 Scenic, acknowledged that there has been considerable improvement, particularly how the building has been manipulated to save some trees. However, he is still concerned about the size and bulk with a maximum height of 48. He would like to see the lower access road that now becomes part of the building pad, included on the plans and a condition placed on the approval that it would not be used as a road. Also, there is a public open space easement adjacent to the road and if a property line fence is built, he would like it to be transparent so as not to obstruct the view.

Cathy Sanders, 310 Redwood Road, wanted to make sure the trees are saved during construction and that there be a deed restriction for colors and screening. She was also concerned about the maximum height and was hopeful that there is adequate screening for such a large structure.

The hearing was closed to public testimony.

Karen Behnke, applicant, stated that the lower road is one of the few flat areas and she wants to keep it. She bought the property knowing there were hiking trails and wants to keep them open.

Commissioner Cronk stated that a lot of accommodation has been made on this project. If the applicant is willing to include the fence and lower road, she could support the staff report.

Commissioner Israel stated that this is much more articulated and sympathetic with the neighborhood and the site. The house is still tall but he is sympathetic with a site this steep and the fact that there is such a dense shrub mass. He would like to see a 2 to 1 ratio of trees planted, similar to the Bald Hill Plan and would like to require the landscaping and lighting plan included in the deed restriction.

Commissioner Dowd stated that each revision has shown a better design.

Chair Wittenkeller thanked the applicants for being as responsive as they were. He agreed that the lower road should be maintained in the existing condition and that any fence constructed should be 75% open. Mr. Becker responded that the lower road shall not be improved to an impervious condition, and will be left in a natural condition, but they may need to place the drainage in this area.

The consensus of the Commission was that the applicant did not require tree replacement on a two to one basis.

M/s Israel/ Cronk, and unanimously passed (4-0), to approve PDP-9402/DR-9407 Amendment - Karen Behnke, 65 Summit Road, A/P 7-031-28, amendments to the 1994 approved Precise Development Plan and Design Review for a new single family dwelling, on property located within the R-1H Zoning District (above 150' elevation). The approval is based on the staff report with the added conditions that: 1 additional (for a total of 2) 36 California Live Oaks are planted between #5 and #6 on the plan; the lower road shall not be paved; and fencing shall be limited to an open design, with openings no less than 75 percent. The deed restriction shall be amended to include: the lower road shall not be paved; the fencing requirements.

The audience was advised of the ten-day appeal period.

2. **ER-9701 - Curtis Eisenberger**, A/P Nos. 5-031-35, 5-081-07, and 5-081-19. Notice of Negative Declaration regarding Environmental Impact. Environmental review of a proposal to subdivide a 21.66 acre parcel of land into four home sites on 5.95 acres and dedication of 15.71 acres for public open space. The project site is located at the end of the Traxler and Valley Roads and covers the steeply sloping hillsides on either side of the drainage course, on property located within the R-1-H Zoning District. (Staff person: Wight)

Ms. Newman provided the staff report.

Commissioner Israel wondered if the Herzog Geotechnical report indicates that the only suitable place for building is the knoll.

Chair Wittenkeller asked if there are any active slides that the Town should be concerned about. Ms. Newman stated that there is no place that would create an unusual liability for the Town.

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Commissioner Israel asked for clarification on building limitations on minor ridges. Ms. Newman responded that the General Plan states that building should be avoided on ridges where possible, or a building should be located where it can be screened by existing vegetation.

In response to Commissioner Israel, Ms. Newman stated that the access easement runs across the boundary of lot 1, does provide access to the open space, and that no other locations were considered besides alternative lot 2.

The hearing was opened to public testimony.

Curtis Eisenberger, applicant, stated that he has been at a number of open space meetings where there has been discussion about citizens and the Open Space Committee purchasing the land. He would urge the Commission to visit the site. The property is unique and he has been sensitive about developing it. The sites are really just fingers that drain to the creek that is very shallow. The swales are very dense and he has tried not to disturb them in trying to locate the building envelopes. Very little of the houses would be visible from above Camino de Herrera, and very little is visible from the approach roads. There is some visibility of lot 1 from lot 4. Another consideration is soil conditions in placing the building envelopes.

In response to Commissioner Israel, Mr. Eisenberger said he did consider the parcel between lot 1 and the Town limits, the contour lines flatten out in the middle of the lot, but is very steep between the two parcels. The primary consideration was to affect as few plants and trees as possible from the driveway.

