

TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES OF JANUARY 22, 1990

The regular meeting of the San Anselmo Planning Commission was convened at 8:00 p.m. in the Council Chamber by Chairman Yarish. Staff present: Dain Anderson, Assistant Director of Planning; Lisa Newman, Planning Consultant; and Jayni Barker, Planning Consultant.

A. ROLL CALL

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

B. PUBLIC HEARINGS CONTINUED TO FEBRUARY 5, 1990

1. V-2321 - Blain and Karen Beckmann, 7 Millbrae Avenue, A/P 6-112-12, a 19 foot rear yard variance to construct a two car garage within 1 foot of the rear property line.

2. V-9002 - Gary Palmer, 173 The Alameda, A/P 5-101-25, variance applications for 1) a 2' front yard variance and a 5' south side yard variance to construct a carport within 18' of the front property line and within 3' of the south side property line; and 2) a 4' south side yard variance to construct a living addition within 4' of the south side property line with an 18' roof overhang.

3. AR-9001 - Philip and Barbara Tamarkin, 170 Oak Springs Drive, A/P 5-011-66, architectural review of a proposed single family dwelling on property zoned R-1 H.

C. PUBLIC HEARINGS

1. C-220 - John Paletta, 705 San Anselmo Avenue, A/P 7-211-17, design review amendment for a planting area within a required parking space.

This item was placed at the end of the agenda.

2. PP-9001/PD-9001/AR-9002 - Grizzly Hill Construction Company, End of Martha Lane, A/P 5-031-32, preliminary plan review, precise plan review, and architectural plan review of a single family dwelling on property zoned R-1H.

Commissioner Sias to abstain from this application because he lives within the 300 foot radius of the project.

John Arnold, Architect, was present to represent the applicant.

Lisa Newman presented the staff report. She said the applicants have just provided staff with an updated soils report and although staff has not thoroughly reviewed the report, the general consensus is that this report concurs with the 1980 Soils Report.

Commissioner Harle requested clarification on the size of the dwelling, noting that the drawings show 2,318 square feet but the staff report indicates the building is 1,283 square feet.

Mr. Arnold said that the proposed building was 2,318 square feet with three bedrooms and two baths. The most logical access to the site is from Martha Lane. They are obliged to move the house lower on the site because of the Fire Department's requirements for a 14' wide driveway access. There are at least 42 trees on the site and only 5 will be removed. They are proposing to add an additional 31 plantings and have no objection to staff's recommendation that an additional 15 be added to provide more screening. They wanted to minimize the cut and fill on the site as required by the General Plan. They are asking for a lot line adjustment to allow the neighbor additional yard space. They have been advised of no landslides on the site.

Ted Donaldson, 8 Martha Lane, was very concerned about the environmental risks. He said the dangers are clear. There is a very narrow access to the site, in some places to 8 feet, and was also concerned about the instability of the roadway to accommodate the heavy equipment, and loss of control of the equipment on such a steep lot. He feels the Town should require a bond for damages that might occur. He said that landslides have not been addressed. He has had two on his lot in the last 11 years. He said that he has a prescriptive easement on the parking pad on the subject lot and that should also be addressed. There will be an increase in traffic because of the new dwelling and there is currently a lack of water pressure for the dwellings in the area. He feels an EIR Checklist should be prepared for this project. He is also unclear as to why the project can continue without a MMWD water hook up. It is his understanding that the applicant has to have approval from the Town by April 11, 1990 or the applicant will have to reapply with MMWD. He wanted the Commission to consider having the Town hire proper experts to prepare geologic and soils investigations to determine the stability of the site. He was upset that the neighbors were never approached about this project by the applicant. He feels the Town should be held responsible for all problems on this site. He also wanted to know what assurances the Town will give the neighbors to assure the applicant will adhere to all conditions if the project is approved. He presented a signed petition to the Commission that included 50 signatures of neighbors objecting to the project until the

TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES OF JANUARY 22, 1990

appropriate studies and assurances have been properly completed relating to the site and then, made conditions of any future development of the property.

Lisa Newman explained why this project is categorically exempt and that the lot is legal. Also, the Town has revised the General Plan and Zoning Ordinance to protect these sensitive areas.

Perry Paradiso, 176 Camino de Herrera, said he was the uphill neighbor and was concerned about the expansion. He said that there is an accumulation of water on the site that should be addressed. It is a steep slope and he is concerned about building on the site as well as traffic on the very narrow road.

