

**SAN ANSELMO PLANNING COMMISSION  
MINUTES OF MAY 15, 2000**

**CALL TO ORDER**

Commissioners Present: Chair Cronk, Commissioners Couture, Wittenkeller, Zwick, House and Jochum

Staff Present: Planning Director Feagans and Senior Planner Wight

**OPEN TIME FOR PUBLIC EXPRESSION**

No one spoke during this time.

**CONTINUED ITEMS**

1. **ER-0001/DR-0014/U-0003/V-0013 - Svend Hansen, 7 and 9 Mariposa Avenue, and 131 and 151 San Anselmo Avenue, A/P 7-301-07, Environmental Review and Design Review of: a) a new commercial/residential, two-story building (1,980 square feet commercial and 4:2-bedroom apartments) facing Mariposa Avenue; and b) construction of a new commercial/residential two-story building (1,038 square feet commercial and 1:2-bedroom apartment) facing San Anselmo Avenue. No change to existing commercial/residential two-story building (2,180 square feet commercial and 2:2-bedroom apartment) facing San Anselmo Avenue. Removal of a 600 square foot commercial building facing Mariposa Avenue. Use Permit: for 5 new and 2 existing residential apartment units. Parking variance: for two spaces to be substandard in width at 8' (Code: 9') and two spaces to be in tandem, and one space, on property located within the C-2 Zoning District. (Staff person: Wight) **CONTINUED TO THE MEETING OF JUNE 5, 2000****

**CONSENT AGENDA**

1. Minutes: May 1, 2000 - **CONTINUED**

**PUBLIC HEARING**

1. **V-0007/DR-0008 – John Paletta, 90 Camino de Herrera, A/P 5-071-55, Design Review of a 3 story, 2,400 square foot single family dwelling; a height variance for the height to be 36.75 feet above average grade (Code maximum: 35'); and a setback variance for the dwelling to be within 0' of the front property line, on property located within the R-1 Zoning District (above 150' msl). (Staff person: Wight)**

Ms. Wight presented the staff report.

Robert Hatfield, architect representing the applicant, stated he has reviewed the building design, initial staff report, letters from the neighbors, and articles from the newspapers. He felt that this project retains most of the vegetation, and provides a more stable lot after construction. He also reviewed the geotechnical information. The 18,000 square foot lot is highly vegetated on the lower portion of the lot. Camino de Herrera gets steeper as it goes up the hill. He has used the lower elevation to build the garage. They have retained most of the existing landscaping on the lot. The road will also be widened at the turn of the road. The house is very modest at 2,400 square feet, with a footprint of 1,300 square feet. The house is three stories and slopes with the topography. Many of the letters of protest are about the geotechnical aspects of the lot. However, the geotechnical engineer explains that this lot will be more stable after construction. They will drill 7' to 8' into bedrock and will fill the holes with concrete and then it will be anchored into bedrock and anchored by grade beams. They will also take all the water and channel it away from the site and take it to the street below. The designer has kept the height, bulk and mass very low as viewed from the street.

Stephen Lachey, designer representing the applicant, stated they have spent a fair amount of time finding a design that would be good for the lot and also to minimize the impacts on 100 Camino de Herrera. The house won't be very visible from many angles. Regarding the concerns of the neighbors regarding the stability of the hillside, this house will provide a more stable hillside. They will also provide a sufficient drainage system with a secondary system around the foundation.

In response to Commissioner House, Mr. Lachey stated that he would be open to moving the house by 5' as suggested by staff. He has not met with the residents on Rosemont, but has responded to their concerns.

In response to Commissioner Wittenkeller's question regarding the roofline, Mr. Lachey explained that the owner wanted the shed roof, but they could go to a ridge roof on the master bedroom and could lower the pitch and break up the roofline. They wanted to have a slope from the garage entrance to the street. They could perhaps lower the total height of the garage. The sanitary sewer system is available to this lot. It is his understanding that the easement is available to place the sewer and drainage.

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Commissioner Couture asked about the white oak. Mr. Steve said he would like to save the tree, but because it is so close to the foundation it might not survive. Also, the arborist said the tree is dying. If the house was moved down on the site they would be facing east and they would lose the privacy on the deck and they would also have more trees blocking the view. If the house were placed in the middle of the lot they would have to cut a number of trees, including the 30' oak; it would also create other problems of how and where to place the driveway.

