

TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES OF SEPTEMBER 17, 1990

The regular meeting of the Planning Commission was convened at 8:00 p.m. on September 17, 1990 in the Council Chamber by Chairman Yarish. Staff present: Dain Anderson, Assistant Planning Director; Lisa Wight, Planner; and Jayni Barker, Planning Consultant.

A. ROLL CALL

Commissioners present: Hayes, Sias, Kroot, Mihaly, Yarish
Commissioners absent: Julin, Harle

B. CONSENT AGENDA

1. Approval of Minutes for September 10, 1990

Chairman Yarish requested that the Minutes be taken off the consent agenda and continued to the end of the agenda when Commissioner Julin will be present because she had a question.

C. PUBLIC HEARINGS CONTINUED TO FUTURE MEETINGS

1. V-9023/AR-9006 - Jean Brunswick, 22 Magnolia Avenue, A/P 7-212-34, 1) a 1' 00" front yard variance, a third story variance, and a building height variance to construct a professional office building; 2) a variance to exceed the maximum allowable lot coverage of 60%, and 3) a parking variance to allow inadequate parking, and design review, on property located within the "P" Zoning district: CONTINUED TO OCTOBER 1, 1990

2. V-9022 - Richard and Judith Storms, 25 Scenic Avenue, A/P 7-081-23, 1) a 9'0" front yard variance and a 5'0" east side yard variance to construct first story living and garage additions within 11'0" of the front property line and within 3'0" of the east side yard property line; 2) a variance to exceed the maximum allowable lot coverage of 40%; and 3) a parking variance to allow the creation of a substandard parking space, on property located within the R-1 Zoning District: CONTINUED TO OCTOBER 1, 1990

D. PUBLIC HEARINGS

1. V-2315/PP-14 - James Helfrich, between 444 and 500 The Alameda, A/P Nos. 5-043-16, 5-043-22, 5-043-31, 177-133-13, 177-220-54, 1) a draft negative declaration for Variance V-2315 and Preliminary Development Plan PP-14; 2) a variance for access; and 3) a preliminary development plan, all leading to the development of four single family detached residential units, in property located within the R-1H zoning district.

The applicant was present.

Jayni Barker presented the staff report stating that the reason this application is before the Commission once again is due to the fact that full noticing and review and comment provisions required by CEQA were not satisfied. Therefore, staff recommended that the town Council refer the project to the Planning Commission for reconsideration, after allowing for a 21 day public review period for the proposed Negative Declaration. Following the Commission's reconsideration, the four appeals of the Commission's June 4, 1990, actions can be heard by the Council at their meeting of September 25, 1990.

Chairman Yarish stated that all past minutes and written testimony that was subsequently discussed will be included as part of the record and therefore citizens need only discuss new information pertinent to this application.

James Helfrich said he was in concurrence with staff recommendations and had nothing further to add.

Mary Kirk, 20 Varbourg Terrace, stated that she and her husband recently purchased their house and although it was disclosed that this project could have some impact on them, she was not clear as to the magnitude. Her husband went to the Building Department to review the files but was given the impression by Mr. Anderson that the house would not have a significant impact on them. She said she was not opposed to Mr. Helfrich developing his land but would like to have a little more information at this time on what was proposed and what her options were, if any.

Ms. Barker explained that this was a preliminary plan review, and although the general location of the sites is defined at this review, the public has a chance to provide input for the exact locations of the homes at the precise development review.

Commissioner Sias stated that contrary to this being a preliminary review, the proposed site "E" would indeed be very close to the new owners of 20 Varbourg Terrace. Mr. Helfrich stated he would be very willing to meet with the owners and explain in detail, what is proposed.

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Laurie Ferry, 10 Varbourg Terrace, did not think the new owners have had sufficient time to comprehend the project. She also stated that the previous owners of 20 Varbourg Terrace and themselves, took part in the appeal. She wondered if the new owners could be included in that appeal.

Assistant Planning Director Anderson stated that on the advise of the Town Attorney, all old appeals stand and that the new owners of 20 Varbourg Terrace could also submit an appeal because of the public hearing taking place this evening.

Dottie Le Mieux, Attorney representing Roberta Stoddard, 444 The Alameda. She found it interesting that the Planning Commission has already set forth a date for appeal on this hearing of September 25, 1990, which is less than the ten day appeal period.

Commissioner Mihaly said he was going to abstain from this application because he was not present in past meetings on this application and minutes of those meetings are part of the record but he stated that it would be prudent to wait out the ten day appeal period and thus setting another date other than September 25, 1990 for the appeal to the Council.

Ms. Le Mieux felt there were not adequate test borings done on site "E" and that the soils report talk about the site being a landslide site. Although that was in the Soils Report, there never seemed to be a discussion about that. She felt a further study needed to be performed to clarify the issue. She thought additional studies needed to be done on the loss of vegetation on the site. She also asked for clarification on the R-1H zoning regulations. She said the parcel is 3.68 acres and yet the General Plan talks about four people per acre. Does the Town limit the number of people in the household. She believed that this was a marginal project, that there have been at least 9 previous meetings on this project, which indicates the level of concern by the neighbors. Because of the major controversy she felt a full environmental review should be required. She wondered why staff checked "maybe" on item 21 of the environmental check list.

Ms. Barker explained that "maybe" was checked without consideration of the mitigation measures but with the mitigation measures in place, the negative impact will be reduced to less than significant. With regard to public controversy, after reviewing the past minutes the large concern was related to the purchase of the land for open space and the location of the homes. Staff therefore feels the controversy was not over the environmental impacts. Drainage and geology related issues are included as mitigation measures.

Jan Back, 431 The Alameda, felt many issues relating to the environment had been raised in past hearings, such as: slides, drainage, culverts, traffic and vegetation.

Ms. Le Mieux felt that an in depth study should be performed on each lot, especially "E" before any decision is arrived at.

Mr. Helfrich stated that in depth soils and geological tests have been performed on all the sites. No one at this date has been able to dispute the information that his engineers have provided.

Commissioner Sias asked for an explanation on why Mr. Helfrich and staff felt site "F" was one of the least favored sites.

Mr. Helfrich explained that site "F" was extremely steep, has loose soil conditions, the house would have to be built high on the lot and would loom over The Alameda. There would be an extensive amount of vegetation that would have to be removed, and that vegetation would be shielding the other homes proposed further up the hill. There would be a need for a massive retaining wall because of the steep lot and a massive amount of soil removal to get to bedrock. He explained that site "E" on the other hand, was on bedrock but very close to the neighbors at 20 Varbourg Terrace and adjacent to 444 The Alameda. He said he would be willing to work with the affected neighbors in any way possible.

