

**SAN ANSELMO PLANNING COMMISSION
MINUTES OF JULY 20, 1998**

CALL TO ORDER

Present: Chair Zwick, Commissioners Harle, Dowd and Israel
Absent: Commissioner Cronk, and Wittenkeller

Staff: Planning Director Chaney, Senior Planner Wight, Assistant Planner Griffin and Town Attorney Roth

OPEN TIME FOR PUBLIC EXPRESSION

No one spoke during this time.

CONSENT AGENDA

1. Minutes – July 6, 1998

2. **V-9818/DR-9815 - Ron and Terri Colindres, 14 Ramona Way, A/P 5-151-08,** A parking variance to convert a portion of one-car tandem garage to living area; a parking variance for one of the two car tandem parking spaces to be within 6' of the east side property line (8' setback required) and within 4' of the front property line (20' required); Design Review to enclose the east side of the dwelling within 7' of the east side property line (8' required); a lot coverage variance to increase coverage from 34% to 37% (35% maximum); on property located within the R-1 Zoning District.

3. **U-9804 - Cooper/Gates Yoga Studio, 412 Red Hill Avenue, A/P 6-121-14,** Use Permit to establish a yoga studio for up to 15 pupils within an existing building, on property located within the C-3 Zoning District

At the request of Commissioner Israel, 14 Ramona Way was removed from Consent.

M/s Harle/Dowd, and passed (3-0-2 abstain: Zwick and Israel), to approve Items 1 and 3. The audience was advised of the ten-day appeal period.

PUBLIC HEARING

Taken from consent.

V-9818/DR-9815 - Ron and Terri Colindres, 14 Ramona Way, A/P 5-151-08, A parking variance to convert a portion of one-car tandem garage to living area; a parking variance for one of the two car tandem parking spaces to be within 6' of the east side property line (8' setback required) and within 4' of the front property line (20' required); Design Review to enclose the east side of the dwelling within 7' of the east side property line (8' required); a lot coverage variance to increase coverage from 34% to 37% (35% maximum); on property located within the R-1 Zoning District.

Commissioner Israel asked for comments from the other Commissioners about the design review. Ms. Wight responded that the area in question does not need design review.

M/s Israel/Harle, and unanimously passed (5-0), to approve the application based on the findings and conditions as set forth in the staff report.

The audience was advised of the ten day appeal period.

1. **LLA-9801/ER-9806/PDP-9801/DR-9812/V-9825 - David Boesel, near 259 Redwood Road, A/P 7-097-02 and 05 and 7-141-04,** 1) Environmental Review, Precise Development Plan, Lot Line Adjustment, Design Review to construct two houses and extend a private driveway on 2.6 acres of land; Variance to construct retaining walls approximately 4' in height within 0' of a property line; and Variance to allow access drive to cross one lot to serve another, on property located within the R-1-H Zoning District (above 150' mean sea level). Note: Project will involve removal of a number of heritage trees. (Staff person: Chaney)

LLA-9801/ER-9806/Z-9801/V-9826 - William Hildebrand, 269 Redwood Road, A/P 7-097-04 1) Lot Line Adjustment request to expand existing lot, 2) Rezone expanded portion of new parcel from R-1-H to R-1; and 3) Variance to allow construction of retaining wall, approximately 7' in height, within 0' of a property line, on property located within the R-1 and R-1H Zoning District (above 150' mean sea level) (Staff person: Chaney)

Ms. Chaney presented the staff report. She advised the Commission that they have just been given revisions to the draft resolution that was attached to the staff report. It references a change that the area outside of the building envelope would be recorded as private open space. This language is similar to the Quarry Mountain subdivision.

Commissioner Israel said that the plans do not indicate there is a cross slope on the driveway. Ms. Chaney responded that it has been addressed and made a condition of approval and will be added to the building plans.

**SAN ANSELMO PLANNING COMMISSION
MINUTES OF JULY 20, 1998**

Ms. Chaney went on to say that a maintenance agreement shall also be prepared for the private common areas and included in the resolution.

In response to Commissioner Israel, Ms. Chaney stated that she will include a condition that states the landscaping on the retaining wall will have drip irrigation.

David Boesel, applicant, presented photographs of potential retaining walls. He said that block retaining wall will require more excavation of the hillside and will require the road to be closed for a longer period. He met with the owner of 39 Allyn Avenue and he is not proposing to increase the drainage to that culvert.

Larry Doyle, Civil Engineer representing the applicant, said that they have approximately four different drainage courses and explained the proposal. He said they are proposing to repave the driveway and have a cross slope at 2%. There will be a type "C" catch basin and there will be a trough at the base of the driveway. The trench drain is still necessary because they want a smooth transition.

Jessica Powell read a letter from Gay Kagy inquiring if another building envelope would be accepted with the approval of the Hildebrand lot line.

