

A regular meeting of the San Anselmo Planning Commission was called to order on May 19, 1986, at 8:15 p.m. by Chairman Kroot in the Council Chambers. John Kottage, Director of Public Works/Planning, and Lisa Wight, Planning Technician, were present.

ROLL CALL

Commissioners Present: Harle, McPeak, Zaharoff, Chairman Kroot

Commissioners Absent: Hayes, Heubach

APPROVAL OF MINUTES, MARCH 3 AND MAY 5, 1986

M/S, Harle-Zaharoff, to approve the minutes of March 3, 1986 as submitted. Motion passed by the following vote:

AYES: Harle, Zaharoff, Kroot

ABSTAIN: McPeak

The Commission corrected two typographical errors, on pages 3 and 4 respectively, to the minutes of May 5th.

M/S, McPeak-Zaharoff, to approve the minutes of May 5, 1986 as amended. Motion passed by the following vote:

AYES: McPeak, Zaharoff, Kroot

ABSTAIN: Harle

PUBLIC HEARINGS

SS-263 - Paul Tietjen, 1348 San Anselmo Avenue, A/P 7-051-07, two lot parcel split and initial environmental review.

The applicant was present.

This application was continued from the meeting of May 5th pending submittal of a plan which reduced the number of zoning exceptions required.

Planning Technician Wight reported that the new proposal eliminates the exception requests for the existing shed, the east sideyard exception for the proposed garage, and west sideyard exception for the proposed dwelling. The shed on Parcel B will be removed, and the open deck and the portion of the dwelling within 4 feet of the east property line on Parcel A will be removed. The parking for Parcel A can conform to the setbacks.

Nicholas Csery, 1340 San Anselmo Avenue, submitted an alternate proposal called Scheme 2 calling for a 14 foot wide access driveway on Parcel B, with the house located 20 feet from Center Blvd. Staff reported that this proposal will require exceptions to the average width and street frontage requirements, and an exception for the garage in the side and rear setbacks. It would also require removal of two bay trees and possibly one pine tree. Parking for Parcel A would be located on the east side of the lot and could conform to the required setbacks.

Mr. Tietjen argued that the development is appropriate for the neighborhood which includes multiple housing units and small lots.

Mr. Csery argued that his proposal is better than Mr. Tietjen's plan in that it has greater compliance with town codes and reduces the visual and noise effects of the relative closeness to the existing residences, thereby improving privacy. He said Mr. Tietjen's plan also calls for removal of a large tree.

Mr. Tietjen responded that this tree is diseased and would require removal in any event.

Commissioner Zaharoff said she could not vote to approve the lot split, noting that she could not find the grounds for necessity, it is not consistent with that portion of the block and it would not enhance the neighborhood.

Commissioner McPeak said he could not support the application because of a sideyard variance on Parcel A and the rear setback for the future garage, noting he would rather see more turning space and he cannot support a garage that close to the north property line.

Commissioner Harle commented he did not have a lot of objections to the lot split but felt the lot was large enough for it to be accomplished without variances.

Chairman Kroot said it seemed reasonable for the lot to be split due to its large size, yet the lot has a long and narrow configuration. He was troubled by the placement of the garage but indicated he could support the application.

M/S, McPeak-Harle, to refer the application back to the applicant until the June 2nd meeting. Motion passed unanimously.

V-2086 - Don and Connie Velazquez, 27 Oakwood Court, A/P 5-062-80 and 5-062-83, review of structural and architectural aspects of the building.

The applicants were present.

This review was a condition of the variance approved on October 8, 1985. The Commission was to review structural design, soils engineering findings, drainage, construction impact in relation to storage of materials and equipment, construction impact in terms of access to the site, and construction in terms of damage to adjoining properties associated with the operations.

Public Works/Planning Director Kottage reported that the new soils investigation is adequate and that confirmation has been received from the soils experts that the plans are in accordance with their recommendation. The structural details will be reviewed prior to issuance of the building permit. Mr. Kottage reduced the information the applicant provided on construction operation to a list of conditions to be enforced as part of the building permit. He amended the conditions submitted in the staff report as follows:

7.a. Amended the last sentence to read, "Said notification shall include the hours of closure and the start and stop time each day associated with proper closure of the road. Unnecessary closure of the road shall not be permitted."

