

The regular meeting of the San Anselmo Planning Commission was called to order at 8:00 p.m. on April 20, 1987, by Chairman McPeak in the Town Hall Council Chamber. Staff present: Lisa Wight, Planning Technician, and John Roberto, Planning Consultant.

A. ROLL CALL

Commissioners Present: Hayes, Kroot, McPeak, Sias

Commissioners Absent: Harle, Manning, Zaharoff

B. APPROVAL OF MINUTES - April 6, 1987

Item C7, change motion to read, "AYES: Harle, McPeak, Sias, Zaharoff; NOES: Hayes, Manning"

M/S Hayes, Sias, to approve the minutes of April 6, 1987, as amended.

Motion carried; Commissioner Kroot abstained.

C. PUBLIC HEARINGS

Chairman McPeak announced the continuation of Item C4 for Libby Hayes, 14 Elm Court, to the May 4, 1987 meeting.

1. U-618 - Sohner Court Partnership, 35 and 37 Ross Avenue and 36 and 38 Mariposa Avenue, A/P Nos. 7-284-27, 7-284-37, 7-284-41, 7-284-42 and 7-284-47, use permit for the construction of a 22 unit two-story residential condominium development and review of the proposed Negative Declaration.

A-144 - Sohner Court Partnership, 35 and 37 Ross Avenue and 36 and 38 Mariposa Avenue, A/P Nos. 7-284-27, 7-284-37, 7-284-41, 7-284-42 and 7-284-47, design review of a 22 unit two story residential condominium development.

Roland Mayes and Bill Wallace, applicants, and Jack and Roberto Phillips, owners, present.

Mr. Roberto outlined the staff report dated April 14, 1987, noting the applicants have made significant changes to the site plan and the revisions adequately address all of staff's concerns. The proposal includes: 1) A combination of seven townhouse units and 15 flats; 2) the 22 units are in four rather than three structures; 3) all of the units, save one, are two bedroom; 4) two townhouse units have been eliminated from Building B and are proposed in Building D, and the square footage is smaller in each; 5) the two units in Building D have a different floor plan than the others; 6) the area eliminated from Building B is now proposed to be a large open area central to the project site to be used for guest parking and common outdoor open space; 7) the roof lines are varying with the maximum roof line to be 35 feet; 8) the townhouse units range in size from 842 to 1,348 square feet; and the flats range in size from 988 to 1,284 square feet; 9) each ground level unit has access to private outdoor living area, and each second floor unit has a private outdoor deck; 10) 52 on site parking spaces (44 covered and 8 uncovered) are proposed: two spaces for each unit and eight guest spaces; 11) the useable outdoor area has been substantially increased; 12) due to the necessity to construct liveable area above the 100 year floor elevation and the desire to avoid constructing handicapped ramps which protrude into driveways and valuable outdoor space, it has been concluded that an automated handicapped access system be provided only if requested by a prospective buyer; and 13) the Marin County Housing Authority will assist in the preparation of the Agreement between the Town and developer regarding the two below market rate units. With regard to the environmental checklist, all living area will be constructed above the 100 year floor elevation; there will be improvements to the storm drain system by the applicant; the proposed number of on-site parking spaces will reduce any pressures for on-street parking; and the condition requiring an on-site investigation of potential contaminated soils and cleanup, if necessary, mitigates any potential health hazard. Staff recommends approval of the Negative Declaration and conditional approval of the use permit and design review.

Bill Bandy, Chamber of Commerce representative, said the Chamber supports the project.

The Commissioners generally felt the revisions were an improvement over previous submittals and they made some changes to the Conditions of Approval outlined in Exhibit B of John Roberto's staff report dated April 14, 1987. Concern was raised over the proposed colors, which appear to be camel and

light brown on the color board; however, the applicant stated the light brown color will have pink tones. The applicant agreed to use the exact colors as shown on the color board. There was discussion of whether the central common area on the west side of the property should be available for future parking if needed.

M/S Hayes, Kroot, to certify the mitigated Negative Declaration as prepared by staff dated March 13, 1987, subject to inserting the following statements under the section which lists the reasons the project will not have a significant effect: "The project as redesigned in the site plan, Exhibit A of the Resolution, will protect all future residents from the major risks associated with a 100 year flood. Likewise, the improvements to the storm drain system contained in the conditions of approval, Exhibit B of the Resolution, will more than accommodate the additional runoff resulting from site development. The provision of two parking spaces per dwelling unit and the eight guest parking spaces shown on the site plan, Exhibit A of the Resolution, will reduce any pressures for parking on street in the project area. Furthermore, the conditions of approval relative to insuring the maintenance of parking spaces for parking purposes is additional insurance that parking on street in the area from this project has been significantly reduced. The conditions of approval requiring an on-site investigation of potential contaminated soils and cleanup, if necessary, mitigates any potential health hazard associated with the project site." Those items checked "Maybe" on the Environmental Checklist have been responded to on Page 4 of the Environmental Checklist as follows: 3i, responded to by first paragraph on the Environmental Checklist; 3b and 3c, responded to by the second paragraph on the Environmental Checklist; 17a and 17b, responded to by the third paragraph on the Environmental Checklist.

Motion passed unanimously.