Chairman Yarish said he was present during the presentation by Steuber & Strowe and Van Houton Associates and felt they were very thorough and convincing that site "F" was not workable.

Commissioner Hayes provided an overview of the pros and cons of each site for the benefit of the audience. He said that Upper D was in the ridge zone and therefor not acceptable. Lower D would be too visible to those people across the valley as well as the immediate neighbors. Sites "A", "B", and "C" seem to be workable sites and agreeable to all the Commissioners because they are on bed rock and not visible. Site "F" seems to be impossible because of slides and the steepness of the lot, and "E" would adversely affect two neighbors. He felt that based on all the information he would have to go with what was originally agreed upon that is sites "A", "B", "C", and "E". He added that although he approved site "E" he would like to see that the house be made smaller and less visible when they get to the precise development stage.

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Commissioner Kroot approved of sites "A", "B", "C". He thought upper "D" would be his next choice because it would be tucked between trees and would not be visible, but it is in a ridge area and against the direction of the General Plan. Therefore he will go with "E" because it adversely affects the least amount of people. He did not feel a full environmental review was necessary because there have already been exhaustive studies done of the site in excess of what is normally required at the preliminary plan stage.

Commissioner Sias concurred with Commissioner Hayes although he really wished there was a way to build on site "F". He did not believe a full environmental review was necessary because there have been thorough studies already performed on each site.

Commissioner Julin arrived at this point and asked to abstain.

Chairman Yarish approved of sites "A", "B", "C" and had a harder time on a decision for the forth site for the reasons stated by his colleagues. However, he felt site "E" was his next choice because it was not as intrusive, and less visible to more people. He did want to see some mitigation measures in place that would screen the house from the neighbors, ensure the safety of the surrounding homes, and remove as little existing vegetation as possible.

M/S Kroot, Hayes, to adopt the Negative Declaration, based on the Expanded Initial Study, dated May 1990 for V-2315/PP-14 - James Helfrich, between 444 and 500 The Alameda, A/P Nos. 5-043-16, 5-043-22, 5-043-31, 177-133-13, 177-220-54, a variance for access; and a preliminary development plan, all leading to the development of four single family detached residential units, in property located within the R-1H zoning district and approval of all mitigation measures as listed in Resolution number 9001, 9002 and 9003 as included in the staff report for the meeting of September 17, 1990.

Ayes: Sias, Hayes, Kroot, Yarish
Abstain: Julin, Mihaly

Motion carried. It should also be noted that there is an existing appeal to the Town Council on September 25, 1990 and staff will verify with the Town Attorney if the appeals can be heard at that time or if a ten day appeal period starts after this meeting tonight.

2. V-9020 - Paul Dal Porto, 40 Floribel Avenue, A/P 7-081-58, 1) a 4'6" north side yard variance to construct a second story living addition within 3'6" of the north side property line; 2) a 1'6" north side yard variance to construct a third story living addition within 6'6" of the north side property line, with a 1' roof overhang; and 3) a variance to construct a third story, on property located within the R-1 zoning district.

Anita Dal Porto and Fran Halperin her Architect, were present.

Planner Wight presented the staff report.

Mrs. Dal Porto said she just got married and wants to raise a family. The house is quite small and that is why they want to add on. She felt there were limited in their expansion because they wanted to retain the existing yard space for a play area for the children. The kitchen is quite small and they want to expand it to make it more usable for them.

Ms. Halperin stated that she takes issue with staff's statement that they are seeking a third story because of the placement of the story. She does not feel they can build to the rear because it would cut off light and retaining walls would be required. She also thought side yard variances might be required if they build to the rear and there is a large oak tree in the rear yard by the existing hot tub. Relocating the kitchen as suggested by staff would be quite costly and a large task. The current bathroom is 7 feet and code is 7'6". She felt there would be more of an adverse impact on the residents of Elm Court if they had to build back. She presented a petition that was signed by the neighbors, stating their support for the proposed project.

Commissioner Kroot felt the design was very good, an improvement to the current design and that special circumstances for granting approval were the very steeply sloped lot and placement of an addition anywhere else on the lot would take away from any usable open space. The current house was small, the addition was small and although our codes state the addition would constitute a third story, the affect is really a two story house. The neighbors are also in support of the proposal.

Commissioner Julin concurred with staff's findings for recommendation of denial.

Commissioner Sias felt the applicant, the Architect and Commissioner Kroot had provided compelling information to help him support the proposal. The third story will not loom, the neighbors do not object, the lot is steeply sloped.

PLANNING COMMISSION RESOLUTION NO. 9004

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF SAN ANSELMO ADOPTING A NEGATIVE DECLARATION FOR VARIANCE V-2315 AND PRELIMINARY DEVELOPMENT PLAN PP-14 FOR A 3.68 ACRE PROJECT SITE LOCATED SOUTH OF THE ALAMEDA, AND GENERALLY LOCATED BETWEEN 444 AND 500 THE ALAMEDA, AND IDENTIFIED BY THE ASSESSOR OF THE COUNTY OF MARIN AS ASSESSOR'S PARCEL NUMBERS 5-043-16, 5-043-22, 5-043-31, 177-133-13, AND 177-220-54; FILED BY JAMES HELFRICH

WHEREAS, an environmental review application was filed with the Town of San Anselmo Public Works and Planning Department by James Helfrich on September 25, 1989, and concurrently with applications for Variance V-2315 and Preliminary Development Plan PP-14, for a 3.68 acre project site located south of The Alameda, and generally located between 444 and 500 The Alameda, and identified by the Assessor of the County of Marin as Assessor's Parcel Numbers 5-043-16, 5-043-22, 5-043-31, 177-133-13, and 177-220-54; and

WHEREAS, an Initial Study was prepared by the Public Works and Planning Department in accordance with Section 15063 of the California Environmental Quality Act Guidelines; and

WHEREAS, the conclusion of the Initial Study was that a draft Negative Declaration be prepared; and

WHEREAS, a draft Negative Declaration was distributed and posted for a twenty-one day public review and comment period from August 10, 1990, to August 31, 1990; and

WHEREAS, one comment was received during the public review and comment period; and

WHEREAS, the Planning Commission of the Town of San Anselmo conducted a public hearing on the draft Negative Declaration, Variance V-2315, and Preliminary Development Plan PP-14 on September 17, 1990; and

WHEREAS, the Planning Commission of the Town of San Anselmo considered information presented by the Public Works and Planning Department, the Town of San Anselmo Open Space Committee, the applicant, and other interested parties at the public hearing.

