

TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES OF MAY 19, 1997

A. CALL TO ORDER

Commissioners Present: Harle, Mihaly, Zwick, Dowd, Wittenkeller (Mihaly left after Item E2)

Commissioners Absent: Israel, Cronk

B. OPEN TIME FOR PUBLIC DISCUSSION

Vice Chair Wittenkeller welcomed the new Planning Commissioners' Marty Zwick and Greg Dowd to the Commission.

C. CONSENT AGENDA

1. MINUTES: May 5, 1997

2. V-9718 - Art and Jessica Wasserman, 5 Hooper Lane, 7-012-12, Variance request to add a master bedroom within 8'6" from the rear property line (20' required); and a variance to reduce the required on-site parking from 2 spaces required to 0 spaces necessitated by the additional bedroom, on property located within the R-1 Zoning District.

M/s Harle/Mihaly, and passed (5-0), to approve the consent agenda.

Absent: Israel, Cronk

The audience was advised of the ten day appeal period.

D. CONTINUED HEARINGS

1. V-9717 - John and Maureen Geoghegan, 61 Sais Avenue, A/P 6-074-30 - a Variance request to 1) increase the height of an existing house 6' to be within 12' from the front property line (20' required) and; 2) construct a new one-car carport within 3'6" from the southerly side property line (8' required), on property located within the R-1 Zoning District.

CONTINUED TO 6/2/97

2. V-9713 - Seidelman Associates for Geoff Koblick 6-42 Red Hill Avenue and Jeffrey Johnston, 22 Island Drive, A/P 6-201-02 and 6-201-54, proposal to construct a 15' high, 142' long retaining wall across a portion of 22 Island Drive (no variances needed for this section). Rear yard Variances are required to construct: 1) an 88' long west "side" retaining wall, varying in height from 15' (as it connects with the upper wall) to 0' (as it connects with the lower wall) located within 0' of the rear property lines for 22 Island Drive and 6-42 Red Hill Avenue (20' setback required); 2) a 46' long east "side" retaining wall, varying in height from 15' to 0', located within 0' of the rear property lines for 22 Island Drive and 6-42 Red Hill Avenue (20' setback required); and 3) a 136' long, 5' high "tie-back" retaining wall located within 1' of the rear property line of 22 Island Drive on property located within the C-3 and R-1-C zoning districts. CONTINUED TO 6/2/97

3. U-9706 - San Francisco Theological Seminary, 40 Kensington Road, A/P 7-292-03, 7-291-01, Use Permit request to allow a food catering service (Ann Walker Catering) to operate from the kitchen at Alexander Hall. This catering business will serve the Seminary's food service needs as well as cater to outside clients, on property located within the Specific Planned Development (SPD) Zoning District. CONTINUED TO 6/2/97

4. Environmental Review/GPA-9601/Z-9601 - all Limited Commercial (C-L) zoned properties located between 606 and 820 Sir Francis Drake Boulevard, Review of Negative Declaration of Environmental Impact, proposal to amend the General Plan and the Zoning Ordinance to permit the following uses: 1) Gasoline Sales; and 2) Combined Use of Gasoline Sales and Convenience Market. This request is being initiated by Russ Johnson, Chevron Service Station owner in order to convert the service bays to a mini-mart - CONTINUED TO 6/2/97.

5. U-9608 - Russ Johnson, Chevron, 750 Sir Francis Drake Boulevard, A/P 6-091-40, use permit and design review to construct an addition and operate a combined use of gasoline sales and a convenience market on property located within the C-L zoning district - CONTINUED TO 6/2/97.

E. PUBLIC HEARINGS

1. DR-9713 - Mr. And Mrs. Edward Heavey, 405 Sequoia Drive, A/P 6-117-08,

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design review of a new single family dwelling on property located within the R-1 Zoning District. (above 150' mean sea level)

Ms. Wight presented the staff report.

Ed Heavey, applicant and owner, explained that he wants to build the house for himself and his family. There are concerns by the neighbors about the road and he will post the required Town bond as well as video tape both shoulders of the road. With regard to the concerns about large concrete trucks damaging the road, he will use those trucks with a shorter bed and smaller trucks. He will place someone at the shoulder of the road to protect that particular fragile area. Regarding blockage of the road, he is proposing to block the roadway in front of the site for about one to 1.5 hours. He tried to make phone contact with the neighbors within the three hundred foot radius of his property and was able to reach thirty people to advise them of a neighborhood meeting on Thursday; of the 30 contacted, 10 people attended the meeting. He also had an on-site meeting Sunday with 15 people. He tried to answer all the questions and concerns but was unable to satisfy all the neighbors, in fact, he felt the meeting was somewhat unproductive.

