

PLANNING COMMISSION MINUTES OF MAY 21, 1990

Commissioner's Harle, Sias and Chairman approved the expansion with current hours and a six month review.

M/S Sias, Julin, to approve U-9006/V-9007 - Filippo and Nicolo Lococo, Lococo's Restaurant, 638 and 642 San Anselmo Avenue, A/P 6-102-37, amendments to the use permit for the on-sale of beer and wine and parking variance to expand the restaurant at 638 San Anselmo Avenue to the adjacent building at 642 San Anselmo Avenue on the basis:

For the use permit: 1. The granting of the use permit, under the circumstances of the particular case, will not be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the Town; and 2. The granting of the use permit is necessary for the preservation and enjoyment of substantial property rights of the petitioner

For the parking variance: 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 the owner said the business currently opens at 3:00 p.m. and there has not been a volume that would create a parking problem with the expansion of additional seating; and 2) The granting of the variance is necessary for the preservation and enjoyment of substantial property rights of the petitioner; and 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 application and will not be materially detrimental to the public welfare or injurious to property or improvements in such neighborhood. The approval is conditioned that the Commission review this application in six month's time or as soon as neighboring businesses report a parking problem, which ever comes first. Also the applicant is to post a sign to encourage customers to park to the rear of the building at Creek Park. The restaurant already has a beer and wine license and the expansion of space will not materially change the nature of the business. This is in reference to plans submitted 5/26/90.

All ayes. Motion unanimously passed. Audience advised of the ten day appeal period.

D. APPROVAL OF MINUTES - May 7, 1990 minutes continued to the meeting of June 4, 1990.

E. DISCUSSION

F. REPORT OF UPCOMING APPEALS TO TOWN COUNCIL

The use permit for a dry cleaning business at the La Mancha Development, 807 Sir Francis Drake Boulevard has been appealed by the other dry cleaners in the area.

G. ADJOURNMENT

The regular meeting of the Planning Commission was adjourned at 11:30 p.m. to the regular meeting of June 4, 1990.

BARBARA CHAMBERS
ADMINISTRATIVE SECRETARY

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The regular meeting of the Planning Commission was convened at 8:00 p.m. on June 4, 1990 in the Council Chamber. Staff present: Lisa Wight, Planner; Dain Anderson, Assistant Director of Planning, Lisa Newman, Planning Consultant; and Hadden Roth, Town Attorney.

A. ROLL CALL

Commissioners Present: Sias Harle, Hayes, Julin, Yarish
Commissioners Absent: Kroot

The Planning Commission adjourned to closed session regarding pending litigation (Government Code 54956.9(b)(1)) and reconvened at 8:35 p.m.

B. PUBLIC HEARING CONTINUED TO JUNE 18, 1990

NU-64/V-9008 - Richard and Maureen Hochschild, 281A Crescent Road, A/P 7-222-42, 1) a use permit to legalize a second living unit located on property within the R-1 zoning district; and 2) a 9' frontyard variance and a 15' rear yard variance to construct a new dwelling within 11' of the front property line and within 5' of the rear property line, with a 1' roof overhang; and a third story variance for an attic in the new dwelling.

C. PUBLIC HEARINGS

1. PP-9001/PD-9002/AR-9002 - David and Lydia Bell, Fernwood Drive, A/P Nos. 7-131-14, 7-131-58 and 7-131-59, preliminary plan, precise plan, and architectural review of a single family dwelling on property located within the R-1C and R-1H zoning districts.

The applicants and their attorney, Fred Peterson, were present.

Lisa Newman presented the staff report.

Mr. Peterson said that in March the applicants requested and received a Certificate of Compliance on their lots, thereby confirming that 7-131-01 and 14 were separate parcels. He wanted confirmation from staff that those certificates will be issued. Mr. Anderson affirmed. Mr. Peterson further suggested to the Commission that the site of two homes on two parcels would be far more detrimental than one house proposed by his clients on two lots. He requested that the Commission comment on the pros and cons of two homes on two parcels. Chairman Yarish stated that the application before the Commission is the request to build one house, not two, therefore it would be inappropriate to speculate. Mr. Peterson stated that his clients are really only interested in building one house but want to have it built on the knoll.