NOW, THEREFORE, the Planning Commission of the Town of San Anselmo DOES HEREBY FIND as follows:

Section 1. Pursuant to Section 15063 of the California Environmental Quality Act Guidelines an initial study has been prepared. The Planning Commission, having final approval authority over the proposed projects, has determined that although the proposed projects could have a significant effect on the environment there will not be a significant effect on the environment in this case because mitigation measures identified in the Initial Study will be added to the projects and made conditions of the project approval.

Section 2. No mitigation measures were identified in the Initial Study prepared for Variance V-2315 and Preliminary Development Plan PP-14 which are applicable to Variance V-2315.

Section 3. Mitigation measures identified in the Initial Study prepared for Variance V-2315 and Preliminary Development Plan PP-14 as Mitigation Measures 1 through 17 have been added to the resolution approving Preliminary Development Plan PP-14 as Conditions 3 through 12 and 14 through 20.

PASSED AND ADOPTED by the Planning Commission of the Town of San Anselmo on the 17th day of September, 1990, by the following roll call vote:

AYES: SIAS, HAYES, KROOT, YARISH

NOES: NONE

ABSTENTIONS: JULIN, MIHALY

ABSENTS: HARLE



CHAIR, PLANNING COMMISSION



ATTEST, ASSISTANT DIRECTOR OF PLANNING

PLANNING COMMISSION RESOLUTION NO. 9005

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF SAN ANSELMO APPROVING VARIANCE V-2315; FILED CONCURRENTLY WITH PRELIMINARY DEVELOPMENT PLAN PP-14; ALLOWING ACCESS TO THE PRELIMINARY DEVELOPMENT PLAN PP-14 PROJECT SITE, COMPRISED OF PARCELS IDENTIFIED BY THE ASSESSOR OF THE COUNTY OF MARIN AS ASSESSOR'S PARCEL NUMBERS 5-043-16, 5-043-22, 5-043-31, 177-133-13, AND 177-220-54, TO BE TAKEN FROM A PRIVATE ACCESS ROAD INTERSECTING THE SOUTHERLY SIDE OF THE ALAMEDA BETWEEN 444 AND 500 THE ALAMEDA; FILED BY JAMES HELFRICH

WHEREAS, a variance application was filed with the Town of San Anselmo Public Works and Planning Department by James Helfrich on September 25, 1989, and concurrently with an application for Preliminary Development Plan PP-14, requesting that access to the Preliminary Development Plan PP-14 project site, located south of The Alameda and generally located between 444 and 500 The Alameda, and identified by the Assessor of the County of Marin as Assessor's Parcel Numbers 5-043-16, 5-043-22, 5-043-31, 177-133-13, and 177-220-54, be taken from a private access road intersecting the southerly side of The Alameda between 444 and 500 The Alameda; and

WHEREAS, Section 10-3.1906 of the San Anselmo Municipal Code requires that each lot have access directly from a public street; and

WHEREAS, the Planning Commission of the Town of San Anselmo conducted a public hearing on Variance V-2315 on September 17, 1990; and

WHEREAS, the Planning Commission of the Town of San Anselmo considered information presented by the Public Works and Planning Department, the Town of San Anselmo Open Space Committee, the applicant, and other interested parties at the public hearing; and

WHEREAS, on September 17, 1990, the Planning Commission of the Town of San Anselmo adopted a Negative Declaration for Variance V-2315 and Preliminary Development Plan PP-14, pursuant to provisions of the California Environmental Quality Act Guidelines.

NOW, THEREFORE, the Planning Commission of the Town of San Anselmo DOES HEREBY FIND as follows:

Section 1. Pursuant to Section 15063 of the California Environmental Quality Act Guidelines an initial study has been prepared and it has been determined that although the proposed project could have a significant effect on the environment there will not be a significant effect on the environment in this case because mitigation measures identified in the Initial Study have been added to the project and made conditions of the project approval. A Negative Declaration has been adopted.

Section 2. That the findings required for the approval of a Variance, as set forth by Section 10-3.2101 of the San Anselmo Municipal Code, have been made as follows:

- (a) Due to special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the controlling zoning ordinance or regulation deprives such property of privileges enjoyed by other property in the vicinity and under an identical zoning classification, and the granting of the variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.

The Preliminary Development Plan PP-14 project site has approximately 302.61 lineal feet of frontage along The Alameda, which is a public street. The project site, which is designated for the development of four single family detached residential units by the General Plan of the Town of San Anselmo, is located within the R-1-H Zoning District. Established development standards within the R-1-H Zoning District require a minimum lot frontage of forty feet (40'), a minimum average lot width of sixty feet (60'), and a minimum lot size of 7,500 square feet. The project site's effective street frontage is reduced to approximately 190 lineal feet by the existence of an intersection created by The Alameda and a private access easement which traverses the project site. While the effective street frontage of the project site represents adequate street frontage for the creation of four lots having a minimum street frontage of forty feet (40') as required by the R-1-H Zoning District development standards, the course of the same private access easement which reduced the effective street frontage of the project site, also reduces the area of the project site fronting The Alameda to approximately 9,250 square feet, which is not of sufficient size to create four lots in accordance with the R-1-H Zoning District development standards for minimum average lot width and minimum lot size. In summary, the location and course of the private access easement traversing the project site does not allow the development of the project site to the extent envisioned by the General Plan and in accordance with established development standards of the R-1-H Zoning District. Therefore, the approval of Variance V-2315 would not represent a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.

- (b) The granting of the variance is necessary for the preservation and enjoyment of substantial property rights of the petitioner.

The Preliminary Development Plan PP-14 project site has approximately 302.61 lineal feet of frontage along The Alameda, which is a public street. The project site, which is designated for the development of four single family detached residential units by the General Plan of the Town of San Anselmo, is located within the R-1-H Zoning District. Established development standards within the R-1-H Zoning District require a minimum lot frontage of forty feet (40'), a minimum average lot width of sixty feet (60'), and a minimum lot size of 7,500 square feet. The project site's effective street frontage is reduced to approximately 190 lineal feet by the existence of an intersection created by The Alameda and a private access easement which traverses the project site. While the effective street frontage of the project site represents adequate street frontage for the creation of four lots having a minimum street frontage of forty feet (40') as required by the R-1-H Zoning District development standards, the course of the same private access easement which reduced the effective street frontage of the project site also reduces the area of the project site fronting The Alameda to approximately 9,250 square feet, which is not of sufficient size to create four lots in accordance with the R-1-H Zoning District development standards. In summary, the location and course of the private access easement traversing the project site does not allow the development of the project site to the extent anticipated by the General Plan. Therefore, the granting of the variance is necessary for the preservation and enjoyment of substantial property rights of the petitioner.

- (c) The granting of such variance, under the circumstances of the particular case, will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not be materially detrimental to the public welfare or injurious to property or improvements in such neighborhood.