14. "Certification by the soils engineer on drainage installation shall be provided to the Public Works Department prior to occupancy."

15. "Failure to adhere to the aforementioned building conditions are considered to be a threat to the health and safety of the Community. Therefore should the owners fail to adhere to these conditions, the project shall be subject to "Stop Work Orders". During a "Stop Work Order," all work shall cease immediately and shall not resume until the infraction causing the issuance of the Order is resolved to the satisfaction of the Town."

Mr. Velasquez introduced the project engineers present, including Jeff Stranguard, the structural engineer, and Robert Setgast, the author of the original geotechnical report. The current soils engineer, Jay Nelson, was ill and available by telephone.

Mr. Velasquez said he was willing to comply with Mr. Kottage's proposed conditions, adding that there will be a smaller work force than what the neighbors think will be there and that the road will not be closed during the drilling process except for 1/2 hour.

Dave Scalise, 25 Carlson Court, the Velasquez' downslope neighbor, expressed concern about the safety factors and construction impacts of the project. He introduced Lawrence B. Karp, with whom he had consulted about the project.

Mr. Karp made the following comments:

1. The scope of work requested by the property owner on the soils reconnaissance done by Robert Settgast was limited and did not include any borings and he felt there was a discrepancy on the depth of loose caluvial material between his recognaisance and the soils report done by Jay Nelson.
2. The drainage system consists of a surface manifold meant to disperse the water around the site rather than in a steady stream in a closed culvert to suitable discharge facilities. The result will be water backup in the pipe and the need for continued maintenance due to silt, overgrowth and other debris. He suggested there be one or two sumps to pump the water back up to Oakwood Court.
3. The geotechnical engineer's site inspection of the drilling and other geotechnical items should be accomplished as stated in the soils reports.
4. The pier cuttings, i.e. the fill removed when drilling piers, should be removed from the site rather than being stockpiled on the site.
5. The piers should be vibrated.
6. The site plan does not have a revision date.

Rick Sheviakov, 30 Oakwood Avenue, said he appreciated Mr. Kottage's review on this project. He said he has serious reservations about construction above street level anhd did not feel the issues in his letter dated February 25, 1986 had been adequately addressed. Mr. Sheviakov had the following questions and comments:

1. Regarding the proposal to shuttle workers from below: where exactly will the workers park? Where will the construction vehicles park at the site before the parking slab is poured? The road is 12 feet wide and if an 8 foot wide vehicle parks on the street, there is only 4 feet remaining.
2. Complete road closures are the neighbors' greatest concern. He questioned the owners' figures on the number and length of these closures, and was pleased there would be limited road closure during the drilling.
3. Limiting the street closures to the hours between 8 a.m. and 5 p.m., a proposed condition, means that persons needing their cars after 8 a.m. will have to park them below Oakwood the previous night.
4. What are the "unforseen circumstances" which may arise?
5. Where will the residents find alternative parking when the road is closed? There are only two spaces at the intersection of El Camino and Oakwood, which is 100 yards away, yet there are 8 cars and 9 people, ranging in age from a child to an elderly resident, who will be cut off by the road closure. He doubted that it was reasonable for them to park 1/2 mile away.

6. There have been broken promises and an inability to trust the contractors during this preliminary process. Vehicles associated with the project to date have parked in his driveway, blocked the road, and cut off a tree branch, thereby leading him to have little faith in the whole process. He said he did not want to have his driveway used as a turnaround or parking spot.

7. What does the "Stop Work Order" penalty specifically mean?

8. Where will materials be stored prior to framing and pouring?

9. What are the neighbors going to get in return for their inconvenience?

10. The Oakwood road has alot of fill which he feels is a major risk. He requested that Velasquez be required to extend the retaining wall along the frontage of the property to shore the hazardous condition that his soils engineer had revealed and help prevent a slide which could go all the way down to Carlson below. This wall would benefit the neighbors as well as the Town since Oakwood is a town maintained road.