Gerald Hymanson, 100 Camino de Herrera, said the house would disrupt his view and he is opposed to it being only 10' away from him. The cypress tree is a heritage tree and it is his understanding that much of the tree would have to be cut. If the house was moved further down the lot it would not impact his view and would still allow a view for the owner of 90 Camino de Herrera. He is concerned about drainage. He would have no objection to a house on the lot but he would like to see it farther down the lot. If the house isn't moved, he wants assurance that the wall facing him has no windows.

Alberta Hare, 56 Rosemont, lives below the proposed lot and stated that there have been many slides on this lot. She presented a map of the slide area. There have been many drainage problems and she is very concerned about the stability of the lot. She said the soils report has a swale and with a greater than hillside risk, especially when it is disturbed. She is also concerned about the narrow road. The drainage will be brought down the east side of the lot and she has concerns about that. The house should not be built because the hillside is now stable and will become unstable.

Edward Shires, 56 Rosemont, said that most of the water that drains down the hillside comes from an underground spring under his house. He is concerned about what would happen if the hillside were disturbed.

Karen Moskowitz, 95 Rosemont, said in 1988 there was a major mudslide on the property next to her. Contrary to what has been said, these slides were not caused by her. She wants to know who would be responsible if there are slides caused by the development of this property and wants the owner to take out a bond for any liability done to the Rosemont property owners in the event there is any movement on the property. If there is any erosion to the properties on Rosemont she would want the property owner of 90 Camino de Herrera to reimburse them, including any attorney costs. Referring to Pat Echols' statement that new landscaping should be avoided because it will require irrigation, which would increase surface/subsurface flow, she suggested this be communicated to future owners by placing this statement in a deed restriction.

Michael Barney, 55 Camino de Herrera, stated that the story poles seem to rise above the cypress tree and he would like to save the tree.

Gary Gross, 4 Herrera Court, said the hillside is in a great deal of jeopardy if not handled carefully. It is possible to manage the water and the hillside but does not know that this is being handled properly and the slope is extremely steep at 60 percent. He asked how the traffic would be handled and how construction vehicles would access the site. He would also like to know about the easement and asked if it would allow for pedestrian access.

Phil Hicks, 111 Camino de Herrera, discussed drainage. The designer wants the water to flow back down Camino de Herrera but he does not think that is a good idea. The story poles have been explained as having a modest height but he does not agree with that. The house cannot be hidden and if they build close to the trees, the trees will not survive. The lot is stable now and should probably be open space and not developed.

Ruth Hicks, 111 Camino de Herrera, is concerned about traffic during construction because the road is very narrow. She wondered if the builder would be held accountable for any road damage. She is also concerned about the potential drainage problems.

Rick Sheviakov, 30 Oakwood Court, said he is concerned about the height because of the visual impact from the road, but is not concerned about the footprint. He is also concerned about the construction impact on the neighbors. There will be less than a 12' wide street clearance when construction vehicles use Camino de Herrera. He is also concerned about road closures during construction and the impact to the neighbors.

Mr. Lachey responded that with the setbacks of today, most people would view at least a portion of their neighbor's lot. The owner of 100 Camino de Herrera was previously asked by the former owner if he wanted to purchase the lot so his view could be, and he did not want to do so. He cannot move the house too far down the hill because they want to enjoy a view. The entire hill would have to fail for Ms. Moskowitz's house to be affected. Regarding the drainage, they are proposing a dispersal system, which would go down to Rosemont and into the Town's drainage system. The driveway and the area required by the Fire Department would provide adequate parking and better passing ability on the roadway once construction was completed. A requirement of the Building Department is to provide a construction management plan. They propose to put in the foundation and then the garage floor. Once completed, the construction vehicles would be parked on the parking pad. There will be an inconvenience to the neighbors during

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the construction process. However, this is a developable lot. If the neighbors want the property to be retained as open space, the neighbors would have to buy the lot because it is unfair to the owner to keep the lot undeveloped.

