

**SAN ANSELMO PLANNING COMMISSION
MINUTES OF AUGUST 31, 1998**

CALL TO ORDER

Commissioners present: Chair Zwick, Commissioners Harle, Cronk, House,
Wittenkeller, Israel

Commissioners absent: Dowd

Staff present: Planning Director Chaney, Senior Planner Wight and
Associate Planner Griffin.

OPEN TIME FOR PUBLIC EXPRESSION

No one spoke during this time.

CONSENT AGENDA

1. Minutes – August 3, 1998

M/s Harle/House, and unanimously passed (5-0), to approve the Consent Agenda.

PUBLIC HEARING

1. **V-9827/DR-9820 – Louis Huerto-Rojo, 45 Sunview Avenue, A/P 5-165-66, 1)**
Design Review to build a ±1,900 square foot, three-story home and a 493 square foot attached garage. 2) Variance to build the house and garage within 0' of the front property line (20' required). A portion of the proposed driveway and entrance stairs is located within the public right-of-way (revocable encroachment permit required), on property located within the R-1 Zoning District. (Staff person: Griffin)

The Commission advised staff that they did not receive the current plans.

Mr. Griffin provided the most recent plans to the Commission and presented the staff report.

Commissioner Israel noted that a portion of the deck is located within the right-of-way. Mr. Griffin said that the Public Works Director would require a revocable encroachment permit for any structure located within the right-of-way.

Luis Huerto Rojo, applicant, stated that the project was redesigned to resolve a number of issues raised by the Commission. They have solved the drainage problems but they still will have retaining walls that would be from 12' to 13' high. The retaining wall is shaped to provide an easy access to parking. This driveway approach has been reduced by about 5'. The building height has also been reduced and the second story will not be seen looking up from the street. The site is also heavily screened with vegetation. The retaining wall would be 8' away from the oak tree.

In response to Commissioner Wittenkeller, Mr. Huerto Rojo stated that the hill is sloped but the wall is vertical, however they could use interlocking stones on the wall.

George Hawkin, 30 Sunview Avenue, was concerned with the zero lot line variance and was opposed to the size of the structure, noting that most of the houses in the neighborhood are much smaller.

Malta Gudenzi, 2 Alice Way, asked why story poles were not erected on this parcel to indicate the location and height of the house.

Doug Meyer, 83 Berkeley Avenue, said he thinks the main portion of the house is over the drain. He questioned the amount of soil borings and the depth of the borings and wondered if they were adequate. A lot of water comes out of the hill even after the rains. He wondered if there was still going to be a berm on the opposite side of the road.

Melanie Meyer, 83 Berkeley Avenue, stated that they live below the proposed site. Water sheets off of Sunview Avenue and onto Berkeley. There is also a deer trail where fawns are born every spring. She provided photographs of the site where there is considerable erosion and there is a history of mudslides at the end of Berkeley Avenue. Another resident has sump pumps going 24 hours a day during the rainy season. She does not think the land is adequate and safe for a building site.

William Rankin 37 Sunview Avenue, said the proposed v-ditch would be adequate if there was a perfect situation, but he wondered if it could be increased by 20% to take into consideration leaves etc. He is happy the house has been set back. There could be five cars off site on the driveway. Because the house is set back, he concurs that the second story will be screened from below. As long as the plan remains as shown on the drawings facing his house, he is not opposed to it. He would like to see a stone retaining wall, rather than a flat surface.

Mark Labelle 79 Berkeley Avenue, was still concerned about drainage and wondered if a collection point would be required under the house, as well as the v-ditch.

**SAN ANSELMO PLANNING COMMISSION
MINUTES OF AUGUST 31, 1998**

Mr. Huerto Rojo responded that story poles have been erected at the highest point, noting that because of the redesign, it will be 2' to 3' lower. The drainage was reviewed with the Public Works Department as well as a peer review by an outside engineer. There is an intake on Sunview, which crosses to Berkeley Avenue. The curved portion of Sunview, in the location of the garage, is measured at about 16' to 18', not 11' as previously stated. He explained how the drainage calculations were done.