No evidence has been presented which indicates that access to the Preliminary Development Plan PP-14 project site from a private access road in lieu of direct access from a public street will significantly impact the public's health, safety, or general welfare. As such, the granting of such variance, under the circumstances of the particular case, will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not be materially detrimental to the public welfare or injurious to property or improvements in such neighborhood.

BASED ON THE ABOVE FINDINGS, the Planning Commission of the Town of San Anselmo DOES HEREBY APPROVE Variance V-2315 allowing access to the Preliminary Development Plan PP-14 project

site to be taken from a private access road intersecting the southerly side of The Alameda between 444 and 500 The Alameda, subject to the following conditions:

1. Within ten (10) days of the date of Planning Commission approval of Variance V-2315, the applicant shall remit to the Town of San Anselmo payment for all costs incurred by the Town in the processing of the application for Variance V-2315.
2. Approval of Variance V-2315 shall be valid on September 27, 1990.

PASSED AND ADOPTED by the Planning Commission of the Town of San Anselmo on the 17th day of September, 1990, by the following roll call vote:

AYES: SIAS, HAYES, KROOT, YARISH

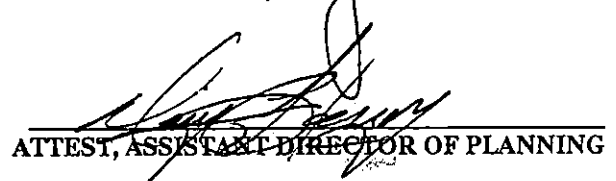
NOES: NONE

ABSTENTIONS: JULIN, MIHALY

ABSENTS: HARLE



CHAIR, PLANNING COMMISSION



ATTEST, ASSISTANT DIRECTOR OF PLANNING

PLANNING COMMISSION RESOLUTION NO. 9006

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF SAN ANSELMO APPROVING PRELIMINARY DEVELOPMENT PLAN PP-14 FOR FOUR SINGLE FAMILY DETACHED RESIDENTIAL UNITS AND A PRIVATE ACCESS ROAD ON A 3.68 ACRE PROJECT SITE LOCATED SOUTH OF THE ALAMEDA, AND GENERALLY LOCATED BETWEEN 444 AND 500 THE ALAMEDA, AND IDENTIFIED BY THE ASSESSOR OF THE COUNTY OF MARIN AS ASSESSOR'S PARCEL NUMBERS 5-043-16, 5-043-22, 5-043-31, 177-133-13, AND 177-220-54; WITHIN THE R-1-H ZONING DISTRICT, FILED BY JAMES HELFRICH

WHEREAS, a Preliminary Development Plan application was filed with the Town of San Anselmo Public Works and Planning Department by James Helfrich on September 25, 1989, for four single family detached residential units and a private access road on a 3.68 acre project site located south of The Alameda, and generally located between 444 and 500 The Alameda, and identified by the Assessor of the County of Marin as Assessor's Parcel Numbers 5-043-16, 5-043-22, 5-043-31, 177-133-13, and 177-220-54; and

WHEREAS, that portion of the project site situated within the corporate limits of the Town of San Anselmo is located within the Very Low Density land use category as designated by the General Plan of the Town of San Anselmo; and

WHEREAS, that portion of the project site situated within the corporate limits of the Town of San Anselmo is located within the R-1-H Zoning District; and

WHEREAS, that portion of the project site situated outside the corporate limits of the Town of San Anselmo and within the County of Marin will require pre-zoning to the R-1-H Zoning District and annexation to the Town of San Anselmo; and

WHEREAS, a portion of the project site is located within the Ridge Zone as defined by Section 10-3.1204(c) of the San Anselmo Municipal Code; and

WHEREAS, the General Plan of the Town of San Anselmo establishes a series of policy statements which permit development within the Ridge Zone only if development outside the Ridge Zone would be detrimental because of soil or geologic conditions, vegetation removal, drainage, or other pertinent factors; and

WHEREAS, the Planning Commission of the Town of San Anselmo a conducted public hearing on Preliminary Development Plan PP-14 on September 17, 1990; and

WHEREAS, the Planning Commission considered information presented by the Public Works and Planning Department, the Town of San Anselmo Open Space Committee, the applicant, and other interested parties at the public hearing; and

WHEREAS, the Planning Commission determined that the four most suitable sites for development are those identified as Sites A, B, C, and E.

WHEREAS, on September 17, 1990, the Planning Commission adopted a Negative Declaration for Variance V-2315 and Preliminary Development Plan PP-14, pursuant to provisions of the California Environmental Quality Act Guidelines; and

WHEREAS, on September 17, 1990, the Planning Commission approved Variance V-2315 to allow access to the four single family detached residential sites to be taken from a private access road intersecting the southerly side of The Alameda between 444 and 500 The Alameda; and

NOW, THEREFORE, the Planning Commission of the Town of San Anselmo DOES HEREBY FIND as follows:

Section 1. Pursuant to Section 15063 of the California Environmental Quality Act Guidelines an initial study has been prepared and it has been determined that although the proposed project could have a significant effect on the environment there will not be a significant effect on the environment in this case because mitigation measures identified in the Initial Study have been added to the project and made conditions of the project approval. A Negative Declaration has been adopted.

Section 2. That the findings required for the approval of a Preliminary Development Plan, as set forth by Section 10-3.1209 of the San Anselmo Municipal Code, have been made as follows:

- A. The proposed Preliminary Plan or phase thereof can be completed within four (4) years of the approval of said plan:

The applicant has not proposed a specific phasing plan for development of Preliminary Development Plan PP-14. Preliminary Development Plan PP-14, based on evidence presented, can reasonably be expected to be constructed within four years of the date of approval. To ensure that Preliminary Development Plan PP-14 is completed within four years, Condition 23 of this Resolution of Approval causes the approval of Preliminary Development Plan PP-14, and all subsequent approvals required by the San Anselmo Municipal Code for properties located within the R-1-H Zoning District, to expire on June 14, 1994, unless all development included in the scope of Preliminary Development Plan PP-14 has been completed to the satisfaction of the Town of San Anselmo or unless the applicant has requested, and received approval of, an extension of the approval of Preliminary Development Plan PP-14.

- B. That each individual phase of development, as well as the total development can exist as an independent unit:

The applicant has not proposed a specific phasing plan for the development of Preliminary Development Plan PP-14. Preliminary Development Plan PP-14 does not require the development of other contiguous or non-contiguous areas or infrastructure improvements prior to the development of the project site. Preliminary Development Plan PP-14, based on evidence presented, can exist as an independent unit.

