

**SAN ANSELMO PLANNING COMMISSION
MINUTES OF MARCH 7, 2005**

A. CALL TO ORDER

Commissioners Present: Vice-Chair House, Freeman, Harris, Sisich
Commissioners Absent: Zwick

B. OPEN TIME FOR PUBLIC EXPRESSION

A letter to the Commissioners from a member of the public was read aloud by Planning Director Wight.

C. CONTINUED PUBLIC HEARING ITEMS

1. **DR-0504 – David and Jennifer Boesel, 81 Holstein Road, APN 5-053-49**, design review of a new two-story, 4,255± square foot single family dwelling and 792± square foot attached garage, located within the R-1 zoning district (above 150' msl). (staff person: Wight) **CONTINUED TO THE MEETING OF APRIL 4, 2005**

**D. PUBLIC HEARING ITEMS
CONSENT AGENDA**

1. **Minutes – February 28, 2005**

M/s Freeman/Sisich and passed (3-0 abstention: Harris) to approve the minutes.

REGULAR AGENDA

2. **ER-0501/PS-0501/PPD-0501/V-0504 – Carlos and Norine Castro, 444 Redwood Road, APN 7-191-10**, Environmental Review (Mitigated Negative Declaration), Parcel Split and Precise Development Plan for a new two-story, 3,562± square foot single family dwelling and 509± square foot attached garage; a parking variance for access to be across 444 Redwood Road; and setback variances for retaining walls up to 4.5' above grade to be within approximately 8' of the front property line, and up to 10' in height within approximately 19' of the front property line, all in conjunction with widening the road (Code setback: 20') on property located within the R-1H zoning district. (staff person: Wight)

Planning Director Wight introduced the staff report and noted that design review of the dwelling is not being considered tonight.

In response to Commissioner Harris, Ms. Wight said that the building envelope, the driveway and tree removal pertaining to the widening of the road are being discussed tonight. Tree replacement will be considered at the design review stage.

In further response to Commissioner Harris, Ms. Wight said that a distant view study could be requested tonight but it is usually undertaken at the design review stage.

In response to Commissioner Freeman, Ms. Wight said that construction traffic will be managed by a construction management plan and the Bald Hill Plan.

Steve Arago, Project Manager, described the project in more detail, using the plans on the board.

In response to Commissioner Sisich, Mr. Arago explained the retaining wall heights and driveway plans in more detail. He presented photographic images showing the location of the new building from various aspects. Mr. Arago said that he is unable to explain why certain trees have been marked for removal when they are not part of the tree-removal plan.

In response to Commissioner Harris, Mr. Arago said that the retaining walls along the road would not be necessary if the road did not need to be widened. Furthermore, he believes that the roadside oak tree could be saved. Mr. Arago explained the various reasons for choosing the current location for the building, including that this is the simplest access and will require minimum grading; the applicant does not want a house above him; there would be no additional driveway cut on Redwood; tree loss would be greater if the house were located uphill, and more retaining walls necessary if the house were turned.

In further response to Commissioner Harris, Mr. Arago said it is unlikely that off-haul would be reduced if the house were built in a different location and he noted that greater tree loss would be incurred if the house were built at the top of the property.

Commissioner Harris discussed the driveway with Mr. Arago. He also suggested a different house design that would present a better view to the houses below. However, Mr. Arago thought the changes would require larger retaining walls. Mr. Arago said that he had followed the contours of the land in designing the house.

Ken Demarest, 20 White Way, is concerned that the retaining walls will destroy the natural beauty of the landscape. Furthermore, he does not believe that widening the road is necessary.

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Bill Geisler, 405 Redwood Road, said that there are enough turnouts in the area to render the widening of the road unnecessary. Mr. Geisler is concerned that trees on his property would need to be removed to widen the road.

Kathleen Sanders, 310 Redwood Road, suggested that mitigations might be put in place further down Redwood for road widening. Furthermore, the retaining walls are ugly and an alternative site for the house should be investigated. Ms. Sanders noted that the density of the lot is considered a maximum, not an entitlement.

David Lakes, 249 Redwood Road, noted that it is a privilege to divide property, not a right. Mr. Lakes believes that water flow is an issue and that the retaining walls are ugly. He urged the Commission to deny the project or at least downsize it to minimize the problems.

Jonathan Braun, 479 Scenic Ave, said that the site is dark, north-facing and heavily forested. He is concerned that a future owner might wish to remove trees to provide light once the house is built and that this must be prevented. Mr. Braun is further concerned that Lot #1 might be sub-divided in the future. He suggested that a conservation easement be drawn up to prevent such a development.

In response to Commissioner Harris, Mr. Braun explained why he thought that a conservation easement is necessary and that it should be granted to the Town of San Anselmo or the Open Space Committee.