Commissioner Sias questioned the placement and types of trees that will be used for screening. Mr. Bell said that he proposed 10' high trees that reached 20' at maturity. The trees considered were all native to the area. He added that he would be receptive to any suggestions the Commission had.

Kerrin Shettle, 48 Fernwood, felt the original site proposed by the applicants on the knoll was the most logical place but questioned the need for such a large house. She thought it would be out of scale with the neighborhood.

Michael Cone, 406 Oak Avenue, said he would be impacted by the house because it would be in his view. He felt that two houses would be absurd and that a 2 1/2 story house would be quite visible and out of character with the neighborhood.

Enid Albedi, 191 Redwood, did not want the house built on the north side because it would take away her light. She was in favor of the plan to build on the knoll.

Cathy Saunders, 310 Redwood, read the General Plan Policy referring to building on the ridge tops. She said that the story poles were visible from Oak, Scenic and Redwood Road. She felt the house should be off the ridge and the height lowered.

Bill Johnson, 348 Oak Avenue, felt the original plan to build on the knoll would be the least visible. He requested that mature trees be planted to adequately screen the house.

Linda Reuther, 56 Fernwood, and Jim Simonds, 419 Redwood Road wanted to see the size and height of the house reduced.

Gay Kagy, 280 Redwood, requested that the height and size of the house be reduced and requested that the Commission require the two lots be merged so there would be no chance in the future for two houses to be built.

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Mr. Peterson said that part of the reason for the geologic study was to investigate the feasibility of building on the south and north slopes. The investigation concluded that there was stable ground just to the north and south therefore two houses could successfully be built. He noted that a house could not be built in the tree cover because of unstable ground. He stated that the sum of the foot prints for two house would certainly be greater than one house and would also require additional grading and retaining walls, increased removal of vegetation and increased hydrological concerns.

Mr. Bell stated that the size of the house would only impact two of the individuals that spoke tonight. He added that the house proposed would be on a two acre lot and therefore is well within the footprint allowed by the code.

Commissioner Hayes stated that given the soils considerations and other criteria the proposal was reasonable. He did feel the house looked large but thought the size could be reduced by using a darker exterior color than what was proposed.

Commissioner Julin said she has always favored the house on the knoll with the colors proposed by the applicant.

Commissioner Harle concurred with Commissioner Hayes with regard to location but was not concerned about the size. He did think that darker exterior colors would be preferable.

Commissioner Sias concurred with Commissioners' Hayes and Harle.

Chairman Yarish thought the design was nice and there would be very little difference in visual impact if the house was on the south slope. He did feel the size was a little large and suggested a reduction from a three car garage to two, reduction of roof overhangs to approximately 2 1/2 to 3 feet and removal of the cupola.

Mr. Bell said he would comply with using a darker color and suggested he submit a few samples to the Commission for approval. He noted that he was under a tight time constraint with the Water Department to get his meter. Mr. Peterson suggested that the Commission defer the colors to a subsequent meeting.

Linda Reuther, 56 Fernwood, said she views the west side of the house. She has trees that are very close to where the driveway will be and is concerned about the root system.

Commissioner Hayes wanted assurance that there will be maximum screening especially to those most affected by the house.

Mr. Bell suggested acacias and eucalyptus because they grow quickly but he said they were rejected at a previous meeting. He favored oak trees but they are slow growing. He is open to suggestions.

Michael Cone suggested the planting of bay trees because they are fast growing and can become bushy.

M/S Julin, Harle, to approve PP-9001/ PD-9002 David and Lydia Bell, Fernwood Drive, A/P Nos. 7-131-14, 7-131-58 and 7-131-59, preliminary plan, precise plan, and architectural review of a single family dwelling on property located within the R-1C and R-1H zoning districts for the following reasons:

Preliminary Plan

1) The proposed Preliminary Plan can be completed within four years of the approval of said plan; 2) that each individual phase of development, as well as the total development can exist as an independent unit; 3) 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; 4) 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; 5) that the proposed plan is in conformance with the San Anselmo General Plan;

Precise Development Plan:

1) That the Precise Development Plan in its entire context is in substantial conformance with the previously approved Preliminary Development Plan.