Tom Hendricks, 23 Carlson, who lives downhill from the subject property and is an attorney, expressed concern about the disclaimers on the risks by the soils engineer in the soils report. He also questioned why there was a soils report by Mr. Nelson dated December 5, 1985 and one dated December 6, 1985. A representative of the Velasquez' responded that the two reports were the same, and the conclusions were the same.

Phillip Miller, who owns the adjacent property at 50 Oakwood Court, asked who would be the referee in disputes during construction. Furthermore, he has a heart condition which means both that he has doctors' appointments during the day and that it takes him days to recover after having to park below Oakwood and walk up the hill. He opposed pumping water onto Oakwood with a sump pump as Mr. Karp had suggested, noting that they did not need any more water in the street and there had been a slide caused by the culvert under the road.

Mr. Settgast disagreed with Mr. Karp's statement that he had reported bedrock to be 3 to 4 feet down; he said he had reported that bedrock was 6 feet below, which coincides with Jay Nelson's report.

Public Works/Planning Director Kottage said the property owners downhill from the subject site has been requested to provide a drainage easement to allow a culvert to run through their property for drainage from the Velasquez' property down to the storm drain system on Carlson. If that preferred solution - which would improve the stability of the hill - is not possible, the town will review other drainage proposals with the neighbors. He agreed that the soils engineer will be required to be on-site at various stages in the construction and to submit written certification that the soils report was being met, as noted in his proposed conditions. He agreed to add Mr. Karp's suggestion that the pier cuttings be removed from the site to the conditions, and noted that vibrating pier concrete is a common practice. Mr. Kottage added that many of Mr. Karp's other points were details not relating to the design which can be looked into by the Town.

Concerning the parking and access, Mr. Kottage reported that the proposed restrictions would also apply to the utility companies and it would be incumbent on the property owner to insure that the utility companies comply.

A "Stop Work Order" means that all construction must cease, the workers are sent home and the result is loss of construction time and money, leading to an inefficient operation, Mr. Kottage reported. Concerning the proposal for extension of the retaining wall, Mr. Kottage noted that a 60 foot retaining wall in the front is already proposed which will help stabilize the road.

Mr. Kottage reported that it is typical of soils engineers to include disclaimers in their soils reports of the kind Mr. Hendricks discussed.

Commissioner McPeak said he was not prepared to take action on the matter until the applicants submit specific information on how the conditions of construction will be met. He said the closed culvert is a key issue and questioned what is its alternative.

Commissioner Zaharoff asked where the neighbors will park if the street is closed for a length of time and requested more information on the drainage issue.

Chairman Kroot questioned where the construction employees will park and asked Mr. Karp his reaction to Mr. Nelson's opinion that the construction, even with a dispersed water drainage system instead of a closed culvert, will stabilize the hill. Mr. Karp responded that the best drainage solution is a closed pipe down the hill to Carlson. Mr. Kroot also asked Mr. Karp if there was any risk of the house sliding. Mr. Karp said that a drilled pier system was much stronger than necessary.

Connie Velasquez noted that while the Town can require them to spend alot of money on this project, it cannot enforce a spirit of cooperation in the neighborhood. She said she and her husband wanted the same things that their new neighbors wanted - a family and a home.

Mr. Miller, 50 Oakwood Court, responded that he and the other property owners there also have an investment and want a home. He said when he bought the property it was with the understanding that this subject lot could not be developed separately. He charged that through subterfuge a previous owner and town official took advantage of his position and created a building site here. While he sympathized with the Velasquez' and felt they were probably hookwinked when they bought this lot, he said the neighbors did not like to see their neighborhood trashed with cars, homes, and other threats to the ecology.

Mr. Scalise asked that in the spirit of cooperation the Velasquez provide the neighbors with a copy of the plans, reports and other such information.

Mr. Sheviakov argued that a 90 foot retaining wall was a fair trade-off for development on this site.