Rick Clark, 270 Redwood Road, had questions about drainage. He wanted to make sure the Hildebrand and Boesel drainage will not exacerbate the situation. He wanted the current problems improved, not remain the same.

Mary Cone, 349 Redwood Road, wanted clarification on where Mr. Boesel would access MMWD water and wondered about potential road damage due to the water line.

David Lakes, 249 Redwood Road, had questions on how the water would drain from the driveway and where it would go. He was concerned that some of the water would not be caught in the catch basin and will go onto Redwood Road.

Rebecca Chute, 39 Allyn Avenue, expressed her concerns about drainage that were addressed in her letter to the Commission dated July 13, 1998.

Mrs. Chase, 232 Redwood Road, wanted clarification on where the catch basins are in relationship to her property and wanted assurance that they would not flow under her foundation.

Kathy Sanders, 310 Redwood Road, said that the retain wall will be a standard for Redwood Road and did not want large retaining walls with columns, and did not know what the color would be. She would like ferns planted and the landscape irrigated. She was concerned that 450 feet of road would be dug up for MMWD and asked who would be responsible for the repaving and maintenance. There are still dispersal pits at the top of the driveway. The condition 24C has not been looked at and she is concerned about. She also said the residents were promised a mirror at 286 Redwood Road and would like to see it back but the Town does not seem to want to reinstall it.

Carl Johnson, 296 Redwood Road, said the finished grade elevation at the north retaining wall will mean that the water runoff will be diverted right to his property and there is no way for the water to be diverted to the culvert. He also would like the mirror to be re-installed.

Camino Wilson, Redwood Road, asked how much the house can move around the building envelope. Chair Zwick stated that design review is not part of this proposal.

Michael Cline, 300 Redwood Road, is concerned about the increased drainage because of the road being widened.

Jeff Curtis, 310 Redwood Road, wanted professional landscaping and irrigation on the retaining wall.

Bill Hildebrand, 269 Redwood Road, said they have tried to cooperate with the Bells, Boesel and the Open Space Committee. In exchange for that they were given some land but along with that, potential liability and increased taxes but are not being allowed use of the land. He does not feel that what staff has recommended is satisfactory.

Mr. Doyle responded to the residents' comments, stating that the driveway will have a cross slope and the water will be directed to the right hand side of the driveway. They will add a catch basin at the top of the Hildebrand driveway and into the catch basin. There will be another one at the end of the trench drain. They are adding four improvements to the driveway. He felt that the drainage mitigation will be an improvement for the down hill properties. They are trying not to put the water into a concentrated flow and want it to go back to their natural state. They will make sure that the water will not go into the Berger property and will also install a curb and gutter if necessary. The water coming off the slope will hit a curb and gutter and into the culvert. He explained how the water will be dispersed.

**SAN ANSELMO PLANNING COMMISSION
MINUTES OF JULY 20, 1998**

Rebecca Chute wanted to know what documentation that there is about the current drainage volume and how it could be measured.

David Lake said if the area is saturated how would the water be channeled into the catch basin.

Michael Pine asked for the specific impact on 300 Redwood Road for water runoff

Mrs. Chase wanted to know how water would flow down Redwood Road.

Kathy Sanders asked if there are alternatives to dispersal pits..

Caren Johnson, 296 Redwood, asked for a response about the previous MMWD question.

Mr. Boesel said the MMWD connection will be a fresh rise system and there are standard requirements from MMWD. Mr. Doyle said that usually the water lines meander along the road because of construction standards and bends in the road. Trenching standards require that the roadway be placed back in the same condition.

In response to questions by the public, Mr. Doyle made the following comments:

- They want to put the water back into its natural state. There will not be an improvement but they will not exacerbate the drainage situation.
- They are going to slope the new paving to the retaining wall and bringing that water to the culvert.

Commissioner Dowd asked about the density. Ms. Chaney responded that the Zoning Ordinance does not allow for more than two houses.

Commissioner Israel said he is pleased with the drainage improvements and these improvements are going to help a bad situation. He would like the Town to take care of the steep curve situation at the same time. It is very important that when the roadway work is done, the roadway section be replaced. He did not want to see the roadway just patched when MMWD does work. He has not been supportive of the steel lagging and would request that lampblack be added. He was supportive of sloping the wall so plants could grow. He wanted the wall at the lowest height as possible. He would also like to see the mirror re-installed on Redwood. The curve of the driveway around the knoll will remove two oak trees that should not be removed. He would like to see the driveway curved down so the oaks could be saved. It would also move the road to flatter ground. He said the Hildebrands can now expand their house with the acquisition of the land. He supports the notion of the addition of land but 25 feet dimension is too little and 5,000 square feet is too large.

