

**TOWN OF SAN ANSELMO
RESOLUTION NO. 3417**

**A RESOLUTION OF THE SAN ANSELMO TOWN COUNCIL
DENYING AN APPEAL BY GEORGE MARTINIS AND THEREBY
UPHOLDING THE SAN ANSELMO PLANNING COMMISSION
DENIAL OF A TWO-LOT TENTATIVE PARCEL MAP (TM-9703)
AND A ZONE CHANGE (Z-9701) APPLICATION FOR PARCEL
NUMBER 6-091-65 (109 SPAULDING STREET)**

WHEREAS, George Martinis, owner of Parcel No. 6-091-65, submitted an application to rezone the subject property to Medium Density Residential (R-2) and to subdivide the parcel into two building lots;

WHEREAS, Mr. Martinis intended to develop the two new lots, each with a detached, single family home;

WHEREAS, the 16,980 square foot property is located at the foot of Red Hill, within and below a catastrophic slide that occurred in 1965;

WHEREAS, a Soils Report was performed by Nersi Hemati (dated 5/15/95) and subsequently peer reviewed by Jay Nelson, of Earth Sciences Consultants (dated 11/16/95);

WHEREAS, both reports conclude that the project is feasible contingent upon several substantial and costly improvements being incorporated into the site and structures, and that there is substantial risk of another catastrophic event at some time in the future;

WHEREAS, other conclusions stated in the peer review are paraphrased below:

- The material above the scarp of the previous slide is at risk and will at some time in the future, likely during heavy rainfall and/or groundshaking, slide in a similar catastrophic event;
- Parcel "B" is to be protected with 8' concrete or similar catchment walls above the rear of the house, formed in "V" shape to deflect slide debris, also minimize window sizes and doors and increase sheathing and stud sizes at the rear of structure;

- Parcel "A", is at a higher risk. The rear wall of any dwelling structure should be a reinforced concrete retaining wall fully backfilled to the top. The roof should be designed to withstand and allow slide debris to flow over it; and
- The Town Attorney should review the legal considerations of building on these two lots, especially Parcel "A", which will probably someday be subjected to future landslide effects.

WHEREAS, this property is located immediately below land that is considered to be geologically unstable and said report suggests that this property is "absolutely at risk of experiencing a catastrophic debris slide" at some time in the future;

WHEREAS, the property directly above the subject property, is owned by the Town of San Anselmo, and represents great liability and risk to new residential development as it is within an identified, potential slide plane;

WHEREAS, the Planning Commission and the Town Council found that the proposed zoning amendment to change the designation of said property from SPD for a private parking lot to SPD/R-2 is not in compliance with the General Plan land use designation of Open Space/Parks;

WHEREAS, the Planning Commission and the Town Council found that the proposed parcel map is not in compliance with the General Plan because the current designation, Open Space/Parks, is not intended to allow residential development;

WHEREAS, the Town Council upheld the Planning Commission's denial of TM-9703 and V-9701, by a vote of 4-0-1, on the grounds that:

- A known geologic condition is present that places an unreasonable risk upon the property owners, future occupants and the Town of San Anselmo as the owners of property directly above the subject property; and
- The proposed project is not consistent with the Town's General Plan; and

WHEREAS, the Town Council directed staff to prepare a resolution to this effect for Council approval at its subsequent meeting of February 10, 1998.

BE IT RESOLVED that the San Anselmo Town Council, at a regularly scheduled meeting on February 10, 1998, denies the application for a zone change and tentative parcel map for the property known as 109 Spaulding Street to allow residential development.

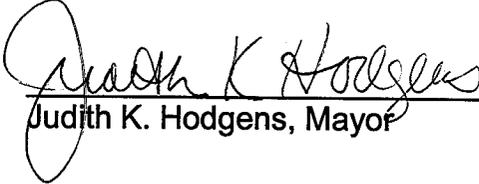
PASSED AND ADOPTED by the San Anselmo Town Council at a regularly scheduled meeting held on February 10, 1998, by the following vote:

AYES: Breen, Chignell, Hodgens, Kroot, Overberger

NOES: none

ABSTAIN: none

ABSENT: none



Judith K. Hodgens, Mayor

ATTEST:



Debra Stutsman, Town Clerk