Architectural Review:

1) Is functionally and aesthetically compatible with the existing improvements and the natural elements in the surrounding area; 2) provides for protection against noise, odors, and other

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factors which may make the environment less desirable; 3) will not tend to cause the surrounding area to depreciate materially in appearance or value or otherwise discourage occupancy, investment, or orderly development in such area; 4) will not create unnecessary traffic hazards due to congestion, distraction of motorists, or other factors and provides for satisfactory access by emergency vehicles and personnel; and 5) will not adversely affect the health or safety of persons using the improvement or endanger property located in the surrounding area; 6) is adequately screened; and 7) contains a selection of architectural features that enable the structure to blend with its environment. Special conditions are that: 1) a color selection be presented at a subsequent meeting of the Planning Commission using darker colors; 2) that 24" box trees, with a drip irrigation system be installed on the south side. Landscaping, including a table showing the height at planting and maximum maturity. Staff to have final approval on the type of trees best suited; and 3) that parcels 7-131-14, 7-131-58 and 7-131-59 be merged to create one parcel in the R-1H Zone. This approval is based on the plans dated February 1990.

M/ Yarish, to amend, that the roof overhang is not to exceed 24", that there be no more than a two car garage and that the cupolas be removed. Died for lack of a second.

Ayes: Harle, Hayes, Sias, Julin
Noes: Yarish

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

2. DR-9003/SR-9002 - Bay View Federal Bank, 305 San Anselmo Avenue, A/P 7-280-20, design review of: 1) change of exterior paint color; 2) landscaping; and 3) sign variance to permit 5 signs on the building on property located within the C-3 zoning district.

Al Bovee, representative for Bay View Federal Bank, was present.

Lisa Wight presented the staff report noting that Police Chief Del Santo is concerned that any trees on Woodland Avenue could represent a safety problem for persons using the ATM machine. The landscape architect has advised staff that the 15-gallon trees branches at 6' and should not represent a safety problem and that he purposely selected trees with a vase shape that would be up in the air, rather than drooping down.

Commissioner Julin would prefer to see the color unchanged but was willing to support the application.

Commissioner Sias was not able to support the location of the landscaping by the ATM for the reasons stated by the Police Chief. He felt the best location was on San Anselmo Avenue, not Woodland.

Commissioner Hayes preferred the existing colors because of the earth tones. He did not have strong feelings one way or the other regarding the landscaping.

Chairman Yarish approved of the proposed colors, noting that it will look especially attractive when the trees are mature. He suggested that 24" box trees be planted along San Anselmo Avenue. He felt the special circumstances for the variance approval for the sign was the bulk of the building.

Commissioner Harle liked the suggested color changes and detested the colors currently on the building.

M/S Harle, Julin to approve DR-9003/SR-9002 - Bay View Federal Bank, 305 San Anselmo Avenue, A/P 7-280-20, design review of: 1) change of exterior paint color; 2) landscaping; and 3) sign variance to permit 5 signs on the building on property located within the C-3 zoning district for the following reasons:

Design Review:

1. Is functionally and aesthetically compatible with the existing improvements and the natural elements in the surrounding area; 2. provides for protection against noise, odors, and other factors which may make the environment less desirable; 3. will not tend to cause the surrounding area to depreciate materially in appearance or value or otherwise discourage occupancy, investment, or orderly development in such area; 4. will not create unnecessary traffic hazards due to congestion, distraction of motorists, or other factors and provides for satisfactory access by emergency vehicles and personnel; and 5. will not adversely affect the health or safety of persons using the improvement or endanger property located in the surrounding area. Special conditions are that 24" box trees be planted along San Anselmo Avenue and that the trees on Woodland Avenue by the ATM machine be 6' in height.

Variance:

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1. The strict application of the provisions of the Code would result in unreasonable practical difficulties or in unnecessary hardships for the applicant, which difficulties or hardships are unique to the particular applicant and his use and are not present generally, or that the strict application of the provisions of the Code would bring about results inconsistent with the purposes and intent of the Code; and 2. That the granting of such application would not adversely affect the public health, safety, or welfare, or be detrimental to or endanger or depreciate the property located in the surrounding area.

The approval is based on drawings submitted 5-30-90.

Ayes: Harle, Julin, Yarish
Noes: Hayes, Sias

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

Item taken out of order.

5. **NU-63 - Stephen Tom, 1112 Sir Francis Drake Boulevard, A/P 6-031-10**, use permit to legalize a second living unit located on property within the R-1 zoning district - after the fact.