- C. That the roadways proposed are suitable and adequate to carry projected traffic, and the proposed development will not generate traffic in such amounts as to overload the street network outside the project area:

At build-out, Preliminary Development Plan PP-14 is expected to generate approximately forty vehicle trips per day. The design and carrying capacity of the private access road and The Alameda, based on evidence presented, are adequate to accommodate the traffic expected to be generated by Preliminary Development Plan PP-14, without overloading the street network outside the project area.

- D. That the proposed plan will not adversely affect the health or safety of persons in or adjacent to the area or endanger property located in the surrounding area:

The ultimate development of Preliminary Development Plan PP-14, based on evidence presented, will not affect the health or safety of persons residing adjacent to the project site because all aspects of the

development of the Preliminary Development Plan project site will be reviewed for conformance with applicable building codes and accepted engineering and construction practices.

E. That the proposed plan is in conformance with the San Anselmo General Plan:

The General Plan of the Town of San Anselmo establishes policies related to the preservation, enhancement, and development of all lands within the Town. The General Plan designates the project site as Very Low Density, which permits residential development at a maximum density of one (1) unit for each acre of land. The Town of San Anselmo "Table of Hillside and Ridge Density Parcels", which supersedes the General Plan land use density in the event of conflicts between the documents, identifies the project site as having a maximum density of one (1) unit for each existing parcel. The project site is comprised of four parcels totaling 3.68 acre. The project site, based on the "Table of Hillside and Ridge Density Parcels", is entitled to be developed with a maximum of one residential unit for each parcel, for a total of four residential units.

The General Plan of the Town of San Anselmo establishes policy statements which indicate that ridges and Ridge Zones are valuable scenic and open space resources, and should, to the extent possible, be protected and preserved, by permitting development within the Ridge Zone only if development outside the Ridge Zone would be detrimental because of soil or geologic conditions, vegetation removal, drainage, or other pertinent factors. Preliminary Development Plan PP-14 is generally consistent with the goals and policies of the General Plan related to the protection and preservation of ridges and Ridge Zones. Sites A, B, C, and E are located outside the Ridge Zone. Access to Site C will require the construction of a private driveway through the Ridge Zone. Condition 4 of this Resolution of Approval requires that the design of the private access driveway incorporate design elements which will effectively screen the private access driveway from all vantage points north and south of the project site, thereby preserving the existing visual qualities of the ridge.

BASED ON THE ABOVE FINDINGS, the Planning Commission of the Town of San Anselmo DOES HEREBY APPROVE Preliminary Development Plan PP-14 for the development of four single family detached residential units on Sites A, B, C, and E, and a private access road, as depicted on the map titled Preliminary Development Plan, The Alameda Residences, Alternative C and received by the Public Works and Planning Department on May 14, 1990. Approval of Preliminary Development Plan PP-14 is limited to the general acceptability of the number of residential dwelling units, building site locations, roadways, and pedestrian easements. Approval of Preliminary Development Plan PP-14 does not construe endorsement of the precise location of dwellings, the configuration of parcels, the engineering feasibility, nor the acceptance of detailed grading to implement Preliminary Development Plan PP-14. Preliminary Development Plan shall be subject to the following conditions:

1. Within ten (10) days of the date of Planning Commission approval of Preliminary Development Plan PP-14, the applicant shall remit to the Town of San Anselmo payment for all costs incurred by the Town in the processing of the application for Preliminary Development Plan PP-14.

PRIOR TO OR CONCURRENT WITH SUBMITTAL OF AN APPLICATION FOR A PRECISE DEVELOPMENT PLAN

2. Prior to the submittal of an application for a Precise Development Plan for the project site, the applicant shall revise the Preliminary Development Plan PP-14 to reflect sites A, B, C, and E as depicted on the map titled Preliminary Development Plan, The Alameda Residences, Alternative C and received by the Public Works and Planning Department on May 14, 1990.
3. Prior to the submittal of an application for a Precise Development Plan for the project site, annexation to the Town of San Anselmo of that portion of the Preliminary Development Plan PP-14 project site lying outside the corporate limits of the Town of San Anselmo and within the County of Marin shall be completed. Completion of annexation shall include, but shall not be limited to,

approval by the Town Council of the Town of San Anselmo of an application for Pre-Zoning to R-1-H of those lands to be annexed to the Town.

4. The Precise Development Plan for the project site shall indicate that the design of the private driveway through the Ridge Zone to Site C incorporates design elements which will effectively screen the private access driveway from all vantage points north and south of the project site, thereby preserving the existing visual qualities of the ridge. Such design elements may include, but shall not be limited to, berming and landscaping.

PRIOR TO RECORDATION OF A MAP

5. Prior to the recordation of a new Final Map for all or a portion of the project site, whichever shall occur first, the applicant shall offer for dedication to the Town of San Anselmo an easement having a minimum width of ten feet (10') and located along the center-line of the existing access easement traversing the project site to provide public pedestrian access. This dedication shall not be accepted by the Town of San Anselmo unless and until the Town of San Anselmo or other public agency receives an offer of dedication for access to the property adjacent to the project site's eastern property line and identified by the Assessor of the County of Marin as Assessor Parcel Number 177-220-55. The easement shall be delineated on the Tentative Map to be reviewed and approved by the Planning Commission of the Town of San Anselmo.

PRIOR TO OR CONCURRENT WITH SUBMITTAL OF DESIGN REVIEW

6. Concurrent with the submittal of an application for the first Design Review for the project site, the applicant shall submit a landscape and irrigation plan for review and approval by the Planning Commission. The landscape and irrigation plan shall address the following:
 - a. Provide for the replacement of each tree to be removed with two new trees. The trees shall be planted in a protected location, and shall be provided with adequate protection against animals. The newly planted trees shall be monitored during the first year, and irrigated to ensure their survival.
 - b. Re-grading and re-vegetation of all disturbed portions of the project site to remain as open space following the development process, including all existing building pads not utilized as building sites, to a natural condition.
 - c. Demonstrate that landscape materials for road cuts, fills, and any other open disturbed areas that are to be landscaped shall incorporate native species (including salvaged tree seedlings) to the extent possible. Suitable tree species include maple, pine, cypress, oaks and sycamore. Suitable shrubs include toyon, fremontia, huckleberry, wild rose, and redbud.
 - d. Demonstrate how the proposed landscaping screens and softens the views of the development.
 - e. Provide adequate shielding from vehicle head lights traveling the private access road to protect adjacent development. The shielding may include a fence, trees, shrubs, or any combination that provides adequate shielding.
7. In conjunction with Design Review of architectural plans for the project site, the Planning Commission shall consider the visual impact of all proposed walls, fences, landscaping and building materials.