Beverly Jagow, 166 Camino de Herrera, was concerned about slides in the area. Her foundation has raised 4 1/2". If the road is widened they will have to cut into a portion of the hillside and construct a bulkhead on the property at 170 Camino de Herrera.

Billy Cody, 103 Carlson, said he has already had two slides from underground seepage.

Jim Muscato, 10 Herrera Court, said that he has not had a slide on his property and felt the geotechnical report would be the best to address the conditions of the site. He felt the builder has tried to minimize the bulk and was sensitive to the zoning requirements.

Commissioner Kroot thought this site was a typical wooded lot and the house a fairly simple, unobtrusive, good neighbor house. He thought the southside of the proposed garage could use a little more landscaping. With regards to construction equipment on the narrow road, he would like to minimize the amount of vehicles on the road, such as using smaller trucks. With regard to landslides, none of the geological or soils reports think there is a problem, and drill pier and grade beams actually strengthen the site.

Commissioner Harle agreed that there should be control over the construction equipment. He noted that the Commission is not experts in geology matters and relies on the information provided by the professionals. He said that he would like additional time to read the new engineer report and the neighbors letters before making a decision but he generally concurs with the comments of Commissioner Kroot.

Chairman Yarish was concerned about off-site drainage. He thought the house was nicely designed but was not sure about the garage. He would like to see story poles erected on the site and an in depth report addressing the collected water and sub surface drainage. He felt a bond should be required in case there is damage to the road. He requested that staff discuss the issue of prescriptive easements with the Town Attorney. He felt the issue of water pressure belonged with Marin Municipal Water District, not the Planning Commission. He wanted staff to review the proposal for the access road and the impact it could have on the neighbor at 170 Camino de Herrera. He concurred with staff that the garage should be moved closer to the house, even if an additional variance is necessary, to reduce the bulk.

Commissioner Harle felt the bulk would still remain even if the garage was moved closer to the house because of the Fire Department requirements for the turn-around. He would like to see story poles to see how the dwelling would be viewed from across the valley.

John Arnold said that they have complied with all the setbacks and the size of the platform has to remain because of the turn-around.

Commissioner Kroot noted that it may not be possible to move the garage and he is not convinced another location would be better. He did not think story poles were necessary because the area was very wooded. Also, the neighbors have not expressed a concern with regard to visibility.

Chairman Yarish said he was swayed by his colleagues that perhaps moving the garage was not the answer.

M/S Harle, Kroot, to continue PP-9001/PD-9001/AR-9002 - Grizzly Hill Construction Company, End of Martha Lane, A/P 5-031-32, preliminary plan review, precise plan review, and architectural plan review of a single family dwelling on property zoned R-1H, to the meeting of February 5, 1990, to allow the applicant time to obtain the information requested by the Commission during the meeting tonight.

Ayes: Kroot, Harle, Yarish; Abstain: Sias; Motion carried.

3. Z-9001/U9001 - San Francisco Theological Seminary, between Richmond Road and Kensington Road, A/P Nos. 7-291-01 and 7-292-03, rezoning from R-1 to SPD; use permit to relocate existing activities on the Seminary's property; and the initial environmental review.

Brian Grunwald, Architect, was present to represent the applicant.

TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES OF JANUARY 22, 1990

Ms. Newman presented the staff report, noting that the applicants have presented additional information on parking as requested by the Commission as well as a color palette.

Brian Grunwald, said that Section III-5, Table 3-4 discusses in detail the parking supply and demand. It shows that there are at least 115 parking spaces available in the lower campus area. Phase II displaces 25 parking spaces due to the pedestrian mall but adequate parking will still remain. With regard to the architectural guidelines, they want to retain the current look with the exception of a campanile being added to Alexander Hall.

Commissioner Harle said he was in attendance at all the public meetings held by the Seminary and is content with the plan.

Commissioner Sias supported the negative declaration and the master plan for the Seminary.

Commissioner Kroot and Chairman Yarish had nothing further to add.

M/S Sias, Harle, to direct staff to prepare a negative declaration for Z-9001 - San Francisco Theological Seminary, between Richmond Road and Kensington Road, A/P Nos. 7-291-01 and 7-292-03, as the project will not have a significant adverse effect on the environment as referenced in the Environmental Checklist included in the staff report.

