

The special meeting of the San Anselmo Planning Commission was called to order by Chairman Hayes on February 16, 1988, at 8:00 p.m. in the Town Hall Council Chamber. Staff present: Lisa Wight, Planner, John Roberto, Planning Consultant, Hadden Roth, Town Attorney.

A. ROLL CALL

Commissioners Present: Harle, Hayes, Julin, Sias, Yarish, Zaharoff
Commissioners Absent: Manning

B. APPROVAL OF MINUTES

January 25, 1988

Sias: Page 3, Paragraph 4: change "mute" to "moot"; add " . . . three parcels until the site location and issues are resolved."

Julin: Page 3, Paragraph 6: change " . . . structures be build 300 feet contour line below the green line it would then . . ." to " . . . structures were to be built below the 300 foot contour line which appears to be beyond the green line, they would then . . ."

M/S Harle, Sias, to approve the minutes of January 25, 1988, as amended.

Motion passed unanimously.

February 1, 1988

Yarish: Page 2, Paragraph 5, change "expeditions" to "exhibitiously"; Page 2, Paragraph 7, change "2/11/88" to "2/22/88".

Sias: Page 5, last paragraph, change "Cory Saucer" to "Cory Susser".

Hayes: Page 6, Paragraph 3, add last name to "Tom"; Page 7, Paragraph 13, remove comments made by Commissioner Hayes as they do not reflect his position on the application.

M/S Yarish, Harle, to approve the minutes of February 1, 1988, as amended.

Motion carried; Commissioner Julin abstained.

C. PUBLIC HEARINGS

1. V-2210 - John Montgomery, 33 Scenic Avenue, A/P 7-081-22, a variance to construct a second approach to the property off Redwood Road; and a 20 foot rearyard variance to construct a parking deck off Redwood Road within zero feet of the rear property line.

John Montgomery, applicant, present.

Ms. Wight presented the staff report dated February 16, 1988, noting this application had been continued from the previous meeting due to a tie vote.

Commissioner Julin questioned whether a structural engineer would be required to prepare the plans for the building permit. Staff advised it is possible the deck would have to be engineered, but that decision is a Building Department matter and not part of the Planning Commission review.

The other Commissioners reiterated comments made from the last meeting.

M/S Harle, Zaharoff, to approve V-2210 for John Montgomery, 33 Scenic Avenue, A/P 7-081-22, a variance to construct a second approach to the property off Redwood Road; and a 20 foot rearyard variance to construct a parking deck off Redwood Road within zero feet of the rear property line, on the grounds that due to the configuration, steepness and narrowness of the lot, if more than three parking spaces are allocated this is the logical location as it could not otherwise be placed on the property; it is not a granting of special privileges inconsistent with the limitations on other properties in the vicinity and zone; it is necessary for the preservation and enjoyment of substantial property rights in the sense that he needs more parking than the three spaces and due to living arrangements on his property; it is consistent to allow the additional parking to be located there; the granting of the variances will not adversely affect the health and welfare of persons residing or working in the neighborhood or be injurious to persons or property; this will improve the safety situation somewhat by providing additional parking; the proximity to the blind curve on Redwood Road is not a significant

problem when considering the relatively slow speed of traffic on that street; and additionally that it be noted to the Building Department that concern has been expressed over the status of the plans and nature of the construction and as we see it, modifications will have to be made to ensure the safety of the structure.

Commissioner Julin suggested an amendment to the motion to read, "such plans be reviewed and approved by a structural engineer licensed by the State of California." Some other Commissioners felt this statement would not be necessary as the Building Department will enforce the necessary requirements for plans. Commissioner Julin said she will not vote in favor of the application unless her amendment is attached; to which, the other Commissioners agreed that in the interest of moving along, they would agree to this amendment to the motion. It was the Commission's intent that the applicant bear the cost for the engineer to review the plans.

Motion carried: AYES: Hayes, Julin, Zaharoff, Harle
NOES: Sias, Yarish

Audience was advised of the ten day appeal period.

2. PP-10/V-2209 - Carradine, Incorporated Architects, The Alameda, South of 443 The Alameda, San Anselmo jurisdiction A/P Nos. 5-043-16, 5-043-22, 5-043-31, and County of Marin jurisdiction A/P Nos. 177-220-54 and 177-220-55, preliminary plan development, variance for a driveway easement to County jurisdiction parcel A/P 177-220-54, and discussion of environmental clearance.

Michael Carradine, applicant, present.

Frank Berger, 324 The Alameda, questioned why the preliminary agenda was different than the final agenda. Staff explained the preliminary agenda is for noticing purposes and after the preliminary agenda was distributed, a portion of the application was withdrawn from the final agenda.

Mr. Roberto presented the staff report dated February 16, 1988.

Commissioner Hayes pointed out that the access road appears to end right before the County lot, A/P 177-220-54, so will the County require a variance to continue it to this lot? If the access is not connected to the property, then is the lot still considered land locked?

Mr. Roth said this new question should be checked with the County. Mr. Roth said the single holding form issued by the County that refers to a 40 foot street easement was issued on the basis of Mr. Carradine's information being accurate and the County does not attest to that information being accurate. The County is making the assumption that it is a valid access. This is a small point, but should be investigated.

Mr. Carradine said 1) he objects to staff's comments that his application is subject to CEQA; 2) the geology has been addressed; 3) drainage is a technical issue that he can resolve with staff and is not sure what some of the solutions entail; 4) traffic issue - he is not aware of any sight lines being obstructed from the access road and he proposes a stop sign at the bottom of the driveway and can prune any trees within the easement; 5) fire safety - the hammer head is shown outside of the easement, but that can be solved by providing the hammer head in the County or on-site. The Fire Department has previously required a 20 foot driveway and after discussion agreed to reduce it to 18 feet. Mr. Carradine said he will not allow that width to be reduced any further; 6) regarding growth inducing impacts, he has no control over this.