PRIOR TO ISSUANCE OF GRADING PERMIT

8. Prior to the issuance of the first grading permit for the project site, the applicant shall incorporate the recommendations contained in the geotechnical investigation prepared by Van Houten Consultants, dated September 15, 1989, for the project site, as may be amended by the Town Engineer of the Town of San Anselmo.
9. Prior to the issuance of the first grading permit for the project site, the applicant shall submit improvement plans for drainage facilities illustrated on Preliminary Development Plan PP-14 and described below:
 - a. A new inlet structure for the existing 30-inch pipe traversing property located at 443 The Alameda, and generally parallel to The Alameda, shall be designed and constructed to provide an increased storage capacity and easier debris clearing.
 - b. The two existing thirty inch (30") pipes along The Alameda shall be connected, and a turning structure constructed.
 - c. A minimum fifteen inch (15") pipe shall be installed under The Alameda to carry runoff from the project into the new turning structure required by Condition 9.b. The Town Engineer may require a larger pipe to be installed if final engineering calculations warrant a larger pipe.
 - d. A catch basin shall be installed on the south side of The Alameda to collect surface runoff from the street and private access road. The design of the debris grille for the catch basin shall be approved by the Town Engineer.
 - e. A supplementary pipe shall be installed along the north side of The Alameda from the new inlet structure, east of 443 The Alameda, to the new turning structure located at the west end of 443 The Alameda.

All improvement plans shall be approved by the Director of Public Works and Planning. An alternative drainage solution may be utilized, subject to approval by the Director of Planning and Public Works.

10. Prior to the issuance of the first grading permit for the project site, the applicant shall submit a precise grading plan indicates that all of the existing oak trees located adjacent to the project site's private access road will be preserved. The applicant's project plant ecologist shall be consulted and shall recommend measures to be taken during grading and construction phases of the project to ensure the preservation of the oak trees. These measures shall include, but shall not be limited to, erection and maintenance of protective fencing around the oak trees throughout the development of the project site and on-going monitoring of the condition of the oak trees by the project plant ecologist throughout the development of the project site. In association with on-going monitoring, the project plant ecologist shall submit, on the first business day of each month following the commencement of grading activities through the issuance of the last Certificate of Use and Occupancy for the project site, to the Director of Public Works and Planning for review, a written report of the condition of the oak trees.
11. Prior to the issuance of the first grading permit for the project site, the applicant shall submit a tree salvage plan for review and approval by the Director of Public Works and Planning. The goal of the plan will be to preserve as many small tree seedlings as possible from areas to be disturbed by the development process. The salvage plan shall establish a process for digging up the seedlings and properly storing them in pots for planting back into landscape areas once the development process is complete. In particular, oak seedlings should be saved for use on the site, and any salvaged seedlings

in excess of that which can be used locally, shall be donated to the Town or the local chapter of the California Native Plant Society (CNPS) for planting in other appropriate locations.

12. Prior to the issuance of the first grading permit for the project site, a pre-grading meeting shall be held including, but not limited to, the applicant, Town staff, the applicant's project engineer, and the applicant's project plant ecologist. The purpose of the meeting shall be to discuss the provisions of the tree protection measures and tree salvage plan required by Conditions 10 and 11.
13. Prior to issuance of the first grading permit for the project site, the applicant shall bond for the re-paving of The Alameda from the end of the existing new pavement located in the vicinity of 390 The Alameda to the east end of the frontage of the project site. The details of this paving requirement shall be determined at the precise development plan stage.
14. Prior to the issuance of the first grading permit for the project site, the applicant shall submit written evidence, from the Marin Municipal Water District, to the Director of Public Works and Planning, stating that water and the necessary delivery systems, have been reserved for the entire project site.

PRIOR TO ISSUANCE OF BUILDING PERMITS

15. Prior to the issuance of the first building permit for the project site, the following provisions for water supply for fire protection and access roadways shall be provided:

ACCESS ROAD

- a. The private access road shall be provided with an all weather driving surface and shall have a minimum vertical clearance of thirteen feet eight inches (13'-8").
- b. The private access road shall be designed to support the gross vehicle weight of fire apparatus (minimum 37,000 pounds).
- c. The private access road shall not be obstructed in any manner, including the parking of vehicles. "NO PARKING" signs, pavement markings, curb labeling or coloring, or other acceptable means may be required and shall be maintained.

FIRE FLOW REQUIREMENTS

- a. A fire hydrant shall be installed within 350 feet of all proposed structures. The hydrant shall be of the type and specification of the Ross Valley Fire Department (Long Beach 430 series hydrant) and shall have a diameter not less than six inches (6"), and shall have a minimum of one-four and one-half inch (4 1/2") outlet and two-two and one-half inch (2 1/2") outlets.
 - b. The fire hydrant bury shall be a minimum of six inches (6") in diameter.
 - c. The minimum fire flow shall be 1,000 gallons per minute at a residual pressure of 20 Pound Per Square Inch (PSI) for 2 hours.
16. Prior to the issuance of the first building permit for the project site, the applicant shall demonstrate that all homes are provided with the following fire protection features:
 - a. A residential sprinkler system conforming to the requirements of NFPA 13D specifications.
 - b. A fire retarding roof conforming to the requirements of the Uniform Building Code for Class C fire retarding roofs.

- c. A brush clearance around structures which encroach on wild vegetative ground-cover to protect structures from wild fire.

PRIOR TO ISSUANCE OF CERTIFICATES OF USE AND OCCUPANCY

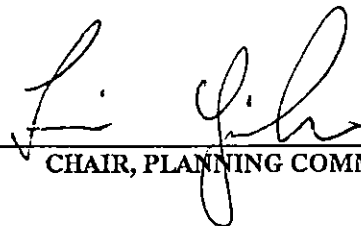
17. Prior to the issuance of the Certificates of Occupancy, all landscaping and improvements identified in the landscape and irrigation plan required by Condition 6 shall be installed.

MISCELLANEOUS

18. All utility services, including, but not limited to, electricity, natural gas, water, telephone, and cable television, serving both the project site in general and the individual single family detached residential units shall be installed underground.
19. The areas outside the building envelopes on proposed lots shall be shown on the Tentative Parcel Map as private open space. The private open space areas shall be retained as private open space in perpetuity by an instrument acceptable to the Town Attorney.
20. The applicant shall be responsible for controlling extensive dust during all phases of development of the project site. Such control normally consists of, but may not be limited to, daily sprinkling of the project site by a water truck.
21. Project construction shall be limited to Monday through Friday between 8:00 AM and 5:00 PM, unless an exception is granted in writing by the Town Administrator.
22. Approval of Preliminary Development Plan PP-14 shall be valid on September 27, 1990.
23. Approval of Preliminary Development Plan PP-14 shall expire on September 27, 1994, if development of the project site is not completed prior to that date, unless an extension has been granted by the Town.