Ms. Chaney explained staff's reasoning on how she came up with the additional buildable space, noting that they wanted a garage and so she figured it could be 25' by 25'.

Commissioner Harle was in agreement with Commissioner Israel. He felt some more accommodation should be made to the Hildebrands. He also has questions about the rezoning to the Hildebrands property. It will still be zoned R-1 but he wondered what the design standards would be. Ms. Chaney responded that this property will require design review. It is less than an acre so it will not be R-1H and language will be recorded that only one house can be on the lot.

Commissioner Dowd and Chair Zwick had nothing further to add.

Commissioner Israel asked if the applicant would be comfortable with the open space easement language. Mr. Boesel said that he was. Ms. Chaney said that she would like to bring back a complete resolution to the Commission and have it placed on the consent agenda..

M/s Israel/House, and unanimously passed (5-0), to approve Negative Declaration based on the findings and conditions as set forth in the staff report.

M/s Israel/Dowd, and unanimously passed (5-0), to have staff prepare a revised resolution, which include the conditions in staff report and additional conditions: 1) lamp black be placed in the concrete wall; 2) reconfigure driveway on Boesel property to avoid two 18' oaks in the vicinity of the turnaround that are subject to review by staff, the Ross Valley Fire Department and the Public Works Department; 3) the roadway repairs required as the extension of the water line be reviewed by Public Works to be assured that it will not result in a patch; 4) the proposed building envelope onto the Hildebrands be shown as recommend by staff from 25' to 30' to 100'); 5) addition to condition 18 to show irrigation for the retaining wall planting; and 6) the north/south retaining wall along the western limits of the property be extended to disperse across from 296 Redwood Road.

**SAN ANSELMO PLANNING COMMISSION
MINUTES OF JULY 20, 1998**

2. **Z-9802/E-9802 - Town of San Anselmo**, Town-owned parcel located adjacent to 9 Summit Road, A/P 7-031-42, environmental review and rezoning from R-1 (Single Family Residential) to PPD R-1 (Preliminary Planned Development with a presumptive use of Single Family Residential)

Ms. Wight presented the staff report. She also put together a map indicating the parcels in the neighborhood for a comparison that are equal to, or smaller than, the parcel in question.

Beth Pollard, Town Administrator, said there are several reasons for the rezoning of the parcel: it was once a legal lot and a small portion was sold to give the neighbor stairs and the lot was held in reserve for open space acquisition. The Town now has an opportunity to purchase Hawthorne Hills. Also, it is reasonable to have a modest size home on this lot. As shown, there are many lots that are equal to or smaller than the parcel.

Commissioner Harle wondered why the rezoning was desirable. It seems that the PPD can give some control but the specific nature of R-1 guides the Town to a control. He does not want to imply that the Town will accept more development over a regular R-1 lot and he does not want that kind of pressure placed on the Town. Ms. Pollard responded that any purchaser would want some contingencies. Also, there are now discussions taking place with the Town and the neighbor to purchase the property.

Owner, 9 Summit Road, said he has a signed petition from all neighbors against development of the lot. He is opposed to the rezoning of the parcel and felt this might set precedent. The lot is at a dead end road and parking is a major concern.

Jean Clare Fubani, 1 Summit, stated that she is very concerned about traffic and fire safety.

Norman O'Neal, 18 Summit, is concerned about fire safety and traffic safety. He does not think the lot is buildable and is opposed to some of the checks on the negative declaration. He is opposed to the Town taking his open space away to provide open space elsewhere.

Kathy Sanders, Open Space Committee, said that Hawthorne Hills has always been a high priority and this property has been set aside for the use of open space acquisition. Perhaps the neighborhood could make a small assessment on themselves to purchase the lot.

Ms. Pollard said that any development would have to take into consideration traffic and density. The General Plan states that Hawthorne Hills is a greater priority and the Scenic/Summit lot has not been designated as open space.

Commissioner Harle said this is an established lot even though it is somewhat substandard, but the Town would bend over backwards to allow building to an applicant. He does not know why there is a need to rezone. In the case of this lot, it does not mean much from PPD or R-1. He did not want it implied that because of the PPD, more would be allowed than what they could get in R-1.

Mr. Roth, Town Attorney, explained that as the lot currently stands it is not a developable and it cannot be built on because of the transfer of the land.

Commissioner Dowd said that he has real problems with the rezoning. If it were privately owned, he felt that it would be difficult to be rezoned. He thought that rezoning this lot would make it unreasonable for the neighbor to purchase the property.

Commissioner House said that this does benefit another part of Town. On the other hand, even though it is substandard, she would work with the owner to build a small house. At this point she is leaning towards staff recommendations.

Commissioner Harle wanted staff's opinion of how this situation would be handled if an individual comes in. Ms. Chaney said that staff would provide an individual the PPD as an option, and she felt the Commission would try to accommodate an individual as long as it was defensible.