The applicant was present.

Lisa Wight presented the staff report.

Theresa Allyn 145 San Francisco Blvd, supported the application.

The Commission was in support of this use permit.

M/S Hayes, Julin, to approve NU-63 - Stephen Tom, 1112 Sir Francis Drake Boulevard, A/P 6-031-10, use permit to legalize a second living unit located on property within the R-1 zoning district on the grounds: 1. Falls within the maximum number of second d residential units authorized by resolution of the Council for the single family residential use area in which the unit is located; 2. is located on an Assessor's parcel or parcels on which the owner of record maintains his principal residence; 3. does not encroach upon required setbacks, or cover land in excess of 40 percent , or necessitate a parking variance; 4. meets all applicable Codes in effect at the time of the establishment of the unit; 5. will be made subject to a rent guarantee contract between the applicant and the Town; 6. does not cause excessive noise, traffic, parking, or overloading of public facilities; 7. the granting of the use permit, under the circumstances of the particular case, will not be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the Town; and 8. The granting of the use permit is necessary for the preservation and enjoyment of substantial property right of the petitioner. This approval is based on plans received by the Town dated 2/1/90.

Motion unanimously passed. Audience advised of the ten day appeal period.

3. **PP-14/V-2315 - James Helfrich, between 444 and 500 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. 177-133-13 and 177-220-54**, preliminary plan review, variance to construct a driveway over subject properties, and the initial expanded environmental study for the development of 4 single family dwellings located on property within the R-1H zoning district.

The applicant, and his attorney, Al Bianchi, were present.

Jayni Barker presented the staff report.

Mr. Bianchi read the motion of the last meeting that stated the Commission had reached a conclusion that sites A, B, C, and lower D were the approved sites. It therefore was his impression that this meeting was just to approve the resolution written by staff.

Commissioner Hayes said that he did not feel the Commission has to act on those 4 sites because final action has not yet been taken. He added that he will oppose any action of approval for sites *upper or lower D.

Mr. Bianchi stated that the Commission should consider following the motion from the previous meeting. He did not think the motion could be revised at this point.

Chairman Yarish did not feel that final action had taken place on the Resolution, therefore the Commission can still discuss sites. He also was willing to open the public hearing.

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Dan Goltz, 107 Holstein, stated that on April 15, 1990, the Commission decided that sites A, B, C, and F were the favored sites and were prepared to act on those sites. At the subsequent meeting the applicant came back to the Commission stating reasons why site F was not suitable and suggested the Commission reconsider other sites. He wondered why Mr. Bianchi was questioning the Commission's intention to discuss alternate sites when his client was allowed to do the exact same thing.

Frank Boerger, 324 The Alameda, did not think the Commission could approve the Negative Declaration because under CEQA there should be a comparison of the sites, and that has not been done. With regard to the copy of the plans for the lots, it appears that site D may be in violation of the slope policy and that should be investigated. He question wording in the resolution that states the driveway through the ridge line is not visible from the south. Since the driveway is on the north side it cannot be visible from the south.

Jan Back, 439 The Alameda, questioned why the applicant would be allowed to build four homes on 3.6 acres when the General Plan states there has to be at least a one acre minimum per house.

Dan Goltz, 107 Holstein, thought that the lot line for site "D" had been changed.

Mr. Helfrich said that site "D" meets all the ordinances and has not been changed.

Roberta Stoddard, 444 The Alameda, was against building on site "E" and stated the geotechnical report indicated that only one test boring was done on the site. If the Commission is considering site "E" she would like to have more test borings done and environmental review. She was also requesting a copy of the geotechnical report done on site "E".

Mr. Helfrich stated that site "E" was a buildable site however retaining walls would be required.

Commissioner Sias was unable to approve site "D" upper or lower, because of the visibility of the lower site and the upper one being in the ridge zone. He thought "F" was the best choice but that has already been rejected. Therefore he felt that "E" was his choice.

Commissioner Julin stated that a change be made to condition #13 of the Resolution from "Prior to the issuance of the first building permit..." to "Prior to the issuance of the first grading permit...". She said that she prefers "Lower D" because the impact on the immediate neighbors will be less severe than that of "E".