PASSED AND ADOPTED by the Planning Commission of the Town of San Anselmo on the 17th day of September, 1990, by the following roll call vote:

AYES: SIAS, HAYES, KROOT, YARISH
NOES: NONE
ABSTENTIONS: JULIN, MIHALY
ABSENTS: HARLE



CHAIR, PLANNING COMMISSION



ATTEST, ASSISTANT DIRECTOR OF PLANNING

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Commissioner Hayes generally supported the proposal but was concerned about staff's statement about the looming affect of the addition. He stated that the Clear windows that were proposed added an additional 4 feet to the height of the house and wondered if skylights could be substituted. That would reduce the bulk.

Commissioner Mihaly stated he had less trouble with this as a variance because of the irregular terrain of the lot. He felt this addition would not cast much of a shadow on the other houses because of the trees but is uncertain if the structure will loom. He was more sympathetic to improving the substandard structure but felt it would be hard to make all the findings for approval.

Chairman Yarish agreed the lot was steep and narrow and the design was an improvement, and there was support from the neighbors. However, he felt the structure was already looming and the addition would increase the impact on Elm Court. He suggest that 4 story poles be erected to help show the proposed roof lines so the neighbors and the Commission would be able to adequate visualize the impact, if any, on the neighbors.

Commission Julin did not think it was necessary to erect story poles if it was intended for the neighbors who already support the addition but would agree if it would help the Commission decide. Commisisoner Kroot did not feel is was necessary because the addition was quite small.

M/S Sias, Hayes to continue V-9020 - Paul Dal Porto, 40 Floribel Avenue, A/P 7-081-58, 1) a 4'6" north side yard variance to construct a second story living addition within 3'6" of the north side property line; 2) a 1'6" north side yard variance to construct a third story living addition within 6'6" of the north side property line, with a 1' roof overhang; and 3) a variance to construct a third story, on property located within the R-1 zoning district to the meeting of October 1, 1990 to allow the applicants time to erect 4 story poles that indicate the height of the addition. These story poles are to be in place by September 27, 1990, to allow staff sufficient time to prepare a staff report.

Ayes: Julin, Mihaly, Sias, Hayes, Yarish
Noes: Kroot

3. V-9026/DR-9002 - Living Foods, 218 and 222 Greenfield Avenue, A/P 6-173-16, 1) parking variance to expand the store into an adjacent building; 2) environmental review; and 3) design review of exterior alterations.

Jan Rubinstein, owner of Living Foods, and Roger Pierce, son of the property owner, were present.

Planner Wight presented the staff report.

Commissioner Mihaly asked if a current traffic study has been completed since the additional 22 parking spaces have been added. Staff indicated that a traffic study would be very costly and has not been done.

Mr. Rubinstein presented a graph from the Goodrich Study which indicated that the study was done at the busiest time of the day and year. The study indicates that the demand exceeded the supply by only 5 spaces. Twenty two additional parking spaces have been added since that study. He has been part of the Parking Committee which has worked hard to come up with a solution for additional parking on Greenfield. He stated that his business has actually decreased by 5% from last year due to the Farmers Market in San-Rafael that is opened on Thursday evenings, Trader Joes and other markets that are now carrying organic food. Therefore, if Living Foods exceeded 5 cars at the highest peak, they have decreased their business by approximately 5% and there are 22 additional parking spaces, he contended that there is adequate parking for the addition. He stated that he has 8 additional parking to the rear of the building because he has a cooperative lease for the store and two offices. The lease is for ten years. Staff also visited the site at two different times and indicates that parking is available. He did not agree with Chief Del Santos statement that there is a lot of traffic between the hours of 9 and 12 because that is their least busy time. Their busiest hours are from 4:30 p.m. to 6:00 p.m. He reminded the Commission that the original grounds for approval of Living Foods at the Planning Commission level was because staff's logic was incorrect about increased traffic due to the expansion into the Cancer Society space. He argued that there would not be increased traffic because of increased space. They will also be adding another register and another isle, which will move people out faster.

Abe Froeman, owner of Bravermans Furniture, said he has been in business for 50 years at this site and his business is being seriously hurt by the lack of parking available. Parking is unavailable between the hours of 9:00 a.m. to 11:00 a.m. and from 4:00 p.m. to 7:30 p.m. It is difficult for him to stay in business if no parking is available. For the past two years he has tried to find a good night during the week to stay open to allow his customers to shop in the evening, but there never is adequate parking. Bravermans has suffered because of Elan's and Living

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Foods. He is thankful the Parking Committee has added an additional 22 parking spaces but he felt that was done because the residents on Greenfield complained about the businesses taking their parking. He felt the parking has now shifted from upper Greenfield to lower Greenfield where Bravermans customers should be able to park.

Roger Pierce, said they have worked hard to secure additional parking on Greenfield. Money was provided by Pierce Realty, by Living Foods and by Elan to help relieve the congestion. The expansion into the Cancer Society would not cause increased traffic. He stated that between the buildings on 218, 222, and 224 Greenfield, he has 45 off street spaces.

Mr. Rubinstein stated that if the Commission wanted to do their own survey he would like to have them also visit his store to see the cars belonged to his customers.

Charles Jenkins, Attorney representing Nigals Furniture Store, indicated he was not opposed to the request for additional parking but wanted it known that if Living Foods received approval, a precedent was set and Nigals would be seeking a similar request in the future.

Commissioner Julin was surprised that the additional 22 parking spaces have not had a positive impact on Greenfield. She saw no reason to approve the negative declaration. It is clear there is a parking impact and does not think there is a need for an environmental review. Staff and the Chief of Police indicate there is a parking problem still existing on Greenfield. She was not in favor of approval on those grounds.

Commissioner Mihaly supported staff's recommendation for denial. He wondered what percentage of on-street parking was allocated to each business. He thought there should be a special parking district. He thought legislative action should be initiated by the Planning Commission or Town Council. He also thought that perhaps an Environmental review was in order.

Commissioner Sias had nothing further to add to Commissioners' Julin and Mihaly's comments.

Commissioner Hayes did not support the application but felt. Although the addition of 22 parking spaces was a vast improvement on Greenfield, it represented only a 20% increase in parking. He said there still seems to be conflicting information from merchants, staff and the Police Department as to whether or not parking is still an issue. He thought it would be a good idea if a another study was done.

commissioner Kroot supported the proposal. He thought the business was an asset to the community and the additional space requested was not much of an increase. There will be an additional register and another isle to move traffic inside the store. He did not believe the parking situation was impossible and was in support of the proposal prior to the addition of the twenty two parking spaces.

Chairman Yarish thought there was so much conflicting information regarding the parking situation that he would like to have the Commissioners take a personal tally over the next two weeks. He was not prepared to make a decision until there was additional information obtained.