Brad Johnson, representing J. K. Naylor, owner of A/P Nos. 5-043-16, 5-043-22 and 5-043-31, stated Mr. Naylor does not have control over Mr. Carey's property. He accused the Town for putting J. K. Naylor into bankruptcy and if he does not get an answer tonight, then the land will be up for auction and he can sue the Town for millions. Mr. Johnson said the drainage problems are not as bad as the neighbors say, and City, County and State Engineers are aware of and know how to deal with the drainage. If Mr. Coles wants to put a holding tank on Mr. Naylor's property, they have that right.

Mr. Roberto questioned whether Mr. Naylor had put it in writing that he would make concessions on his property, to which Mr. Carradine replied he had not. Mr. Roberto stated that since Mr. Naylor had not done so that Mr. Johnson's comments are not valid. Mr. Roberto added the application will have to be formally changed.

The property owner of 10 Varborg Terrace, wants assurances that the road will not affect the hillside adversely.

Joe Arroni, 424 The Alameda, said his main complaint is the effect the removal of the trees will have on the hillside stability.

Shita Khufu, 290 The Alameda, asked for clarification of the green line on the General Plan map, to which Chairman Hayes explained.

Don Mansell, 90 Holstein Road, said 1) a holding tank to limit storm runoff requires at least annual maintenance to clear debris and rocks; 2) a number of trees will have to be removed to widen the road and provide sight distances - most are oaks, bays, and madrones; 3) this appears to be very steep property, i.e., 100 percent slope. Is it large enough to provide sufficient area for construction?

Frank Berger, 324 The Alameda, asked that his comments from previous meetings be included. He agrees with the staff report; it is essential an environmental determination be made on this project; the soils report noted any major disturbance on this hill could cause major problems; as part of the environmental review, the road should be staked out; he hopes all neighbors are notified of the preparation of the EIR and the scoping session that is undertaken; he is happy to hear there are two other ways Mr. Carey can access his property because that may mean two other ways Mr. Coles can access his property; and no one is saying the three lots should not be developed so long as it does not adversely affect neighbors.

Mr. Carradine noted the County property does not have another access to it, so an EIR to analyze how to access the property by other means is a waste.

Mr. Johnson suggested that if Mr. Naylor were to purchase the Coles' property and give the deed of that lot to the Town and then subdivided the three Town lots to create a fourth lot, the Town would have control of that road forever.

Mr. Roberto said that application would have to be formally submitted to the Town. Mr. Roberto advised the Commission does not have the proper authorization to act on the application. Mr. Carradine represents Mr. Coles, and previously Mr. Naylor, and this is the only application he had authority to work with. Mr. Carradine has indicated to him that Mr. Naylor wants to hold off on the three other applications. However, the time clock is running on these four applications. They were submitted on August 28, 1987, deemed complete on September 28, 1987, and if a Negative Declaration is issued, the applications must be acted on by March 28, 1988, and if an EIR is required, the applications must be acted on by September 28, 1988. This application has to be revised for the improvements to be on Mr. Naylor's land. Mr. Roberto said the record must be clear before a determination of environmental consequences can be made. Unless the applicant withdraws the application, the Commission must act on it, and I recommend denial without prejudice, because this application has improvements on it that can not be accommodated. Mr. Roberto also recommended that the Commission take similar action on the other three applications prior to March 28. Mr. Roberto noted that if these three other applications are denied, the applicant cannot reapply until the interim ordinance is no longer in effect.

Carradine requested this application be continued and possibly it could be resolved by March 28. Chairman Hayes said he cannot conceive it could be resolved by then and asked Mr. Carradine whether he wished to withdraw his application at this time. Mr. Carradine said he is inclined not to withdraw his application.

Commissioner Yarish said he could support the denial without prejudice, but also require more specifics in mitigations in compliance with the geologic report, a specific solution to the drainage problem, a specific plan for clearing of shrubs for purpose of traffic safety, and restrict the driveway width to 12 feet.

Commissioner Julin said she still has difficulty with the Town processing an easement variance to a County parcel.

Commissioner Sias said he wants to see details on the trees that would have to be removed and asked that the roadway be staked.

Chairman Hayes said he doesn't want any uncertainty when mitigating proposals and if there is uncertainty, an EIR should be prepared.

M/S Zaharoff, Harle, that the application filed August 28, 1987, by Mr. Coles for A/P 177-220-54 be denied without prejudice, allowing Mr. Coles to resubmit an application without additional filing fees for A/P 177-220-54 forthwith. In denying this application, we find that the application and drawing submitted on August 28, 1987, and the drawing presented this evening, February 16, 1988, includes a hammer head as a portion of the driveway which is on properties not owned by Mr. Coles and, therefore, Mr. Coles is not able to carry out those improvements on that one; to

allow Mr. Coles an opportunity to submit an application for improving the access that he is able to carry out unilaterally or obtain an endorsement of the neighbors.

Motion passed unanimously.

Audience was advised of the ten day appeal period.

Chairman Hayes directed staff to schedule the other three applications for the March 7, 1988 meeting.

D ADJOURNMENT

The special meeting of the San Anselmo Planning Commission was adjourned at 10:35 p.m. to the next special meeting on February 22, 1988.

LISA WIGHT
PLANNER