Chair Zwick and Commissioner Israel questioned the pipe and drainage to make sure they are adequate to take water runoff. Commissioner Wittenkeller asked about the subsurface drainage. Mr. Huerto Rojo explained that because of the peer review, they are required to place a slope so the area can be relieved by the surface drain.

Commissioner Wittenkeller stated that the plans are only conceptual and he therefore feels uncomfortable approving the project.

Commissioner House asked about the design of the deck in the right-of-way. She felt the applicant has done a lot to accommodate the concerns of the Commission and the neighbors but she is still concerned about drainage. She would also like to add the berm across the street for safety.

Commissioner Cronk said she has more comfort level on the drainage but would defer to the Town Engineer. She does not want to see the deck posts in the right of way.

Commissioner Harle supports the staff report. The repositioning of the house has gone some way to taking care of the drainage problems. The repositioning of the driveway is an improvement. The drainage problems are not a planning issue and should be referred to the Town Engineer.

Commissioner Wittenkeller stated that the drainage improvements are better and there is an escape for runoff. The v-ditch does not work in Marin County because it traps twigs and it really should be a u-ditch, which would carry a greater flow. He would want a substantial curb, 10" or more, for safety across the street. The retaining walls should have stone facing. He requests drainage at the rear of the building to provide adequate and legal surface drainage, independent from other sub drainage. The deck structure could be mitigated with landscaping, such as vines.

Commissioner Israel said he felt there would be some big improvements with the flip-flop of the house but he is not so sure now. By shifting it to the left, there will be a large vertical retaining wall. He was trying to move the upper part of the house over, to get the clearance. As he looks at the front elevation, there is a steep down slope. He said that the garage is now there and has large retaining walls. The house has now increased, not decreased. The stairs and proximity to the street are very close. He cannot support the deck in the right-of-way because it will be dramatically seen, and even with an enclosed under story it would be very visible. He supports the curb, not necessarily high, but longer. He want to see the retaining wall stepped if possible, and wants lamp black in it. Landscaping and a stone façade would be wonderful.

Chair Zwick was concerned about the safety of the oak tree. The house is still too large and he was not sure that there was extra care given to the details of the project. He does not think this size is in character with other homes in the area. He questions putting the house at the bottom of the swale. He supports the curb idea and felt the colors should be darker.

Mr. Huerto Rojo said these drawings were submitted within five days after the last meeting so they would be available for the next meeting. Unfortunately, he was not heard at the last meeting.

Contractor: stated that they have been given several directions, and have addressed drainage. It is difficult to keep redesigning the project especially when some Commissioners are here and then not present at other meetings. He wanted resolution at tonight's meeting.

M/s Wittenkeller/Harle, and passed (4-2 Zwick and Israel to vote no) to approve the application based on the findings and conditions as set forth in the staff report and with the following additional conditions:

Public Works Director approval to use a modified u ditch;
Consider upgrading the size of the drainage facilities to provide a safety net;
Add stone facing to the exposed retaining walls;
Construct a concrete curb, intended to stop vehicles from leaving the roadway across the driveway, subject to Public Works Directors approval.
The applicant shall be required to submit a plan that shows the complete drainage system. Included in the plan the earth shall slope away from the rear of the building at 2 percent to an approved drainage way.
Shall place vine pockets at the base of the walls for the retaining walls for driveway and entranceway.

**SAN ANSELMO PLANNING COMMISSION
MINUTES OF AUGUST 31, 1998**

Eliminate the deck that extends over the public right-of-way.

Chair Zwick advised all parties of interest of the ten-day appeal period.

2. V-9828/DR-9821/S-9801 – Eric Layton for Dan and Donna Streckfus, 6-42 Red Hill Avenue, A/P 6-201-55, 1) Design Review to construct a new 2,000 square foot commercial retail/office building on an existing parking lot between 42 and 60 Red Hill Avenue; 2) Sign Review to construct a free-standing monument sign; and 3) Parking Variance to reduce the size of two parking spaces from 9' x19' required to 8' x 16' proposed, and a possible Parking Variance to allow fewer than the 7 required parking spaces, on property located within the C-3 Zoning District. (Staff person: Chaney)

Ms. Chaney stated that staff is suggesting a continuance because the applicant is still working with the Public Works Director on the driveway.

