

**SAN ANSELMO PLANNING COMMISSION
MINUTES OF APRIL 6, 1998**

The San Anselmo Planning Commission was convened by Commissioner Wittenkeller at 7:30 p.m. in the Council Chamber, 525 San Anselmo Avenue, San Anselmo, CA.

CALL TO ORDER

Commissioners' Present: Commissioners Harle, House, Dowd, Wittenkeller
Commissioners' Absent: Israel, Cronk, Zwick

Staff Present: Planning Director Chaney, Senior Planner Wight, Associate Planner Griffin, and Planning Consultant Lisa Newman

OPEN TIME FOR PUBLIC EXPRESSION

No one spoke during this time.

CONSENT AGENDA

1. MINUTES: March 16, 1998

M/s Dowd/House, and unanimously passed (4-0), to approve the minutes of March 16, 1998.

PUBLIC HEARING

1. DR-9809 John and Jodie Potts, 196 Oak Springs Drive, A/P 5-292-06, Design Review and Variance request to build a 480 square foot, second story addition above a previously approved garage (not yet built). Project is wholly within a primary ridge zone, on property located within the R-1 Zoning District (Above 150' mean sea level) (Staff person: Griffin)

Mr. Griffin presented the staff report, noting that staff is placing an additional condition on the approval because of the slide that is down slope from the proposed addition. The condition states a geotechnical report should be prepared by a licensed geotechnical engineer indicating that the construction will be safe. He also stated that Condition No. 4 in the staff report should be removed because the work has already been completed.

Mr. Potts, applicant, stated that they have not been able to get into the area of the slide to see exactly what is needed. He has, however, been told by the soils engineer that there are six very large piers that were used for the garage slab and that it can handle a second story addition. He explained that originally they wanted a deck over the garage but now they have two small children and their needs have changed and they now need additional living space.

Commissioner Dowd stated that he could support the project as long as the slide is addressed.

Commissioners' Harle and House agreed with Commissioner Dowd.

Commissioner Wittenkeller had additional questions about the slide, which were responded to by Mr. Griffin.

M/s Dowd/House, and unanimously passed (4-0), to approve the application based on the findings and conditions as set forth in the staff report; with the additional condition: that the additional will take place only after the Town Engineer is satisfied that the slide has been addressed and the addition will not cause a problem to the down slope neighbors.

CONDITIONS OF APPROVAL:

1. That the request for Design Review be granted to construct the garage and second story addition in accordance with the plans date stamped February 9, 1998, received by the Town of San Anselmo Planning Department. 2. Applicant shall apply for and pay all appropriate fees for building permits, plan checks and inspections; 3. This permit and each condition contained herein shall be binding upon applicant and any successor to the title ownership of the property; 4. Prior to application of a paint scheme which is not recognized in the approved plans date stamped 2/9/98, owner shall submit proposed color scheme to the Planning Department and shall be reviewed and approved by the Planning Director prior to application. 5. That if this development which has received conditional discretionary approval and has not begun construction within one year from the date of final action, the permit becomes null and void. However, this discretionary action may be renewed by the Planning Director for a maximum period of one year provided the applicant places such a request in writing to the Planning Director showing good cause prior to the expiration of the discretionary action.

2. ER-9701 - Curtis Eisenberger, A/P Nos. 5-031-35, 5-081-07, and 5-081-19. Review of Negative Declaration regarding Environmental Impact. Environmental review of a proposal to subdivide a 21.66-acre parcel of land into four home sites on 5.95 acres and dedication of 15.71

SAN ANSELMO PLANNING COMMISSION
MINUTES OF APRIL 6, 1998

acres for public open space. The project site is located at the end of the Traxler and Valley Roads and covers the steeply sloping hillsides on either side of the drainage course, on property located within the R-1-H Zoning District. (Staff person: Wight)

Ms. Wight provided an overview of the project since the last meeting.

Ms. Newman provided an overview of the environmental document. She stated that staff has received a letter from the Marin County Open Space District asking for a public trail easement. That request has been incorporated into the initial study. She has looked at the idea of the alternative proposal for lot 1A, noting that there are benefits but also significant drawbacks. There are also advantages and disadvantages for lot 2A, which are also incorporated into the environmental study. The changes to the mitigation measures are shown in Exhibit A.

Commissioner Dowd wondered if the Commission could consider both alternative lots 1A and 2A. Ms. Newman stated that both lots 1A and 2A are viable, although they would be visible.

Commissioner Wittenkeller asked about whether or not small bridges have been considered for lot 1 and 1A. Ms. Newman stated that the Water Quality Board did not comment or request it, and the Public Works Director feels the proposal is workable as proposed. The low flows would be allowed to flow along lot 1 and the large flows will be diverted into the culvert.

Commissioner Dowd asked about the alternative access off Camino de Herrera. Ms. Newman responded that the information comes from the Herzog report; there is a steep drop into the site, with retaining walls up to 16'6" feet.