Commissioner Harle supported the wording of the Resolution. He stated that site "E" had a more severe impact on the local neighbors and site "Lower D" provided more of an affront to people across the valley who do not like to view houses. He said he will go with what seems to be the majority vote of the Commission and vote for "E".

Chairman Yarish said he preferred site "E" because "D" would be in conflict with the wording of the General Plan that talks about low visual impact for those homes across the valley. He felt that site "E" could be screened by all but the adjacent neighbor.

M/S Julin, Harle, to adopt Resolution Number 9001, 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 number 5-043-16,22,31, 177-133-13 and 177-220-54; with language of the resolution as presented in the staff report for the meeting of June 4, 1990.

All ayes. Motion unanimously passed.

M/S Sias, Julin, to adopt Resolution 9002, to approve 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 177-133-54 to be taken from a private access road intersecting the southerly side of The Alameda between 444 and 500 The Alameda; with language of the resolution as presented in the staff report for the Meeting of June 4, 1990

All ayes. Motion unanimously passed. Audience advised of the ten day appeal period.

M/S Sias, Hayes, to adopt Resolution 9003 to approve 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 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 177-133-54; within the R-1H zoning district with the following amendments 1) Condition Number 13 to state "grading permit" not "building permit"; 2) Add "WHERE AS on 6-4-90, the Planning Commission

PLANNING COMMISSION RESOLUTION NO. 9001

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 Planning Commission of the Town of San Anselmo conducted public hearings on Variance V-2315 and Preliminary Development Plan PP-14 on November 20, 1989, December 18, 1989, January 22, 1990, February 5, 1990, April 2, 1990, April 16, 1990, May 7, 1990, and May 21, 1990 and June 4, 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 hearings.

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 4th day of June, 1990, by the following roll call vote:

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



CHAIR, PLANNING COMMISSION



ATTEST, ASSISTANT DIRECTOR OF PLANNING

PLANNING COMMISSION RESOLUTION NO. 9002

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 public hearings on Variance V-2315 on November 20, 1989, December 18, 1989, January 22, 1990, February 5, 1990, April 2, 1990, April 16, 1990, May 7, 1990, May 21, 1990, and June 4, 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 hearings; and

WHEREAS, on June 4, 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 June 14, 1990.

PASSED AND ADOPTED by the Planning Commission of the Town of San Anselmo on the 4th day of June, 1990, by the following roll call vote:

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



CHAIR, PLANNING COMMISSION



ATTEST, ASSISTANT DIRECTOR OF PLANNING

PLANNING COMMISSION RESOLUTION NO. 9003

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 applicant's initial Preliminary Development Plan proposed siting three of the four single family detached residential units within the Ridge Zone; and

WHEREAS, the applicant met with the Town of San Anselmo Open Space Committee on November 15, 1989, for the purpose of discussing with the Committee the Town's open space acquisition and access goals as related to the project site; and

WHEREAS, the Planning Commission of the Town of San Anselmo conducted public hearings on Preliminary Development Plan PP-14 on November 20, 1989, December 18, 1989, January 22, 1990, February 5, 1990, April 2, 1990, April 16, 1990, May 7, 1990, May 21, 1990, and June 4, 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 hearings; and

WHEREAS, during the course of the public hearings the Planning Commission, the Public Works and Planning Department, the applicant, and other interested parties identified additional sites for the four single family detached residential units; and

WHEREAS, on April 2, 1990, those additional sites, in concert with the four sites initially proposed by the applicant, were identified as Sites A, B, C, D, E, F, G, and H; and

WHEREAS, on April 16, 1990, the Planning Commission determined that the four most suitable sites for siting the four single family detached residential units were Sites A, B, C, and F; and

WHEREAS, on April 16, 1990, the Planning Commission directed the applicant to revise Preliminary Development Plan PP-14 to reflect Sites A, B, C, and F; and

WHEREAS, on April 16, 1990, the Planning Commission directed the Public Works and Planning Department to prepare the documents necessary to approve Preliminary Development Plan PP-14 reflecting Sites A, B, C, and F; and

WHEREAS, on May 7, 1990, the applicant presented information to the Planning Commission comparing Sites E and F and requested that the Planning Commission reconsider the April 16, 1990, direction, relative to the four most suitable sites; and

WHEREAS, on May 7, 1990, the Planning Commission reconsidered the direction of April 16, 1990, regarding the four most suitable sites and determined that the four most suitable sites were Sites A, B, C, and either Lower D, originally identified as Site D, Upper D, located above the original Site D and located within the Ridge Zone, or E.