Commissioner Sias did not think an-unscientific approach would be the right way to go.

Mr. Rubinstein said he felt betrayed because he was under the impression that the direction of the Council was that if additional parking was obtained, expansion of Living Foods would be approved. He has worked hard with the Parking Committee as well as spent \$2,000 to obtain additional parking on Greenfield.

Commissioner Julin agreed that a vote should be taken tonight but with a resolve that a comprehensive approach be made for a solution. This should be done for the good of all the businesses.

M/S Hayes, Sias, to deny V-9026/DR-9002 - Living Foods, 218 and 222 Greenfield Avenue, A/P 6-173-16, 1) parking variance to expand the store into an adjacent building; 2) environmental review; and 3) design review of exterior alterations. The denial is based on the following findings: a) due to special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the controlling zoning ordinance or regulation deprives such property of privileges enjoyed by other property in the vicinity and under an identical zoning classification, and the granting of a variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated, specifically there are no special circumstances applicable to the property and the strict application of the controlling zoning ordinance does not deprive the property of privileges enjoyed by other property in the vicinity and under an identical zoning classification, and the granting of the variance will constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated. The Town has created several more parking spaces in this area since

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Living Foods opened and the demand for parking still exceeds the supply at certain times during the day. The Goodrich Traffic Group parking survey indicates that the Living Foods is one of the main contributors to the excessive parking demand. The future use of No. 218 should clearly be a low traffic generator, i.e. a business that does not generate significant numbers of employees and customers. There are some permitted uses that would generate substantially less parking demand than the current proposal. Examples include certain office uses or a furniture store. While it is true that a parking variance would be required for any use to occupy this building, the Town will be able to make the required findings to grant a parking variance for a low traffic generating business, providing the parking demand for the new business does not exceed that of the former Cancer Society use. b) The granting of the variance is necessary for the preservation and enjoyment of substantial property rights of the petitioner. The expansion of a use that is currently one of the two primary causes for an existing parking problem is not necessary for the preservation and enjoyment of substantial property rights. c) The granting of such variance, under the circumstances of the particular case, will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not be materially detrimental to the public welfare or injurious to property or improvements in such neighborhood. The granting of the variance, under the circumstances of the particular case, will materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will be materially detrimental to the public welfare or injurious to property or improvements in such neighborhood. Other existing businesses in the area are currently adversely affected by the current excess demand for parking with the Living Foods operation being one of the primary causes of this excess demand. To further expand this use will result in even less available parking to the detriment of all merchants and residents located on this street.

Ayes: Julin, Mihaly, Sias

Noes: Kroot, Yarish

Motion carried. Audience advised of the ten day appeal period.

At this time Commissioner Julin excused herself from the meeting.

4. V-9027 - Michael V. Wolski, 161 Butterfield Road, A/P 5-062-15, 1) a 2' north sideyard variance to construct an open deck within 4' of the north side property line; 3) an 8' south sideyard variance to construct retaining walls within 0' feet of the south side property line.

The applicant was present.

Planner Wight presented the staff report.

Mr. Wolski explained the need and urgency for stabilizing his property. He stated that his neighbors did question the location of the southerly side property line but they had a survey and that issue has been resolved. The only issue under discussion at this time with the neighbors is the type of material to be used for the retaining walls. He was proposing rip-rap but the neighbors soils engineer would prefer post and plank. Mr. Wolski said he had no objection to that. He stated that the deck will be used as an access to the upper bedrooms and as an additional fire exit. It will also allow him additional sunlight.

Rondi Trainer, Attorney for the neighbors at 163 Butterfield, said that she is working out a compromise with Mr. Wolski. She indicated that Mr. Dennis Ferbee was hired to look at the plans for the retaining wall. He suggested using post and plank rather than rip rap. There is also still some questions relative to the cross sections.

Commissioner Sias felt he could make the findings for the retaining wall but would be difficult to make a decision without all the questions answered on the deck and trellis.

Commissioner Mihaly could not make the findings of approval at this time.

Commissioner Kroot felt he would be able to make the findings because of the reasons stated by the applicant.

Ms. Trainer will continue to work with the applicant in resolving the questions about the property line and details about the retaining wall. She had no objection to the Commission approving the project and did not want to hold up the approval because of the urgency in getting the site stabilized. She realized there was a ten day appeal period if matters can not be resolved.

M/S Kroot, Hayes, to approve V-9027 - Michael V. Wolski, 161 Butterfield Road, A/P 5-062-15, 1) a 2' north sideyard variance to construct an open deck within 4' of the north side property line; 3) an 8' south sideyard variance to construct retaining walls within 0' feet of the south side property line on the basis: 1. Due to special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the controlling zoning ordinance or regulation deprives such property of privileges enjoyed by other property in the

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vicinity and under an identical zoning classification, and the granting of a variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated, specifically because of unstable soil conditions and the existing topography of the lot high retaining walls are required for safety. The deck is necessary because it allows for a fire exit and is a source for additional light, and the trellis acts as a privacy screen from the neighbors and the plan follows the existing line of the house. 2. The granting of the variance is necessary for the preservation and enjoyment of substantial property rights of the petitioner. 3. The granting of the variance, under the circumstances of the particular case, will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not be materially detrimental to the public welfare or injurious to property or improvements in such neighborhood, specifically the retaining wall is necessary to retain the house from the hillside and also other neighbors in the neighborhood have decks that come within 1 foot of the property.

Ayes: Hayes, Sias, Kroot, Yarish
Noes: Mihaly

Motion carried. Audience advised of the ten day appeal period.

Because of the late hour, the consensus of the Commission was to continue this items until the meeting of October 1, 1990.

5. V-9030 - Frederic and Theresa Wachs, 130 Scenic Avenue, A/P 7-603-09, a 5' east sideyard variance to construct a first story garage and a second story addition within 3' of the east side property line, with an 18" roof overhang. CONTINUED TO OCTOBER 1, 1990.

6. V-9031 - Shawn and Paul Haley, 1514 Sir Francis Drake Boulevard, A/P 5-144-17, 3' west and east side yard variances to construct first and second story living additions within 5' of the west and east side property lines, with a 1' roof overhang; a parking variance to convert a portion of the existing garage to a utility/storage room; and a 4' frontyard variance to construct a trellis within 16' of the front property line. CONTINUED TO OCTOBER

Minutes of Planning Commission meeting for September 10, 1990, continued to the meeting of October 1, 1990.

The regular meeting of the Planning Commission was adjourned at 12:30 a.m. to the next regular meeting on October 1, 1990.

BARBARA CHAMBERS
ADMINISTRATIVE SECRETARY