Bill Rothman, one of the applicants, stated that they want to preserve as much of the habitat as possible and want also to keep the homes as close to the road as possible. They recognize that the homes will be visible but the building envelopes chosen are the most stable locations on the site. They want the trails and open space and would also like to see the streams and trees remain.

Jonathan Braun, 479 Scenic Avenue, stated that the environmental document was a well-crafted piece of work except he differed with the environmental document regarding the aesthetics and visual impacts. He believes the project will have a significant negative impact on the hills and vistas. He feels there could be additional mitigation measures added to the document. Many of the larger subdivisions also require a landscape plan so the vegetation will get a head start prior to construction. Also, retaining walls that are subject to exposure could benefit with vegetation. He recommends the Bald Hill Area Plan be included as a mitigation measure and pointed out that most of the homes in the area are much smaller than what could potentially be built.

In response to Commissioner Dowd, Mr. Braun did not have a recommendation for lot 1A or 2A at this time.

Michael LaPierre, 83 Valley Road, stated that they bought their house last September and were never notified about the potential for lot 1A. He has several environmental concerns about the potential location. He feels that the potential runoff could create additional problems on the unstable hill. It could cause undue hardship and he would try to get restitution if lot 1A is approved. There is a 4' sewer easement crossing the four properties. Schwartz Associates and staff did not provide the correct information to him, noting that there is not a 4' sewer easement going to the undeveloped lots. Also, he felt that the slope is 48 percent, not 44 percent as provided by staff and the slope of 1A could be up to 66%. There is not a 4' sewer easement bisecting the four properties.

Allison Pollock, 170 Camino de Herrera, stated that the neighbors are aggressively pursuing the purchase of the property. She felt that lot 4 is the most visible and would not like to see it built. The vast majority of the homes in the area are around 2,000 square feet and the potential for these homes could be up to 5,000 square feet. She would like a restriction placed on the house sizes. There should also be a hiking trail on upper Traxler, Camino de Herrera.

Barbara Smith, 88 Valley Road, stated she was concerned about the hiking trails, specifically about the one between Traxler/Valley and the end of Traxler and is speaking for several neighbors. She said her neighbor is also concerned about lot 1A.

Richard Street 15 Hillcrest Court, stated that he is concerned about the traffic safety because the proposed driveway for lots 2 and 2A are proposed in a dangerous intersection where there are near collisions daily. He stated that each lot has a tremendous impact on the community.

Imengard Wessels, 9 Traxler Road, stated that she lives below the potential development and the hill is very steep, the fence is coming down and there is soil movement. She also wondered who was going to pick up the garbage. She also presented photographs of the site, which indicates the soil creep. She said that there is no sewer easement for the lots and there is no deed for the easement. Her house is sitting on the easement.

**SAN ANSELMO PLANNING COMMISSION
MINUTES OF APRIL 6, 1998**

Irving Schwartz, geotechnical engineer, stated that the sewer easement is recorded on the map and however they have no intention of using it.

Charles Mastin, 5 Traxler Road, stated that there are numerous signs of soil slippage. He would like to see more study done for open space. He would be opposed to lot 2A because it is close to his property and the house would be very large with a 300' driveway. This will increase noise, ruin his view and affect the soil stability.

Dave O'Brien, Hillcrest, stated that even a seasonal creek is valuable habitat and should be taken into consideration.

Craig Herzog, soils engineer, stated the building envelope shown is subject to creep but could be mitigated by proper foundations. They have noted areas of instability, which are outside of the building envelopes. Regarding access from lot 2 above, basically the upper edge of the road is very steep, there is a fill bank and it is not well compacted, there is also a small slide in line with the gully. Building would be expensive and would have large retaining walls.

Commissioner Wittenkeller stated that after looking at the photographs, he was concerned about what looks to be major soils creep behind 9 Traxler. Mr. Herzog responded that his data is for the foundations for the new houses but cannot address the creeping down slope.

Commissioner House asked about the driveway alignment of lot 2.

Mr. Schwartz explained that there is an existing culvert that goes to Valley. The Town Engineer is requesting that the drainage from the property be culverted into the new culvert on Traxler. Fish and Game did not like that so they had an alternative. The high flow is to go to the new culvert and a low flow will naturally go to the existing creek. Regarding the driveway, he explained that because of the steepness of the slope, and the maximum of the driveway, it would be 16' in the air; that is why they are making their proposal. He did not feel one driveway would cause additional problems. The driveways will have to have turnarounds and will have clear visibility of the intersection.

Barbara Smith, 88 Valley, stated that there is water that sheets down Valley and Traxler on the newly paved road. There was talk about a catch drain that was over looked. She wants that to be addressed in the overall proposal.

Commissioner Harle said that the owner who backs up to lot 1A should have been noticed about the meeting and there should be additional research on the proposed location.