Peter Pfau, 419 Redwood Road, opposes the retaining walls. Mr. Pfau is also concerned that the neighbors below will see a 3-story building and he made some suggestions to mitigate this problem.

Barara Geisler, 405 Redwood Road, noted that there have been landslides in the area in the past and she suggested that the house should be built on a different part of the property.

Peter Ausnit, 396 Redwood Road, noted that many of the houses in the area are built away from the road whereas this property will be tall and built close to the road, which will mar the feeling of open space. Furthermore, the road is over-used and inadequate.

Gay Kagy, 280 Redwood Road, said that the lot split should not be granted, given that the Town and members of the public contributed towards buying open space to ensure the density of the area would not be increased. Furthermore, the site is very steep, which raises a safety concern, and will produce excess water run-off. Ms. Kagy supports Mr. Braun's suggestion of an easement.

Jennifer Demarest, 20 White Way, said that the oak tree in the road would probably need to be taken down and that she is opposed to the road being widened.

Arie Dykhuizen, 3 White Way, said that his property would have a direct view of the retaining walls and the house which is not acceptable.

Karen Johnson, 296 Redwood Road, is in agreement with the public's comments.

In response to the various comments from the public, Mr. Arago said that he will investigate alternative solutions to widening the road with the Fire Marshall. Mr. Arago said that his client would not be adverse to a permanent agreement to ensure that the lot is not split again in the future.

In response to Commissioner Sisich, Mr. Arago discussed which retaining walls would be necessary if the road were not widened.

In response to Vice-Chair House, Ms. Wight said that the Bald Hill Plan provides some flexibility that might negate the need to widen the road and that she will discuss the matter with the Fire Department.

In response to Commissioner Sisich, Ms. Wight said she would investigate the best means to ensure a lot split is not granted in the future.

Commissioner Sisich noted that the retaining walls are not very tall and their appearance could be improved by various means, such as greenery. Commissioner Sisich would support non-widening of the road if the Fire Marshall agrees. He favors the site for the house and its size, and he does not believe that the house will have a large visual impact on the neighborhood. Commissioner Sisich would favor whatever means is chosen to prohibit a future lot split.

Commissioner Harris would support a continuance of the project. He will defer to the Fire Marshall with regard to the widening of the road. Commissioner Harris noted that the zoning code allows the owner to sub-divide the lot, although it is not an entitlement. However, he acknowledges that the applicant has remained within the zoning requirements but he would like to know the average lot size in the area.

Commissioner Harris would like further information on restricting a sub-division because the Precise Development Plan should ensure that further building beyond the envelope will be prohibited. (Ms. Wight will determine whether or not there is a building envelope on Lot 1). Should the retaining walls need to be built, Commissioner Harris would like the applicant to present a more aesthetically pleasing design or a solution to their unsightliness.

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Commissioner Harris is in agreement with Commissioner Sisich that the best site has been chosen and he said that the impact would be felt community-wide, rather than locally, if the house were built further up the hill. Overall, the house is of a comparable size to others in the area.

In response to Commissioner Harris, Ms. Wight said that a construction management plan could be submitted as part of the discussions but that the Public Works Director will make the final decision.

Vice-Chair House supports the Precise Development Plan, Environmental Review and Parcel Split. However, Vice-Chair House is in agreement with other Commissioners that the Fire Marshall should be asked to consider other options to widening the road but, otherwise, she remains neutral on the subject. Vice-Chair House would support a Deed Restriction prohibiting a further lot-split and a Deed Restriction to protect trees.

M/s Harris/Fernandez and unanimously passed (4-0) to continue the project to the meeting of April 18, 2005, when the following information should be made available for discussion:

1. The Fire Marshall's pronouncement on road-widening.
2. Should road-widening still be required, the applicant will produce options for retaining walls, after conducting a neighborhood meeting.
3. A report on slope stability.
4. Average lot size in the vicinity
5. The type of suitable restriction to which the applicant would be amenable that prohibits future lot splits or the development of land outside the building envelope.
6. A restriction on the removal or topping of trees, that have not been defined, outside the envelope.

E. ITEMS FROM PLANNING COMMISSION

Ms. Wight provided an update on the status of recruiting Planning Commissioners.

F. ITEMS FROM STAFF

An appeal has been made on 600 Oak Avenue, which will be heard by the Planning Commission with regard to the use of stucco instead of wood shingles. The Fire Chief will make a presentation to the Commission on the use of stucco.

52 Durham Road has been appealed and a survey will be obtained.

G. ADJOURNMENT TO THE MEETING ON MONDAY, MARCH 21, 2005

The meeting was adjourned at 9pm.



**JOANNE O'HEHIR
SENIOR ADMIN.SERVICES ASST.**