Jonathan Braun, 479 Scenic, Chair of the Open Space Committee, made the following comments:

- There is a very committed group of neighbors that are trying to purchase the property outright but it does not prejudice their comments based on the fact that they are still pursuing the purchase of the parcel.
- With regards to the environmental document, there are some areas where the properties are considerably visible, such as Summit Avenue.
- The Bald Hill Area Plan should be utilized and should be added as a mitigation measure.
- There is no attempt to provide any landscaping and some trees should be required to be planted during the tentative map stage to soften the screening.
- There should be clarification on where the culvert will be.

Susan Groff, 17 Traxler Road, lives next to the access to building envelope 2, and commented on the following:

- There is a spring under her house and the sump pump is constantly working during the winter.
- There was a slide in the area within the last 30 years and was concerned about soil stability and cutting into the hillside.
- Her view would be obliterated by the construction.
- Was concerned about the access road to be cut to the site.
- Visuals should be provided to see the mass from Traxler Road and Skyline Road.

Ruth Hicks, 111 Camino de Herrera, made the following comments:

- She has a window facing west and very aware of the 30' story pole. The house would impact their view and lights will shine into the west side of their house. Any planting will also obstruct their view.
- The road has just been re-paved and it is impossible to pass due to the asphalt barrier on the road. Access during construction will be problematic.
- The neighbors are part of a law suit now because of road work done on Herrera Court and wondered what kind of guarantee she would have that the neighbors will not be sued if there are problems with widening the road because of this project.
- They do not want another driveway added because the road is too congested already.

Irmengard Wessels, 9 Traxler Road, commented that:

- The environmental reports indicate that the property couldn't be developed.
- The hillside was flat and now there are valleys caused by drainage problems.
- Her house is built into the hill and she has replaced the retaining walls three times. She wondered who would take care of the drainage problems for Number 5 and 9 Traxler.
- Although the map indicates there is a 4' sewer easement, it has been removed.

Alison Pollack, 170 Camino de Herrera, commented that:

- The Herzog geotechnical report states areas of low instability. All homes have enormous visual impact and therefore requests that the homes not be built on lot 3 and 4, or that additional standards be placed on the homes to reduce the size; or move lot 4 to alternative lot 2.

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Michael Barney, 55 Camino de Herrera, stated that there are two active springs; one on lot 2 and the other between lot 3 and 4.

Virginia Metz, 160 Camino de Herrera, commented on the following:

- She was very concerned about the stability of the lots that are being proposed from development.
- She is horrified about the building size for lot 3.
- The street has been narrowed with the re-paving, and is concerned about how the construction vehicles will access the site.

Beverly Jagow, 166 Camino de Herrera, stated the underlining bedrock is serpentine. she has had to raise the foundation several times because her house is moving. The road has already started to slip off and moving downhill. She cautioned that there be another survey.

Perry Paradiso, 166 Camino de Herrera, commented on the following:

- If anything happened to the road they would be land locked and wondered what kind of guarantee they would have.
- The story poles do not address the effect the entrance to the parcels (parking structures).

Kathy Sanders, 310 Redwood Road, commented on the following:

- She is not sure the story poles indicate the height of the buildings.
- The Bald Hill Plan indicates the houses should use the stepped method and this should be used for lot 3 and 4 because they are very visible.
- She wondered if there are alternate sites for the buildings.
- The trail off of the HUB should be indicated on the plans and should be addressed.
- Wondered if other accesses have been considered.

Ruper Hansen, 12 Martha Lane, was concerned about preservation of the beautiful oak cluster between lot 3 and 4. The hiking trails for parcels, 2, 3, and 4 are easily accessible for elderly and handicapped hikers and the one proposed for lot 1 is difficult to access.

Don Hodge, 20 Skyline Road, is concerned about the secondary hiking trail and would ruin the open space for recreational purposes. The proposed private open space is densely populated with vegetation and difficult to access.

Ted Donaldson, 8 Martha Lane, stated his primary issues are geological problems on a slide prone area.

Steve Foti, 180 Camino de Herrera, wants a description as to the legal owner of the road and wants off street parking addressed.

Ben Schatz, 170 Camino de Herrera, is concerned about the hiking trails and the view of the sites from the MMWD site. The houses will have significant impact and will be visible from many areas.

Richard Street, 15 Hillcrest Court, stated that the creek does rise very rapidly. The hydrology should be addressed and the visual aesthetics should be addressed. Building the houses will take away all the open space and hillside views. Lot 2 is in the location of a well established trail and the trail should be considered. It is also the location to a driveway. The driveway will take out the existing fire hydrant and also fits into the several intersections and driveways.