WHEREAS, on May 7, 1990, the Planning Commission directed the applicant to revise Preliminary Development Plan PP-14 to reflect Sites A, B, and C, and Lower D, Upper D, and E; and

WHEREAS, on May 7, 1990, the Planning Commission directed the Public Works and Planning Department to prepare the documents necessary to approve the Preliminary Development Plan PP-14 reflecting Sites A, B, and C, and Lower D, Upper D, and E; and

WHEREAS, on May 21, 1990, the Planning Commission evaluated the three Preliminary Development Plan PP-14 alternatives and determined that the four most suitable sites for siting the four single family detached residential units were Sites A, B, C, and Lower D, initially identified as Site D; and

WHEREAS, on May 21, 1990, the Planning Commission directed the applicant to revise Preliminary Development Plan PP-14 to reflect Sites A, B, and C, and D; and

WHEREAS, on May 21, 1990, the Planning Commission directed the Public Works and Planning Department to prepare the documents necessary to approve the Preliminary Development Plan PP-14 reflecting Sites A, B, and C, and D; and

WHEREAS, on June 4, 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 June 4, 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

WHEREAS, on June 4, 1990, the Planning Commission reconsidered the direction of May 21, 1990, regarding the four most suitable sites and determined that the four most suitable sites were Sites A, B, C, and E.

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 June 14, 1990.
23. Approval of Preliminary Development Plan PP-14 shall expire on June 14, 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 4th day of June, 1990, by the following roll call vote:

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



CHAIR, PLANNING COMMISSION



ATTEST, ASSISTANT DIRECTOR OF PLANNING

TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES OF JUNE 4, 1990

reconsidered the direction of May 21, 1990, regarding the four most suitable sites and determined that the four most suitable sites were Sites A, B, C, and E to page 2 of the resolution; 3) Prior to submittal of Precise Development Plan, the applicant is to revise the Preliminary Plan Map to include site "E"; 4) Any reference to "D" as a final approved site is to be amended to say site "E"; 4) Finding "E" and Condition 3 state that "...all vantage points north and south...". This approval is based on plans referenced 5/14/90 entitled "The Alameda Residences, Alternative "C".

Commissioner Julin stated that her preference was for "lower D" but will vote approval for site "E" because the Resolution was well written and she wanted the strength of the entire Commission behind the vote.

All ayes. Motion unanimously passed. Audience advised of the ten day appeal period.

4. U-9007 - Jo Ann and Lawrence Dillon, The Arbor Restaurant, 636 San Anselmo Avenue, A/P 6-102-28, use permit upon change of ownership for 1) the on-sale of beer and wine; and 2) outdoor dining.

The applicants were not present.

Dain Anderson presented the staff report.

The Commission was in favor of this use proposal.

M/S Hayes, Harle, to approve U-9007 - Jo Ann and Lawrence Dillon, The Arbor Restaurant, 636 San Anselmo Avenue, A/P 6-102-28, use permit upon change of ownership for 1) the on-sale of beer and wine; and 2) outdoor dining for the reasons that: The granting of the use permit will not be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the Town for the reason that the restaurant is located in a commercial district, where other restaurants enjoy the privilege of on-sale beer and wine, and the former restaurant enjoyed this use; and the granting of the use permit is necessary for the preservation and enjoyment of substantial property rights of the petitioner so that they can serve beer and wine to their customers to enjoy with their meal.

Motion unanimously passed. Audience advised of the ten day appeal period.

D. APPROVAL OF MINUTES.- May 7, 1990 and May 21, 1990

Minutes of May 7, 1990 to be continued to the meeting of June 18, 1990.

M/S Sias, Julin, to approve minutes of May 21, 1990 with the following amendments: page 1, third paragraph from the bottom, add "...10,000 square feet within County jurisdiction...."; page 2, paragraph 6, delete "...was approved." and insert "...was denied"; page 5, change "...special zoning meeting on May 28, 1990." to "...regular meeting on June 4, 1990".

E. DISCUSSION

Commissioner Sias requested that future agendas list the approximate amount of time required for each item.