Commissioner Wittenkeller wondered if the adjacent property owner's use could be revoked if the applicant makes the parking worse.

M/s Wittenkeller/Cronk, and unanimously passed (6-0), to continue the application to the meeting of 8/17/98.

3. U-9807 – Tim Stratton-Clark and Jules Layman, 17 Arroyo Avenue, A/P 5-101-34, a request for Use Permit for a day care for a Montessori Toddler program for a maximum of 12 children, 18 months – 3 years of age, on property located within the R-1 Zoning District. (Staff person: Wight)

Ms. Wight presented the staff report. She noted that there is a letter of opposition from the property owner of 160 Butterfield Road.

Jules Layman, applicant, stated that she researched the Brookside School start times so they will not conflict with traffic. She noted that the children would enter from the sides, although they will not play there. She is also concerned about using only the driveway for drop off and would like to be able to use some street spaces.

In response to Commissioner Cronk, she will not start with 12 children, and those children who have problems with separation, will park in the driveway at the beginning. She also has sent letters to the neighbors, but she has had no response.

Commissioner Israel is in support of the project and is glad to see the children will not play in the front yard, because Arroyo is narrow at the turn. He asks that the applicant be sensitive to the neighborhood.

Commissioner Cronk suggested that the employees park on site.

Ms. Wight suggested changes to the resolution: Modify condition 1 to include: Although the children will enter and exit through the side yard; Modify condition 2 to include: drop off and pick up will be on the driveway when available.

M/s Israel/Harle, to unanimously passed (6-0), to approve the application based on The Resolution included in the staff report and the changes mentioned by staff.

Chair Zwick advised all parties of interest of the ten day appeal period.

4. V-9839 – Brian and Suzanne Henry, 1344 San Anselmo Avenue, A/P 5-224-18, Variance to build a new 337 square foot garage within 14' of the rear property line (20' required). Project also includes a 225 square foot addition to the existing house. This addition meets the Town setback requirements. Proposed project is on property located within the R-1 Zoning District. (Staff person: Griffin)

Mr. Griffin presented the staff report.

Commissioner Wittenkeller asked about the requirement for all-weather surface for the driveway. Mr. Griffin stated that if gravel or other loose material is used, it typically ends up in the right of way, although it is not the case in this application.

Commissioner Wittenkeller suggested only paving the first 20'.

Brian Henry, applicant, stated there is flooding in the driveway, although he would rather not be required to pave the entire length of the driveway because of the expense.

M/s Cronk/House, and unanimously passed (5-0), to approve the application with condition #2 being changed to "8' past the gate".

Conditions of approval:

**SAN ANSELMO PLANNING COMMISSION
MINUTES OF AUGUST 31, 1998**

1. That the request for a Variance be granted to allow the garage structure in accordance with the plans date stamped June 4, 1998, received by the Town of San Anselmo Planning Department.
2. The building plans shall include an "all weather surface" application to the driveway. This surface shall be to the satisfaction of the Public Works Director. The "all weather surface shall be to the point of 20' past the front property line.
3. The building plans shall include a new fence (replacement), along the rear property line.
4. Applicant shall apply for and pay all appropriate fees for building permits, plan checks and inspections for the approved project.
5. This permit and each condition contained herein shall be binding upon applicant and any transferor, or successor in interest.
6. If construction is not commenced within one year from the date of final action, the permit becomes null and void. However, this discretionary action may be renewed by the Planning Director for a maximum period of one year provided the applicant places such a request in writing to the Planning Director showing good cause prior to the expiration of the discretionary action.

5. V-9840 - Carol Sanelmino, 146 Meadowcroft Drive, A/P 5-141-28, a Variance request to construct a concrete retaining wall for creek erosion purposes within 0' of the rear and side property lines that would be 50' long and 7' in height (20' required), on property located within the R-1 Zoning District. (Staff person: Chaney)

Ms. Chaney presented the staff report.