Commissioner Mihaly asked how the applicant was going to attempt to mitigate the concerns listed in the 4/29/97 letter from the neighbors. In response, Mr. Heavey stated that the neighbors did not want any verbal answer, and wanted everything in writing. He provided staff with his notes of the meeting. He also stated that he staked the area on his property where the downhill neighbor is concerned with about privacy for his hot tub. It is his impression that the oak tree that leans down over Sequoia Drive and one other tree will block his deck from the hot tub. He was not able to visit the neighbors' site to see if there was an impact looking up hill. He has an arborist report that states the tree will be saved and the grade beams will be cantilever over the trees.

Steve Murch, 9 Golf Lane, wanted to thank the applicant for his efforts to reach the neighbors. The neighbors wanted a letter which will document the mitigation measures that were discussed at the Thursday and Sunday meetings with the applicant. His concerns are based on the prominent facade as viewed driving up Sequoia. The face of the deck will be in the guy wire and very close to the road. He agrees with the idea of breaking up the back facade. He favored stepping the building down or up the hill to reflect the slope, noting that the building actually goes to 39'. In summary, he is concerned about the massiveness of the house. A solution to achieve less bulk and mass would be a reduction in the square footage as well as stepping the house.

Tom Herrington, 39 Madera, stated that he was the downhill neighbor and he has just spent a lot of money remodeling his home. He met the applicant on the site on Sunday and is very concerned about his privacy over the hot tub and deck area. When he applied for his addition, he was restricted in the addition because it would be considered three stories. He felt this house will also look like a three story house because of the massiveness.

Richard Lucas, 506 Sequoia, was concerned about the height for the same reasons as previously stated. He was also concerned about the road maintenance. The neighbors banded together to resurface Sequoia and there is a long history about the repair and maintenance of the road, including a pending law suit. Because there was only limited money available to resurface the road, he is concerned about the longevity of the road. He recommended that a construction road bond be applied to the project. He would also like the house stepped down the hill.

Vicki Barth 543 Sequoia, echoed the previous comments. She has a home based service and has daily deliveries as well as the need to get in and out of her house several times a day. She is very concerned about the road being blocked for periods of time as well as construction vehicles parking along the side of the road during construction.

Davie Strussman, 555 Sequoia, felt that the structure would be very looming as viewed looking at it from Sequoia and requested the applicant put more thought into the design so it will not loom.

Martha Lucas, 506 Sequoia, stated that the road is a big dip and the road is already deteriorating in the area where the landslide occurred and the retaining wall was built. She would like that looked into. She stated that heavy trucks will exacerbate the situation.

Linda Hoch, 250 Sequoia, wanted to know why story poles were not required, noting that the house is too large and not appropriate for the neighborhood. In response,

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staff stated that she wanted to wait until the neighborhood meeting to see if that was an issue; no one asked that they be erected..

Wanaga, 409 Sequoia, stated that the parking deck will be right off a blind curve; to avoid the car exiting the driveway, cars will have to veer onto his driveway. He suggested the applicant prepare a scaled model of the house and adjoining properties, noting that he is concerned about his views of the southwest. He also wants clarification of the boundary lines.

Rick Barth 543 Sequoia, stated that the previous owner refused to pay for his portion of the road and asked if the applicant could be required to pay the unpaid portion. He is also concerned about the roadway settlement and additional slippage of the road.

Trudy, Maloreska, 300 Sequoia Drive, agreed that the road is beginning to deteriorate. She is concerned about heavy trucks using the road because she is not sure it will support the continuance of trucks and heavy material. She has been limited from the amount of debris removed from her property and feels the same should be applied to this project. She is also concerned about slippage beneath her property.

Mr. Heavey stated that he was unable to respond to the neighbor's requests at the neighborhood meetings because there are so many issues. He would be willing to respond to the Commissions' direction.

In response to Vice Chair Wittenkeller, staff discussed the resolution that addressed many of the issues, such as a road bond, hours of construction, and other construction management issues.

Mr. Heavey stated that the site is very difficult to build on and that is the reason for the specific design. He wants a garage to keep his tools and car in. 1 The house is not that large, 2,148 square feet and he is not asking for a variance. He has stepped the house back and there are two decks to break up the facade; oleanders are being planting oleanders to screen the house. It can't be stepped back any further. Mr. Heavey stated that he would like to respond to the neighbors as well as the Commission.