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

M/S Kroot, Harle, to recommend approval to the Town Council for Z-9001 - San Francisco Theological Seminary, between Richmond Road and Kensington Road, A/P Nos. 7-291-01 and 7-292-03, rezoning from R-1 to SPD. This is based on the findings that: 1) The proposed rezoning is consistent with the policies of the San Anselmo General Plan; 2) the parcel is of sufficient size and otherwise suitable for planned development; 3) The parcel can best be developed or further be developed by a specific integrated plan approved by the City in advance of development or further development; and 4) planned development of the parcel would promote the purposes specified in Section 10-3.1302 of the Zoning Ordinance.

All ayes. Motion unanimously passed.

M/S Sias, Harle, to approve U-9001 - San Francisco Theological Seminary, between Richmond Road and Kensington Road, A/P Nos. 7-291-01 and 7-292-03, use permit to allow continuation of existing educational and institutional uses and improvements identified under Phase I in the Seminary Master Plan. This approval is based upon approval of rezoning from the Town Council. The special findings are: That the establishment, maintenance, or operation of the use applied for will not, under the circumstances of the particular case, 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 that the granting of the application is necessary for the preservation and enjoyment of substantial property rights of the petitioner. This conditions of approval are: 1. The Seminary's Master Plan shall be amended to delete text stating that the General Plan Map has two designations for the Seminary lands and that one is inappropriate and must be amended (pages I-1, II-3). New text stating that the proposed rezoning is in conformance with the San Anselmo General Plan shall be inserted; and 2) The Seminary shall work with its consultants to strengthen design guidelines in the Master Plan so that it clearly expresses a commitment to maintaining the exterior architectural features of Montgomery and Scott Halls and Montgomery Chapel. This is based on the proposal submitted as the Master Plan - Phase I, dated November 8, 1989.

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

4. 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.

The applicant was present.

Jayni Barker, Planning Consultant, presented additional information as requested by the Commission from a previous meeting. She also summarized the Town Engineer's comments in a memo to the Planning Commission dated December 15, 1989 which discussed alternate building sites. He was in agreement with the Geotechnical Investigation prepared by Van Houten Consultants, dated September 15, 1989. Building in other areas would be a detriment because of the soil instability and excessive cut and fill.

Dain Anderson read a letter from Dan Goltz, 107 Holstein Road, who was opposed to the project.

TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES OF JANUARY 22, 1990

Chairman Yarish questioned how the engineers came up with the figure that 40-60 thousand cubic yards of dirt would have to be removed from the site if the building pads were anywhere other than what was proposed.

Ms. Barker said that if the pads were lower on the site, they would essentially have to regrade the entire slope to make it safe for development.

Mr. Helfrich said that extensive geotechnical information has been prepared on the site.

Andrew Allen, Van Houton and Associates, gave an over view on the stability of the site. He said that although they have not done specific test borings of the north slope, and was not sure of the depth of the landslide material on the northside, they have seen landslides as deep as 15 to 20 feet on other sites.

Commissioner Sias questioned what the motivation was to retain the large oak tree on the site and wondered if the Commission could make comments about the building envelope at the preliminary development plan stage.

Ms. Barker said the application before the Commission is just preliminary, conditions can be placed now on the plan or wait for the precise development stage. She also noted that the building envelopes are shown conceptually on the Preliminary Development Plan Map and can be reduced at the precise development stage.

Mr. Helfrich said that he would go along with whatever decision the Commission wanted to make regarding the tree.

Mr. Anderson stated that if the Commission wished to preserve the trees, a condition can be imposed now at the preliminary development stage and put the burden of proof on the applicant to either preserve the trees or provide substantial justification that the trees cannot remain. He also clarified that the identification of the building envelope is a requirement of the Preliminary Development Plan.

Mr. Helfrich said that he has provided all the information requested by the Town, including letters of support from nine direct neighbors that would be impacted by the project. He said the drainage plan was prepared by the Town Engineer, and the site is going to be substantially better than what it currently is. With regard to mitigation measure number 1, he requested that he be allowed to continue with the Precise Development Plan while processing the necessary paperwork for annexation. With regard to the mitigation measure number 13 as specified in the staff report, he had no objection to grant a four foot pedestrian easement along the east portion of the property but would like to see a three year time limit rather than having it be open ended.

Commissioner Harle said he did not favor a time limit on the easement. Mr. Helfrich said that he would go along with whatever the Commission decided.