Chair Zwick stated that he was opposed to the wall, noting that there are many other solutions that would not be so ugly. He suggested Gabion walls or redwood cribbing where trees could be planted. Another suggestion could be the use of wing boulders.

Commissioner Wittenkeller stated that the wall could reduce the flow of the water.

M/s House/Cronk/ and unanimously passed (6-0), to continue the application to the meeting of 9/14/98 to allow the applicant time to consider alternatives.

6. Preliminary Review - Greg Brown, 38 Tomahawk Drive, A/P 177-171-06, discuss and provide direction on proposed annexation, lot line adjustment between 40 Tomahawk and 38 Tomahawk, and proposed changes to approved building envelope. Note: 38 Tomahawk is a vacant lot formerly owned by Laurence Bartone and is currently located in the County; 40 Tomahawk is developed land within the Town; a lot line adjustment may necessitate revision to the Quarry Mountain Subdivision. (Staff person: Chaney)

Ms. Chaney presented the staff report.

Greg Brown, applicant, stated that very little will be different than what was approved. He is not planning on making the house very visible. He is willing to go with the CC& R's and the open space will not change. He is trying to push the house up to a more natural space and allow for a backyard area. The trade off with Mr. Rusche does not change the open space area. He felt the annexation was better than going with the County. In response to Chair Zwick, he responded that he might not go with the annexation if he could not get the rear yard variance.

Lawrence Bartone, previous owner, said this would allow the Town control of the design of the house. He stated that the neighbors now feel comfortable with the project. Moving the property up the hill would mean a shorter driveway. The deed describes the boundary as an unpaved dirt road. That was changed during Quarry Mountain. It should be mitigated at this time.

Commissioner Israel stated that the Town wanted to have control over the design of the house even though the driveway goes through the Town.

Commissioner Cronk stated it makes sense to have the owner be responsible for the open space in the front and that the owner be allowed some back yard.

Commissioner Israel stated that he is not sure of the location of the building envelope at this time.

Commissioner Wittenkeller stated that he supports annexation and that is why he was opposed to Mr. Bartone's previous proposal.

Commissioner Harle stated this seems to be an advantage of developing this lot. This parcel should somehow be joined to the Quarry Mountain subdivision.

Commissioner House was not opposed to it.

Commissioner Israel said that the landscape street edge should be adhered to because it was part of the original approval of Quarry Mountain subdivision.

SAN ANSELMO PLANNING COMMISSION
MINUTES OF AUGUST 31, 1998

Commissioner Israel would like to know the applicant's feeling about not wanting to be part of Quarry Mountain subdivision.

CONTINUED ITEMS

1. ER-9701/PDP-9803 - Curtis Eisenberger, A/P Nos. 5-031-35, 5-081-07, and 5-081-19, Review of Negative Declaration regarding Environmental Impact and Precise Development Plan 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 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) CONTINUED TO 9/14/98.

2. PDP-9505/Parcel Split-9503/V-9549/DR-9525 - Carlos Castro, 444 Redwood Road, A/P 7-191-10, 1) Land Division, Precise Development Plan, Density Determination, and Design Review to split an existing property currently developed with a single family residence in order to construct a new house; 2) a Variance to construct a retaining wall a total of 60' long along the uphill side of Redwood Road (within 0' of the property line) in order to widen Redwood Road to 15' of paving for fire safety reasons; and 4) remove one heritage tree (30" bay) on property located within the R-1-H Zoning District (above 150' mean sea level) (Staff person: Chaney) CONTINUED TO 10/5/98.

3. V-9836 - Lexie Plate and Tim Smith, 147 Meadowcroft Drive, A/P 5-142-04, a Parking Variance to remove a one car carport in conjunction with adding a family room and master bedroom suite and maintaining the existing one car garage and one car parking space on the driveway, on property located within the R-1 Zoning District. (Staff person: Wight) CONTINUED TO 9/14/98.

ADJOURNMENT

The meeting was adjourned at 11:00 p.m. to the next meeting on September 14, 1998.

BARBARA CHAMBERS