Commissioner Harle stated that the applicant needs more square footage than he currently has, but this does not seem the lot to build a large house on because of the odd shaped lot and the steep slope. The house does look like a two story house put on stilts. It will be very tall and will loom. He is unsure about a solution to the road. He stated that this is a buildable lot and the applicant has a right to build a house and construction vehicles will have to access the site from Sequoia, just as other construction vehicles did in the past for all the houses on Sequoia. The applicant has provided a lot of off site parking and he supports that. The parking is however, compromised somewhat by the blind curve. It would be very expensive to step the house and would be inclined to allow for setback variances on this project because of the steepness of the lot.

Commissioner Mihaly stated that there should be additional work by the applicant for a redesign on this project. His issues are more related to the Public Works; specifically staging of construction vehicles, road bonds, road closure and safety of the ingress and egress of the driveway. He would like to have that reviewed by staff if it hasn't already been. With regard to the road usage, the owner has a right to build on the site, but the risks should be minimized. Whether or not this applicant should repair the slide, he wants to know what the Town's position was in this matter. There is a solution to the design. The applicant should take the time to make some changes and provide solutions to the problems. He stated that he would approve variances for this site. He would like to see a landscape plan for this site; oleanders are good but not enough.

Commissioner Zwick commented that this is a start for the neighborhood to exchange views. This is a special site and perhaps that is why the house is pushed against the hill. The design could be improved, and he would like the applicant to work with the neighbors.

Commissioner Dowd wanted to see a truck management plan and story poles. The difficulty is that it appears the applicant is in conformance with the Town Codes with the exception of design review. He would like to see an alternative solution as well as other types of screening. He also suggested the applicant participate in the original cost of the road resurfacing; perhaps even provide more, because of the roadway he will be using. He was concerned about the roadway slippage and the solution for that.

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Vice Chair Wittenkeller stated that he would like to see the house stepped down the hill and be more responsive to the steepness of the hill and would like the applicant to explore additional landscaping. Parking is something that should be looked at by the Public Works Department. If the arrangement of the house was placed in a different manner, he would consider a variance. He would also like to see the applicant consider participation in payment for the repaving.

Mr. Heavey responded that he could move the house to get variances but in doing so it could then become a problem for other neighbors.

Commissioner Zwick stated that many concerns are on the looming quality; perhaps spreading the house out would solve the problem. With regard to the decks, he did not think they broke up the mass; the garage should also be evaluated. Also, other comments from the audience were that the front is nice and the back should look like the front.

Commissioner Mihaly added that the applicant should take the time to see what will work and talk to the neighbors about the solutions. The purpose of a variance is to deal with a unique lot, and this lot is an example of extreme.

M/s Mihaly/Harle, and passed (5-0), to continue to the meeting of 6/15/97 to allow the applicant to made modifications.

Absent: Cronk, Israel

2. Environmental Review/Z-9701/TM/Zoning Map Amendment - 9703 - George Martinis, 109 Spaulding Street, A/P 6-091-65, Negative Declaration for a two lot subdivision and rezoning of property from R-3 (Specific Plan Development) to R-2 (Specific Plan Development). Lots to be medium density at 8,490 square feet each.

Mr. Griffin presented the staff report.

George Martinis, applicant, explained that he approached the Town to purchase the site as a parking space for the restaurant he owned several years ago. About 5-6 years ago he applied to have the lot developed. He has hired engineers to determine the stability of the property. There is a discrepancy between the engineers in determining the site stability. They finally came to a consensus that it is a buildable site. At least fifteen test borings were done.

Commissioner Zwick wondered if a house was built on the hill to the specifications of the engineers of all concrete (bunker style), would the applicant expect to see the houses at a profit.

Mr. Martinis responded that he would still be willing to build on the site.

Dave Hood, own 113 Spaulding, stated that the hill is solid, the only reason for the slide is because the toe of the hill was cut. Spaulding is a private street and Mr. Martinis purchased the lot from the town to build a parking lot. The auto body business uses his street, and the apartment complex tenants use the street. How can the Commission handle parking on a private street? He felt it should still be used as a parking lot for any other retail business that comes in.

Cherilyn Gilboy, 36 Luna Lane, stated there are tremendous traffic problems with the five businesses on Spaulding and Luna. There are 5 units being occupied by artists behind the Pavilion. There are some soils problems on the site and springs that have made a trench on the north side of the road. She presented a letter of her concerns to the Commission.