Dain Anderson requested two volunteers to represent the Commission in the Zoning Sub Committee meetings. Commissioner Julin and Chairman Yarish said they would volunteer.

Chairman Yarish commended Commissioner Julin on her hard work in researching and complying information for revisions to the Zoning Ordinance regarding sign review, use permit, variance and design review sections of the Ordinance.

F. REPORT ON UPCOMING APPEALS TO TOWN COUNCIL

The dry cleaners and laundry facilities located at the La Mancha Development at 805 Sir Francis Drake is being appealed to Council.

G. ADJOURN

The regular meeting of the Planning Commission was adjourned at 11:45 p.m. to the special zoning meeting on June 11, 1990.

BARBARA CHAMBERS
ADMINISTRATIVE SECRETARY

TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES JUNE 18, 1990

The regular meeting of the Planning Commission was convened at 8:00 p.m. on June 18, 1990 in the Council Chamber by Chairman Yarish. Staff present: Dain Anderson, Assistant Director of Planning; and Lisa Wight, Planner.

A. ROLL CALL

Commissioners present: Harle, Kroot, Sias, Julin, Yarish

Commissioners absent: Hayes

B. PUBLIC HEARINGS

1. NU-64 /V-9008 - Richard and Maureen Hochschild, 281A Crescent Road, A/P 7-222-42, 1) a use permit to legalize a second living unit located on property within the R-1 zoning district; and 2) a 9' frontyard variance and a 15' rear yard variance to construct a new dwelling within 11' of the front property line and within 5' of the rear property line, with a 1' roof overhang; and a third story variance for an attic in the new dwelling.

The applicants, and their Architect, Bob Swanson, were present.

Dain Anderson presented the staff report.

Commissioner Harle stated that he was not familiar with the State Law requirements that a second unit not exceed 640 square feet and wondered if the Town could make a provision to exceed that? Dain Anderson stated that the SAMC has not made allowances for it at this time.

Maureen Hochschild said that they did not intend to ask for any variances to build their new house and would adjust as necessary to build within the setbacks. She said they would also eliminate the crawl space which would then eliminate the need for a third story variance. She further stated that they would have added to the existing house but are unable to because of the steepness and shape of their lot. She did not feel the down slope neighbors would be impacted by the construction of the new house and she felt she would be deprived of her property rights if not permitted to build. Their property is at least twice the size of others of the minimum lot and they would not exceed 40% of lot coverage. Therefore, they are within the legal limits. With regard to the existing house exceeding the maximum for a second unit, they would be willing to decrease the house to the required limit.

Commissioner Julin asked if there were other parcels in their neighborhood that have two houses on the lot. Mr. Hochschild believed there were two other parcels that he was aware of.

Jim Copperswithe, 141 Oak Avenue, inquired about the square footage of the proposed new dwelling and of the deck on the existing house. He also asked if the slope policy would apply to this house. He stated that the proposed house seemed to be quite large and would loom over the down slope neighbors and that the owners are trying to get an R-2 zone usage in an R-1 zone.

Resident, 76 Ross Court, was concerned about the eucalyptus trees sliding down the hill because of disturbance of the soil. She also wondered if a soils report would be required.

Bob Swanson stated that a soils report was prepared when the garage was built.

Mr. Hochschild added that he would not be willing to live under any trees that were unstable.

Peter Copperswithe, 87 Woodland, wondered if parking would be adequate. He was also concerned about traffic during construction and water runoff. He also stated that he did not receive a notice for the hearing.

Richard Hochschild stated that water from the roof would be taken by drain to the culvert

Steve Hershey, 78 Woodland, indicated there was a spring on the hill and with the addition of a new house, the watershed will change.

David Fah, 287 Crescent, stated that the existing house used to be a stable for his house years ago. The driveway is very narrow and they access their home by an easement. He said there are two other houses with second units but one is on 9/10's of an acre and the other on 1 acre.

Michael Worstein, 76 Woodland, stated he did not receive a notice.

Commissioner Sias said he had trouble with the application because he felt it would be over development of the site and out of scale for the neighborhood. He felt the applicants have already had a chance to adequately develop from the past applications and would therefore like additional information explaining why expansion of the existing dwelling would not work. He requested that the plans also show on-site parking