Stephanie Hendricks, 55 Hillcrest Court, stated that there is only one way to get into the water tank open space to White Hill and the trail will be altered by the development. Even with the new pavement, the water is sheeting off and the drainage is not working.

Ann Cohen, 146 Willow Avenue, Fairfax, said there are springs on the west and east side of Hawthorne Canyon. The area is definitely a slide area and the hillside is constantly changing.

Charles Mastin, 5 Traxler Road, stated this is a good time of year for the Commission to view the site because of the winter conditions.

Kelly Hendricks, 55 Hillcrest Court, stated that the Commission should listen carefully to all the long term residents about the drainage problems.

Commissioner Israel made the following suggestions:

- All stream courses, active springs, and sewer easements should be removed from the plans if they are not there now.
- The drip line of trees should be shown on the map.

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- Would like the merits of siting the houses elsewhere on the lots.
- Discuss the possibility of other accesses to Camino de Herrera.
- The size of the building envelopes should be on the plan.
- Wanted to know if the Bald Hill standards available for this project.
- All known trails should be shown on the map.
- Would like to have a description of all Town policies regarding views.

Commissioners' Cronk and Dowd had nothing further to add.

Chair Wittenkeller stated he would also like another alternate site shown to lot 1 in the lower vicinity. It is important to view this project in a more regional environment. Perhaps using a display on the base map would be helpful, and he would also like to see contours.

Ms. Chaney stated that although Commissioner Zwick was not present, he gave staff his comments on the project and she will enter them into the record.

M/s Israel/Cronk, and unanimously passed (6-0), to continue the project to 1/5/98.

3. V-9748 - Peter Thompson, 26 Vineyard Avenue, A/P 7-265-13, A Variance request to build a 100' long (approximately) retaining wall with a maximum height to 9' 6", within 0' of the front property line (20' required). The wall to be built is along, or very close to, the front property line along Vineyard Avenue, on property located within the R-1 Zoning District. (Staff person: Griffin)

Mr. Griffin presented the staff report, and noted that although the applicant is not present, staff suggests the item be heard because it is becoming a code enforcement issue. He also has 4 additional conditions besides those 9 in the staff report.

The hearing was opened to public testimony.

Harry Macovoy, 20 Vineyard, is in agreement with the applicant to build his wall. The character of the neighborhood is changing. The widening of the road will allow fire trucks to get through.

John Kagen 30 Vineyard, is concerned about parking on Vineyard. Visitors to 26 Vineyard park on the street and there is not adequate clearance for fire trucks. If the variance is granted, no parking signs should be installed and enforced.

Glen Smith, 49 Austin, is opposed to the wall and the traffic on the narrow street. The wall should be stepped, with landscaping.

Janet Frisby, resident, has no problem with a wall on his property, and is happy about the road widening, but is concerned if anyone parks on the road. The Police Department will not enforce less than a 12-foot clearance.

The hearing was closed to public testimony.

Commissioner Cronk asked if there was room to step the wall. Mr. Griffin responded that it should be stepped back at the top.

Chair Wittenkeller said he would want to have the applicant place the slope back to its original condition.

Commissioner Israel stated that he voted in opposition for the proposal in the past and exceeded the FAR and looms over the site. The reaction should be punitive, and the owner should pay all fees and penalties. The wall should be stepped over 5 or 6'. He would not be opposed to planting outside the walls. This should have several 24" or 48" box plants placed on the site. The wall should be highly landscaped and stepped.

Mr. Griffin noted that there was no engineer on site when the footing was poured.

Commissioner Israel said that this wall was built without the benefit of inspections. It is essential that the x-ray or removing the portion of the wall take place properly.

Chair Wittenkeller stated that the owner can seal the area for the winter and deal with the project after winter and properly correct the situation.

M/s Israel/Dowd, and unanimously passed (5-0), to continue to the meeting of 1/5/98, for landscape plans and engineer calculations and other documents. In the meantime, no work should take place the site should be buttoned up.

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GENERAL DISCUSSION

There was no general discussion.

REPORT OF UPCOMING APPEALS TO TOWN COUNCIL

Staff had nothing to report.

ADJOURNMENT

The meeting was adjourned at 10:30 p.m. to the next meeting on January 5, 1998.

BARBARA CHAMBERS