Michael Malk, 443 The Alameda, said he just purchased the house and Mr. Helfrich has been helpful in explaining the drainage proposal for the site. However, he still has several concerns regarding the proposed drainage because any increase in the run off could be detrimental. He felt the drain, as currently designed, is very poor and unable to carry sufficient water. He would also like to see improvements made to the roadway.

George Silvestri, Attorney representing the Roberta Stoddard of 444 The Alameda, said his client has grave concerns about this project. He said the geotechnical report indicates that the current drainage facilities are inadequate and contrary to the statements made by the applicant that his improvements will improve the drainage, it will not improve the existing situation. He noted that Plate 9 on the geotechnical report showed landslides in the northwest side of the site and it also overlaps onto the Stoddard property. He felt that an expanded Environmental Review should be required. He quoted excerpts from the Geotechnical Investigation by Van Houten Consultants, dated September 15, 1989 as follows: Section II. Summary, page 3 and 4; Page 11, "Small and relatively shallow landslides exist adjacent to the existing access road alignment and along the east portion of the property. Types of landsliding observed include rock falls, earth flows and transitional slides on natural slopes and rotational landslides in fill. These landslides appear to be caused by drainage concentrated over the slopes from above and failure of loosely placed fill. Active soil erosion was observed in the lower portion of the access road and in graded road-cut banks. The erosion is caused by concentrated surface water drainage from the upper portion of the access road and graded building pads." Page 13 D." The results of the hydrologic investigation presented in the Appendix indicate the project would contribute a relatively minor 2.6 percent increase in peak flows to the Deer Hollow drainage basin. Although this increase is minimal, the intermittent 30 inch culverts along the north side of The Alameda are already undersized and prone to flooding." Page 14, "The principal concerns for this site are the potential for slope instability and strong groundshaking from earthquakes, risks shared by residential development already constructed in the area." Page 19 D and E relating to retaining wall parameters and roadway considerations regarding the site; and Page 24 I. "During construction, we should observe and test all site preparations and grading to check the results of the

TOWN OF SAN ANSELMO

PLANNING COMMISSION MINUTES OF JANUARY 22, 1990

contractor's work". Mr. Silvestri said that the legal basis for an expanded initial study in lieu of an EIR has not been met because the mitigations have yet to be defined for this project. He felt there are still some questions that need to be resolved. Also, the project calls for asphalt surface and it is his understanding the code requires concrete if it is over 20% grade. The question of the access road being public or private has also raised questions. Who will be responsible for the maintenance of the road". Who will be liable in the event of landslides or drainage problems: There are a number of findings that have to be met to approve this project and at this time he believes there are many adverse problems that prevent the Commission from approving this project. He said there has also been a reference that drainage easements have to be obtained by certain property owners. He wondered if that has been done, and if so, who are the owners affected? He felt the reports on vegetation, sources of irrigation and landscaping, as well as the building of the homes, was moot because of the Marin Municipal Water District moratorium. With regard to the question of the pedestrian easement, he felt the Town should require an irrevocable dedication of the easement which might be conditioned with the connection over the Carey property. Also, he felt it was necessary to have test borings of the site. In summary, he felt the project should not be approved unless the project can not only carry its own drainage flow but also will substantially enhance the solution to the problem that currently exists.

Because of the late hour the Commission decided to continue this item and allow for additional public testimony at the meeting of February 5, 1990.

M/S Sias, Kroot, to continue 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 to the meeting of February 5, 1990 and to place the item first on the agenda. All ayes.

C-220 - John Paletta, 705 San Anselmo Avenue, A/P 7-211-17, design review amendment for a planting area within a required parking space.

The applicant was not present.

Staff wanted to continue this item until the meeting of February 5, 1990.

D. APPROVAL OF MINUTES: JANUARY 8, 1990

Continued to the next meeting because of lack of a quorum.

E. REPORT OF UPCOMING APPEALS TO TOWN COUNCIL

Cyrus Ansari, 94 Berkeley, was appealed by the applicant for those items denied by the Planning Commission and by the neighbors for those items approved by the Planning Commission.

F. ADJOURNMENT

The regular meeting of the Planning Commission was adjourned at 12:30 a.m. to the next regular meeting on February 5, 1990.


BARBARA CHAMBERS
ADMINISTRATIVE SECRETARY