Commissioner Zwick said the County usually provides aerials that would show the adjacent buildings to this lot. He is interested in the location of the easement and the sewer lines and the plan should also indicate the lots up hill and downhill. What does the easement allow for? From the contours on the map, there are a couple of drainage swales on the lot and the house is being built on one of them. He would like some discussion on that. It is possible that the wall being built would solve all the site design issues but it should be reviewed. He wants to look at the peer review and geotechnical report. If this is such a difficult hillside he is also concerned about irrigating the lot. What is the effect of the irrigation? He is concerned that there were slides in 1982 and 1983 with potential liability to the Town and how can the Town be held harmless on this development. He wanted to make sure that there is insurance by the developer if there is a slide and who would be responsible. He wanted clarification about the Oakwood project by this developer and if there should be a concern about the house being built on one side of the lot and the potential of splitting the lot in the future. He wants drainage discussed. It would be nice to look at the construction management plan during the Commission stage. The house could perhaps be designed so there is no height variance. If they do want a variance, the design should be better and the rendering should be clearer. He wants the cypress tree retained and if that means the house shall be moved, then it shall be moved.

Commissioner House added that the Town requires a street bond and the road videotaped by the owner. She is also concerned about the fact that there have not been meetings with the neighbors other than letters that have been in response to concerns. In some cases, the applicant has been required to place retaining walls on the downslope lots to help mitigate some of the neighbors' concerns. She stated that there should be a debris fence erected during construction. She agrees that she would like to see the height modified so there is no variance. She is not happy about the blank wall above the garage and would like them to add some articulation to make the wall more interesting. There are some nests in the trees and she wants to hear if they are currently in use or old nests.

Commissioner Jochum asked why the lot goes from a 20' setback on Camino de Herrera and yet the other side has a 12' setback going down the hill. Ms. Wight responded that a portion of the lot is considered street side yard and the other considered front yard.

Commissioner Jochum stated that the drainage is a huge issue with this site and a drainage plan should be mandatory. He would also like to see the soils report and the peer review. Although he has worked with both soils engineers and they are very competent, he would like to see the soils report and peer review. This is a large site and he understands they want to maximize the prime accents such as views, but there are setback requirements. Therefore, he does not see the granting of the front yard setbacks. The oak in question is probably dying so he does not see the reason for not sliding the house down the slope.

Commissioner Couture said there is not enough information to make a decision. He wants more information about the easement and the soils report. It appears that 40% to 50% of the cypress on the north side would be damaged and that provides screening between 90 and 100 Camino de Herrera. The house would appear as a very imposing structure standing on the deck of 100 Camino de Herrera. It is a mystery to him why the house is being developed to one side of the lot. He does see the need for granting variances for garages on a down slope site but does not see a reason for a height variance. The master bedroom is in the setback and he cannot support that. He wants to know the construction access. He noted that the owner does have a right to develop the property unless the neighbors purchase the property.

Commissioner Wittenkeller said it is very clear that the site has soil and drainage problems. They are endemic to this hillside area and we should look at solutions so there are no negative impacts for the adjacent properties. He wants a comprehensive drainage plan by a civil engineer, which addresses this property as well as the surrounding properties. They can place a deed restriction on the lot to restrict the lot from being split if that is a concern. He is opposed to the master bedroom over the garage and could not support that variance.

Chair Cronk said she is not supportive of the height variance and wants the house moved and wants to review the soil information. She would like the applicant to provide an analysis of other proposed locations. She is in support of a surety bond and would like staff to check with the Town Attorney to see if it is permissible.

In response to a question by Mr. Hatfield regarding the details required for the drainage plan, the consensus by the Commission was to allow a conceptual drainage plan.

M/s Wittenkeller/Zwick, and unanimously passed, to continue the application to the meeting of 6/19/00.

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2. **V-0016/DR-0016 – Bruce Chayet, 45 Summit Road, A/P 7-031-09, design review and setback variance to construct a garage over an existing parking deck within 3' of the front property line, on property located within the R-1 Zoning district (above 150' msl). (Staff person: Wight).**

Ms. Wight presented the staff report.

Bruce Chayet, applicant, stated that they have done everything possible to prevent the leaks. The neighbors on each side of his property have no objection to the garage. He wants to stop the leaks but he is also concerned about the mold infestation because of the leaks.