Commissioner Israel said that he would feel differently if this was never considered a legal lot but it was always intended to be developed. Also, the Commission is here to maintain the General Plan policies for the citizens at large. The Town's Open Space policies are appropriate. He said that the greater affect to the Town is open space to Hawthorne Canyon rather than this lot. Also, the local neighbors of Hawthorne Hills assessed themselves to purchase the lot. He is concerned however about the rezoning, which might make this property out of reach to the owners of the neighborhood purchasing the property. The Commission has also been very cautious about design review. It would be interesting to see what a house could look like without variances.

**SAN ANSELMO PLANNING COMMISSION
MINUTES OF JULY 20, 1998**

Commissioner Harle just wanted to make sure that the rezoning is not a granting of additional value.

Chair Zwick: said he was comfortable with this project because it will come back to the Commission for design review and is therefore inclined to support the staff report.

M/s House/Israel, and unanimously passed (5-0), to recommend approval to the Town Council on July 28, 1998.

3. **V-9831/DR-9824 – Barry and Leslie Murphy, 28 Fern Lane, A/P 7-041-08, Design Review to build a 195 square foot second story addition within 5' of the westerly side property line. Variance to build a 12.5' square foot second story balcony within 3' 6" of the westerly property line. Balcony is part of the addition. The existing house has a 5' west side setback, on property located within the R-1 Zoning District (Staff person: Griffin)**

Mr. Griffin presented the staff report, noting that the second story is 250 square feet, not 195 square feet.

John Blackwell, Architect representing the applicant, stated the area where the addition is has a deck now. The deck does not have to be any larger than to allow the doors to swing open and can be 2' by 4'. They can go to a thinner railing, which will also reduce the area. He said that he also felt that the second story is 195 square feet. The neighbor is in support of the project. He noted that the balcony is not a deck and felt it should be considered an intrusion.

Commissioner House is supportive of the staff recommendations.

Commissioner Harle could support the addition. The balcony could be an invasion of privacy but would not be significant. If it were just an architectural feature, he would not approve it but there is some merit because of the safety issue and would therefore approve.

Commissioner Dowd had nothing to add.

Commissioner Israel supported the balcony because it enhances privacy by removing a deck. The balcony is not even large enough to have a chair.

Chair Zwick supported the staff report.

M/s Harle/ Dowd, and passed (5-2 Noes: Zwick and House), to approve the design review and variance with findings contained in the staff report that support the project and with the variance finding that the granting of the privilege of privacy is de minimus and over compensated by the issue of privacy.

Israel: to offer an amendment that the intrusion is offset by the reduction in usable space overlooking the adjacent property.

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

CONTINUED ITEMS

1. **ER-9701 - Curtis Eisenberger, A/P Nos. 5-031-35, 5-081-07, and 5-081-19, Review 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) **CONTINUED TO 8/3/98****

2. **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); and 3) a Variance to decrease the number of off-street parking spaces from 3 to 2, on property located within the R-1 Zoning District.(Staff person: Griffin) **CONTINUED TO 8/3/98****

3. **V-9821 - Daniel Hillman, 853 San Anselmo Avenue, A/P 7-162-06, Variance request to re-build and enlarge an existing garage within 2' of the easterly side property line (8' minimum required) and within 3' of the rear property line (20' minimum required). Applicant plans to expand the width of the building from 14' to 18', on property located within the R-3 Zoning District. (Staff person: Wight) **CONTINUED TO 8/3/98****

4. **V-9829/DR-9822 – Kevin Collins, 23 Madera Avenue, A/P 6-116-25, Design Review for reconstruction and expansion of a dwelling, increasing the size by 1,675**

SAN ANSELMO PLANNING COMMISSION
MINUTES OF JULY 20, 1998

square feet on the first floor and 875 square feet on the second floor; and setback variances; a) a front yard variance for dwelling to be within 16' of the front property line; b) a front yard variance for an uncovered deck to be within 5' of the front property line; c) a front yard variance for a covered porch to be within 9.5' of the front property line on the first floor; and d) a parking variance for the required two parking spaces to be within 2' of the rear property line, on property located within the R-1 Zoning District (above 150' mean sea level). (Staff person: Wight) **CONTINUED TO 8/3/98**

5. 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 8/17/98**

5. 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 one parking space from 9' x 19' 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) **CONTINUED TO 8/17/98**

GENERAL DISCUSSION

August 31, 1998 in lieu of September 7, 1998 Planning Commission meeting.

The consensus of the Commission was to have a meeting on 8/31/98 and 9/14/98.

ADJOURNMENT TO MONDAY, AUGUST 3, 1998.

The meeting was adjourned at 11:15 p.m.

BARBARA CHAMBERS