Mr. Martinis stated that he will provide off street parking for his two homes and will not create a parking problem. The occupants of the businesses are creating a problem because cars block Luna Lane.

Commissioner Zwick would like to see what the Town Attorney states about liability but he would not like to approve this project based on the soils reports.

Commissioner Dowd stated that he could not approve this project knowing that heavy rains could create a slide.

Commissioner Harle stated that it seems clear that the Town transferred parking because of the need for it in that location and feels the site is suitable for that purpose. He would not feel comfortable, with any house on the site; it is ominous.

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Commissioner Mihaly concurred with his colleagues. He was not persuaded about the prospect of developing two houses; he would be open to discussing it if the staff supported it. The soils report states one house might work, but not two. He is not persuaded about subdividing the lot and allowing a General Plan Amendment. The engineer's report is pretty strongly worded and he is therefore opposed to the subdivision because of safety issues and traffic issues.

Vice Chair Wittenkeller stated that he observed the slide in 1966; it was clear that the footings of the buildings did not move, the slide was from above. The slide went through the houses and down the hill. The problem was the stability of Red Hill, not the stability of the applicant's site.

M/s Mihaly/Harle, and passed (5-0), to deny the application based on the staff report.

Absent: Israel, Cronk

The applicant is advised of the ten day appeal period.

Paul Makrynassios, Civil Engineer, commented that Mr. Nelson, soils engineer, did not do a thorough report and the other was thorough; one was based on historic information and one was based on scientific information.

3. DR-9714 - Richard Hymns, 390 Redwood Road, A/P 7-094-01, design review of a 576 square foot garage, on property located within the R-1 Zoning District (above 150' elevation).

Ms. Wight presented the staff report, noting that the applicant has agreed to remove the windows on the north and east side, based on a recommendation by the owner of 75 Allyn Avenue.

Richard Hymns, applicant, had nothing further to add, noting that he will gladly remove the windows and put backing on the lights so they do not shine down on the neighbor.

Peter Hyke, 100 Allyn Avenue, stated that the garage will be in clear view of his home, and would like some screening even though it is 35' from the road.

Mr. Hymns responded that there are already a number of significant trees on the lower portion of his lot as well as by the decking. It is very difficult to determine how visible it will be to the neighbor at 100 Allyn, however, he will guarantee that he will put in 2-15 gallon trees.

Vice Chair Wittenkeller approved of the application with the addition of 2-15 gallon trees, with the species to be determined by staff.

The other Commissioners favored the project with the added condition.

M/s Dowd/Zwick, and passed (4-0), to move the staff report, with the addition of 2-15 gallon trees, species to be reviewed by staff.

Absent: Mihaly, Cronk, Israel

The audience was advised of the ten day appeal period.

4. V-9718/DR-9715 - Eileen Lynch and Lawrence Lafresnaye, 22 Southview Terrace, A/P 6-144-44, Design Review, to enclose an existing carport and add floor and deck area to the house. Variances to construct a first floor house and garage addition within 13' of the front property line (20' required); and to construct a second floor deck within 9' of the front property line (14' required), on property located within the R-1 Zoning District (above 150' sea level).

Ms. Chaney presented the staff report, noting that although staff is in support of the application, because of the misnoticing, the Commission cannot act on the application tonight.

There being no public testimony, the public hearing was open and closed.

Commissioner Dowd suggested that the deck railing be left open instead of enclosed.

Mr. LaFresnaye, preferred to leave it as is, stated that because of the trim and the colors it provides an open feeling.

Commissioner Zwick concurred with Commissioner Dowd but could live with it as

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proposed.

Commissioner Harle and Vice Chair Wittenkeller supported the staff report.

M/s Harle/Zwick, and passed (4-0), to continue this application to the meeting of June 2, 1997, at which time the item is to be placed on the consent agenda for approval of the project.

Absent: Mihaly, Cronk, Israel

F. GENERAL DISCUSSION

Election of Vice Chair

This item was continued to the meeting of 6/5/97 when all the Commissioners will be present.

G. REPORT OF UPCOMING APPEALS TO TOWN COUNCIL

- The 5 and 8' side yard setbacks will be heard at the Town Council meeting.
- The Fence ordinance will be heard at 6/10/97 Town Council meeting.

H. ADJOURNMENT TO JUNE 2, 1997.

The regular meeting of the San Anselmo Planning Commission was adjourned at 10:20 p.m. to the next meeting of June 2, 1997.

BARBARA CHAMBERS