Commissioner Couture said he would prefer the 4:12 roof pitch and the additional foot would not block anyone's view. Ms. Wight explained that the 4:12 roof pitch would require a height variance but the applicant could amend the approval of the 3:12 after approval.

The Commission was supportive of the application as proposed but would also support the change to the roof pitch to a 4:12 if the applicant wanted to come back.

M/s Wittenkeller/House, and unanimously passed (6-0), to approve the application as presented with the 3:12 roof.

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

3. **DR-0017/V-0017 – Ted's, 218 Sir Francis Drake Boulevard, A/P 6-252-03, Design Review to convert an existing 529 square foot patio area to restroom facilities; and parking variance for 7 on site parking spaces, 5 will be provided (code requirement: 12) and height variance for a gate/fence 8' in height (code allows 6' height maximum), to on property located within the C-2 Zoning District. (Staff person: Feagans)**

Ms. Feagans presented the staff report.

In response to Commissioner House, Mr. Janko said that he is not opposed to keeping the 6' high fence because he is not that concerned about privacy now. With regard to the area by the dumpsters and the grease trap, he would make an effort to keep the area cleaner.

In response to Commissioner Jochum, Mr. Janko said that he has no objection to doing a solid fence instead of a chain link fence.

Lisa Jabbon, 46 Lincoln Park, said the building is wheel chair accessible from the front and she did not know why it is necessary in the rear. The ramp might push the cars back farther into the alley. It could be a blessing if large trucks could not have access; but it could be a curse if cars couldn't get through. She also wondered if the area could be more ascetically pleasing and suggested a covered area similar to what Andronicos has for the garbage and grease trap.

Roger Bettini, 18 Bank Street, explained that if cars are pushed out farther into the street it might cause a hazard although the restaurant has always had a parking variance. The only concern is noise from people using the back door. He would like the door to have a sign on it that states it would only be used as a fire exit.

Mr. Janko said he will do what is necessary to clean up the area and would look at what Andronicos has. The exit is a fire exit and would be used only for emergencies.

Commissioner Couture said the handicapped ramp has very specific requirements. He would also like to see a solid fence.

Commissioner Wittenkeller stated that he would like an area that would be self contained and covered to hide the grease trap and dumpster. This could be reviewed as the staff level.

Commissioner Zwick concurred with Commissioner Wittenkeller.

Commissioner House stated that she could approve the project as long as the fence was solid and did not exceed 6' in height.

Commissioner Jochum said he would have no problems with an 8' high fence either.

Chair Cronk said she supports the 8' solid fence as well as an enclosure.

W/s Wittenkeller/Zwick, and unanimously passed (6-0), to approve the application based on the findings and conditions; and with the amended conditions that the applicant shall

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submit a proposal to clean up the area to enclose the dumpster and grease trap; and approval of a solid fence, not to exceed 8' in height.

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

4. **U-0018, Kayshik Ranchod for Bay View Federal Bank, 305 San Anselmo Avenue, A/P 7-282-20, Use Permit to install 16, 36" long x 10.5' wide wireless service antennas; four antennas each will be mounted on the north, south and east sides of the building and four antennas will be located on the west side of the penthouse roof, on property located within the C-2 Zoning District. (Staff person: Feagans)**

Ms. Feagans presented the staff report.

Kayshik Ranchod, applicant, stated that they are a wireless Internet service and go under the name of Ricochet. These antennas will enhance the user in San Anselmo. They chose the site to maximize the co-location as required by the Ordinance adopted by the Town Council. This system only is on when people download their computers and they are within compliance of all prevailing standards. In creating the design they wanted to minimize the design and exposure to the building. The antennas will be flush mounted. One site covers approximately 2 ½ miles. They have other sites in the immediate area but this is the only site proposed at this time for San Anselmo.

John Girton, 15 Avenue Del Norte, stated that this is a bad location for these antennas that are located on a commercial building surrounded by a residential neighborhood. He wondered who would be liable if there is a cluster of cancer cases. He would also like to see a map of all the cell sites that have been approved in San Anselmo. He is concerned about the potential harm that these cell sites have. He noted that Corte Madera has a two-year moratorium on cell site installations. Marin County has a high rate of breast cancer and he feels there are environmental factors that contribute to this. The prudent course of action is to be cautious and to have more studies before additional sites are approved. He recommends that this application be continued and the Town should institute a moratorium. There should then be open workshops where people can present their points of view. He also suggested the Town require the cell site companies prepare a computer model of the cell sites throughout the Town. He noted that the Town Council denied a request for cell sites on Town Hall as well as on Isabel Cook building.