Mr. Velasquez made the following statements:

1. There will be no overnight street closures.
2. There is curbside parking available on Suffield and Rutherford.
3. There will be no more than 2 to 3 framers on the job at one time.
4. A catchment fence will prevent debris from tranvelling down the hill, no material will be stored on the street, and pressure treated 4 x 4s set into the slope will prevent materials from sliding.
5. He will work out a street closure system with P.G. & E.

In response to a question from Chairman Kroot as to where the residents will park, Mr. Velasquez said he wants to obtain the Oakwood residents' regular schedules so he can better coordinate street closures, and that the church site at Butterfield and Sir Francis Drake Boulevard may be appropriate for resident parking.

Commissioner Zaharoff said the drainage issue must be resolved more concretely and information should be obtained on the feasibility and benefits of extending the proposed retaining wall and on the maximum number and length of street closures per day as well as for the duration of the project.

Commissioner McPeak requested information on the location of parking for the neighbors, inspectors, utility workers and craftspeople, and on how the storm and sewer drainage will conform with the requirements of staff and the soils report. He added that both the individual's and the community's rights needed protection, noting that blocking a person's access to his/her home is serious and that there will be problems that cannot now be anticipated at a site where the amount of flexibility that can be tolerated is questionable.

Commissioner Harle commented that part of the conflict which keeps arising is that the house should not be built there at all, but is being built because of political subterfuge. However, the Commission is not in a position to forbid building on the site. What is now needed is a more definite construction proposal; he added that this meeting should be the last chance to raise new issues of concern or requirements to bring the issue to a conclusion at the next meeting.

Chairman Kroot asked for resolution of the drainage issue, preferably with a closed culvert down to Carlson, and the sewage issue, and submission of a parking plan, with all of the submissions to be in writing.

M/S, McPeak-Harle, to refer V-2086 back to the applicant for specific information on the parking places and drainage.

M/S, Zaharoff-Harle, to amend the motion to require specific details on the number and length of road closures and to request staff to explore the possibility of a retaining wall to extend to 90 feet for the purposes of stabilizing the roadway.

Discussion followed on the amendment to the motion.

Commissioner McPeak suggested Mr. Velasquez give the neighbors information on when construction deliveries will be made.

The question was called on the motion to amend the McPeak-Harle motion. The motion passed by the following vote:

AYES: Harle, McPeak, Zaharoff, Kroot

NOES: (None)

The question was then called on the amended motion. The motion passed by the following vote:

AYES: Harle, McPeak, Zaharoff, Kroot

NOES: (None)

V-2120 - Richard and Theresa Crotti, 123 San Francisco Boulevard, A/P 5-021-20, a 3 foot west sideyard variance to construct a third story addition within 5 feet of the west side property line; and a third story variance (the new construction to also have a 2 foot roof overhang).

The applicant was present.

The proposal is to build a 675 square foot addition above the house over the area of the first floor garage and second floor living area, creating a third story.

A letter of support was received from the property owner at 123 San Francisco Boulevard.

M/S, Harle-McPeak, to approve V-2120, Richard and Theresa Crotti, 123 San Francisco Boulevard, A/P 5-021-20, a 3 foot west sideyard variance to construct a third story addition within 5 feet of the west side property line; and a third story variance with the new construction to also have a 2 foot roof overhang, on the grounds that it allows enjoyment of substantial property rights, it

presents no hazards to persons living in the neighborhood, it is necessitated by the placement of the existing structure and restrictions of the rest of the building site, in accordance with the plans received April 17, 1986. Motion passed unanimously.

V-2121 - Steve and Pam Zonca, 79 Valley Road, A/P 5-081-05, a 3.5 foot north sideyard variance and a 2.5 foot south sideyard variance to construct a second floor addition within 4.5 feet of the north side property line and 5.5 feet of the south side property line (the new construction to also have a one foot roof overhang); and a parking variance for existing parking (second space is substandard in length at 12 feet).

The applicants were present.

Planning Technician Wight reported that a 610 square foot second floor addition is proposed along the existing side building lines over the rear of the existing dwelling. A petition of support was received from the owners of six properties in the neighborhood.