Commissioner Dowd asked for a landscape plan and thought it should be part of this study. He thought some of the Bald Hill Plan should be incorporated into the plan and would also like to see a full quorum present when a vote is taken, and would also like to see site 1A questions answered.

Commissioner Wittenkeller would like to see several issues resolved and commented as follows:

- This project will have a significant impact and there will have to be mitigation measures.
- He would like landscape mitigations and some of the Bald Hill Plan incorporated
- The slope on lot 1A should be addressed. Because the site is so wooded, the aerial view could be inaccurate so he would consider a site investigation.
- He would like some size limitations placed on the house sizes; 5,000 square feet is much too large.
- The hiking trail from the Traxler intersection should be preserved
- staff should consider mitigation of the soil movement and creep and the base of the hill and how it will affect the lower properties.
- Want to look at bridges for lot 1 and 1A and possibly 2A, instead of culverts because of the habitat.
- As soon as possible, he would like the project re-noticed, to include lot 1A.

M/s Dowd/Harle, and unanimously passed (4-0), to continue the project to May 4, 1998.

3. **V-9814/Dr-9811 Paul and Kathleen Thompson, 43 San Rafael Avenue, A/P 7-211-05, Flatland Design Review of second story additions: 1) a 464 square foot second story hobby room above a proposed 3-car garage; and 2) a 374 square foot second story addition to the existing dwelling; and a height variance to remove an existing 38'8" high chimney and replace with a 35'2" high chimney in a new location (Code maximum height: 30'), on property located within the R-1 Zoning District. (Staff person: Wight)**

Ms. Wight presented the staff report, noting that the applicant is suggesting an alternative roof design based on staff's concerns.

Bob Eckland, Architect representing the applicant, explained that they are now proposing a hip roof over the garage. He likes the form the way they originally proposed the application, but the alternative does set the mass back.

**SAN ANSELMO PLANNING COMMISSION
MINUTES OF APRIL 6, 1998**

Commissioner House could support the application with the alternative roof design.

Commissioner Dowd could support the proposal with the revised design.

Commissioner Harle supports the staff report with the modifications.

Commissioner Wittenkeller said that the house is such a craftsman style design and did not want to jeopardize the design. Mr. Eckland stated that the porch also has a hip roof

M/s Dowd/House, and unanimously passed (4-0), to approve the application based on the findings and conditions as set forth in the staff report, with the modification of the hip roof.

Conditions of approval:

1. Approval is based on the plans date stamped received March 18, 1998, 1998; and revised garage roof date stamped 4/6/98; 2) this approval is subject to a 10-day appeal period to the Town Council; 3) building permits shall be obtained and the work begun within one year from the approval date, or this approval will be considered null and void. A one-time only, one-year extension may be requested in writing to the Planning Director prior to the initial one-year expiration date.

CONTINUED ITEMS

1. **V-9801 – Tom Restaino and Jan Becker, 72 Alder Avenue, AP 7-041-26**, a variance request to construct a guest cottage within 3' of the west side property line (8' required), on property located within the R-1 Zoning District. (Staff person: Wight) **CONTINUED TO 4/20/98**

2. **PDP-9505/Parcel Split-9503/V-9549/DR-9525 - Carlos Castro, 444 Redwood Road, A/P 7-191-10**, 1) Land Division, Precise Development Plan, Density Determination, and Design Review to split an existing property currently developed with a single family residence in order to construct a new house; 2) a Variance to construct a retaining wall a total of 60' long along the uphill side of Redwood Road (within 0' of the property line) in order to widen Redwood Road to 15' of paving for fire safety reasons; and 4) remove one heritage tree (30" bay) on property located within the R-1-H Zoning District (above 150' mean sea level) (Staff person: Chaney) **CONTINUED TO 4/20/98**

3. **V-9811/DR-9810 - Tom Sargent, 40 Alta Vista Avenue, A/P 6-231-36**, 1) Design Review to construct a 2-car garage with studio area underneath; and 2) a Variance to construct a retaining wall in excess of 30" in height within 7' of the street side property line (12' required) on property located within the R-1 Zoning District (Above 150' mean sea level) (Staff person: Chaney) **CONTINUED TO 4/20/98**

WORKSHOP - CONTINUED

1. Discuss changes to the Second Unit Rent Guarantee Resolution. Proposal is to align and adjust rents according to Marin County income figures rather than using the Consumer Price Index to make adjustments.

GENERAL DISCUSSION

1. Report from Commissioners' Cronk and House regarding Planning Commission session at UC Davis

Commissioner House stated that the meeting was interesting and informative

REPORT OF UPCOMING APPEALS TO TOWN COUNCIL

ADJOURNMENT TO MONDAY, APRIL 20, 1998.

The regular meeting of the San Anselmo Planning Commission was adjourned at 10:15 p.m.

BARBARA CHAMBERS