Patricia Burton, 43 Alta Vista Avenue, stated that she was one of the people that requested a Town ordinance for cell sites and would ask the Commission to review the original proposed ordinance. She does not remember the ordinance indicating that the Town should work so closely with the cell site facilities. One of her requests during the original hearings on the ordinance was for the performance monitoring to be controlled by the Town or an outside consultant, rather than by those who are installing the facilities. That may not have been in the final ordinance but she would still like to see that happen. She asked the Commission what provision the Town is making for the removal of the cell sites. It is possible that by refusing all these installations, we may be helping by demanding an advance in technology in looking for satellites, instead of looking for additional cell sites all over the neighborhoods. The Town should know how much radiation this site has, based on the cumulative impact of all the antennas on the building. This information is critical because children pass through this site going to Wade Thomas school. There should be a master plan for the number and location of cell sites for San Anselmo. The Town has no obligation to approve the cell sites. She would like the Commission to protect the health of citizens of San Anselmo. She noted that Long Island and Marin are the leading communities with breast cancer. It may be because they are wealthy communities and have a lot of electrical appliances.

Mr. Ranchod stated that the concerns are based on health concerns and the Hammed and Edison Report has shown that they are way below the FCC guidelines. This is a wireless Internet site for users within the San Anselmo jurisdiction and it only covers 2 ½ miles. The technology will be used for as long as there is a demand. It would then be removed when there is no demand.

Bob Weller, Engineer for Hammed and Edison, has had 15 years experience in this area. There are safety standards to protect people. These standards have existed since the 1950's. Radiation means the flux of the light or gravity through the air; it is not the same as radioactivity. Metrocom's proposal would be 10,000 times below the public limits. They are very low wattage, about 20 times less than a cell site. However, all the facilities would only calculate 22 percent, which is less than the FCC requirements. He noted that cancer clusters have not been associated with cell sites. Also, there have been extensive studies at the Marin County level and in San Anselmo.

Commissioners' House, Jochum and Couture said they appreciated the comments by the public but were in support of the staff report.

Commissioner Wittenkeller said that he has read that the radio frequency can affect small children. He said there is still question in his mind, especially in those areas that this is a high intensity. He is not inclined to place a moratorium on this but would like to place a

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condition on this site that there be a sign posted so the public can be made aware of the number of facilities and intensity.

Commissioner Zwick said the electric motors on BART create a tremendous load and there are tremendous pockets of EMF under the sidewalks. This site is way below the standards and he has no problem with this.

Chair Cronk said that the applicant has stated this Internet service is for the citizens of San Anselmo, not the commuters passing through the Town. There has been a lot of research done about the exposure and she does support the staff report. She thinks Commissioner Wittenkeller's request to post the site is interesting and she would support it.

Commissioner House said she would be more inclined to mail a notice to the people but posting a sign on the site is not a good idea because the signage becomes yellow and becomes an eyesore after a period of time.

Ms. Feagans stated that staff would provide information on the cell sites and could place such information in a Town newsletter.

M/s House/Zwick, and passed (5-1 Wittenkeller to vote no), to approve the application based on the findings and conditions as set forth of the staff report.

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

**GENERAL DISCUSSION**

- Consensus of the Commission is to cancel the 7/3/00 Planning Commission meeting because of the holiday.
- Commissioner House said her neighbor was told by a staff member in the Building Department that an asphalt driveway was permissible. She understood from MCSTOP that asphalt is not a permeable surface. Commissioner Zwick noted that there are recommended surfaces already published by MCSTOP and suggested staff get a copy of it.

**REPORT OF UPCOMING APPEALS TO TOWN COUNCIL**

Millennium Playground and 113 Madrone have been appealed to the Town Council.

**ADJOURNMENT TO MONDAY, June 5, 2000**

The meeting was adjourned at 10:45 p.m.

**BARBARA CHAMBERS**