M/S, McPeak-Harle, to approve V-2121, Steve and Pam Zonca, 79 Valley Road, A/P 5-081-05, a 3.5 foot north sideyard variance and 2.5 foot south sideyard variance to construct a second floor addition within 4.5 feet of the north side property line and 5.5 feet of the south side property line, with the new construction to also have a 1 foot overhang; and a parking variance for existing parking for the second space which is substandard in length at 12 feet, based on the special circumstances that the addition is similar to other structures in the neighborhood, the granting of the variance is necessary for substantial property rights, and there will be no detriment to the neighborhood. Motion passed unanimously.

V-2122 - Carol and Paul Kreider, 40 Cordone Drive, a 4 foot north sideyard variance to construct a first floor addition and construct a new roof on an existing garage within 4 feet of the north side property line; a 2.5 foot north sideyard variance and 3 foot south sideyard variance to construct a second story addition within 5.5 feet of the north side property line and 5 feet of the south side property line; a 1 foot south sideyard variance to construct a second story open deck within 5 feet of the south side property line (the new construction to also have a 3 foot roof overhang); and a parking variance for existing parking (usable garage area is 16 feet in length).

The applicants were present.

Planning Technician Wight reported that the plans were to construct a first floor kitchen addition along the north side building line, a new roof on the existing garage and a second story addition and open deck to the rear of the dwelling along the north and side building lines. However, a variance is also needed for alterations to the garage roof within the front setback, which was not included in the application or the notice of public hearing. She recommended that the Commission act on the other variance proposals this evening and the garage roof setback at a future meeting. Furthermore, Ms. Wight recommended that the garage be cleared for parking use.

Mr. Kreider said a car does fit into the garage even with his winemaking equipment present.

Dan Thomas, the project designer, said his measurements showed that the roof overhang conforms to the setback requirements, but if there is a discrepancy and a variance is required, that he requested it be heard at the beginning of the Commission's subsequent meeting.

M/S, McPeak-Zaharoff, to approve V-2122, Carol and Paul Kreider, 40 Cordone Drive, A.P 5-222-06, a 4 foot north sideyard variance to construct a first floor addition within 4 feet of the north

side property line and a new roof on the existing garage within 4 feet of the north side property line; a 2.5 foot north sideyard variance and 3 foot south sideyard variance to construct a second story addition within 5.5 feet of the north side property line and 5 feet of the south side property line; a 1 foot south sideyard variance to construct a second story open deck within 5 feet of the south side property line, with the new construction to also have a 3 foot roof overhang, and a parking variance for the existing parking as the useable garage area is 16 feet in length, with the condition that the garage be available for parking as recommended in the staff report, in accordance with the drawings received by the Commission May 19, 1986, based on the special circumstances of the narrowness of the lot and the consistency of this construction with the neighborhood, the granting of the variance is necessary for the preservation and enjoyment of substantial property rights and will create no detriment to the neighborhood. Motion passed unanimously.

U-609 - Lycee Francais de San Francisco, 100 Shaw Drive, A/P 6-061-14, use permit for a private school in a residential zone.

The principal of the school was present.

Planning Technician Wight reported that in 1985 use permits were granted to the Marin County French School and the San Anselmo Montessori School to operate private schools at the former Red Hill School site. The Marin County French School has left the site and was replaced by Lycee Francais. Staff recommended there be a condition that the use permit would expire when the school's lease expires, or in 3 years, whichever occurs first.

M/S, Harle-Zaharoff, to approve U-609, Lycee Francais de San Francisco, 100 Shaw Drive, A/P 6-061-14, use permit for a private school in a residential zone, with the condition that the use permit expire in three years or at the termination of the lease, whichever is sooner, on the grounds that the use creates no hazard or difficulties for the residents in the neighborhood and allows enjoyment of substantial property rights. Motion passed unanimously.

ADJOURNMENT

On motion duly made and seconded the meeting was adjourned at 11:20 p.m.

Beth Calamar