M/S Hayes, Kroot, to approve U-618 for Sohner Court Partnership, 35 and 37 Ross Avenue and 36 and 38 Mariposa Avenue, A/P Nos. 7-284-27, 7-284-37, 7-284-41, 7-284-42 and 7-284-47, use permit for the construction of a 22 unit two story residential condominium development subject to the conditions of approval in the Resolution in the April 14, 1987, staff report prepared by John Roberto with Exhibit B of that Resolution as drafted with the following amendments: 1) Condition 6, change "to" to "two"; and change "utilized by the Marin County Housing Authority" to "approved by the Town staff"; 2) Condition 7, change "C C & Rs" to "C C & Rs and Homeowner Association Bylaws" in both instances in that paragraph; 3) add Condition 9 to read "Additional parking may be required on site if the Town determines it is necessary in the future. The area to be utilized for parking is the common area between Buildings A and B on the site plan, Exhibit A; 4) add Condition 10 to read "The Resolution of Approval for the project including exhibits and conditions are to be recorded simultaneously with the Marin County Recorder"; 5) add Condition 11 to read "Automatic garage door openers shall be installed for each garage"; 6) add Condition 12 to read "The Homeowners Association Bylaws shall be reviewed by staff to insure the conditions comply with the Resolution of Approval". This use permit is approved as it is necessary for the enjoyment of substantial property rights; it will not be detrimental to the health and welfare of persons living and working in the neighborhood; it will not be injurious to structures and improvements in the neighborhood; and the approval is based on plans (Exhibit A) submitted to the Town April 15, 1987.

Amendments to this motion: 7) Condition 4 change "plant trees around the Town" to "purchase trees to replace trees in Town"; and change "plant up to 35 street trees throughout the Town" to "purchase up to 35 street trees"; 8) Condition 3 change "Town shall select" to "Town and applicant shall review, and the Town shall select"; 9) Condition 8 change "improvements including landscaping" to "improvements shown for each phase including landscaping"; and change "approved plans prior to the issuance of occupancy permits for any dwelling unit on the property" to "approved plans for each phase prior to the issuance of occupancy permits for dwelling units associated with each respective phase (Phase 1 are Buildings A and B; Phase 2 are Buildings C and D)".

Motion passed unanimously.

Audience advised of the ten day appeal period to the Town Council.

M/S Hayes, Kroot, to approve A-144 for Sohner Court Partnership, 35 and 37 Ross Avenue and 36 and 38 Mariposa Avenue, A/P Nos. 7-284-27, 7-284-37, 7-284-41, 7-284-42 and 7-284-47, design review of a 22 unit two story residential condominium development on the grounds that it is necessary for

the enjoyment of substantial property rights; it will not be detrimental to the health and welfare of persons residing and working in the neighborhood; and it will not be detrimental to improvements in the neighborhood; with reference made to the material presented at this meeting: Exhibit A are the elevations and Exhibit B is the color chart.

Motion passed unanimously.

Audience advised of the ten day appeal period to the Town Council.

2. Town of San Anselmo initiated Amendments to the Zoning Ordinance - Title 10 of the Municipal Code - Hillside Density Districts (R-1 H) - to establish a new application processing procedure and standards for developments proposed within the R-1 H District and review of the proposed Negative Declaration.

Mr. Roberto presented the staff report, noting some items brought up at the last meeting: a desire for a height limit and the need to establish a method for implementing a height limit; and a compilation of all text amendments recommended by each Commissioner at the last meeting.

Commissioner Sias feels there is a need for a height limit of 18 feet in the entire ridge zone, with a one story limit; a clearer definition of a ridge and ridge zone is needed and perhaps Walnut Creek's complex formula needs some attention.

Commissioner Kroot said he has problems with the 18 foot height limit and it is difficult to maintain that maximum when constructing on a steep slope, and perhaps an "average" height maximum would be better.

Commissioner Hayes suggested there are three appropriate goals and a formula is needed to implement them: 1) low profile; 2) don't unduly break the ridge zone; and 3) houses should appear small in bulkiness.

Chairman McPeak said if 18 foot is the maximum height on the ridge, then a maximum height is necessary on the slope.

Agreement was reached on the following: 1) Section 10-3.1206(b) change "minimum visibility" to "reduced visibility"; 2) Section 10-3.1206d) no change; 3) Section 10-3.1206(g) no change; 4) Section 10-3.1206(h)(1) no change; 5) Sections 10-3.1208(1) and 10-3.1210(1) add "The staff report shall cover the items waived and their reasons for doing so"; 6) Section 10-3.1204 agree; 7) Section 10-3.1210(g) agree; 8) Section 10-3.1315 agree.

Philip Tamarkin, 168 Oak Springs Drive, said the wording of Section 10-3.1206(g) is ambiguous. Does this mean motor vehicles can have access? He pointed out that the Oak Springs Subdivisions are built on the ridge and are two stories and to limit the height to 18 feet would be restrictive. Chairman McPeak noted that the Oak Springs Development is often pointed to as a reason for limiting height.

Barrett Denton, 53 Miwok Drive, said he favors the 18 foot height limit, to which Constantine Kanis, 46 Miwok Drive, and Steven Best, 46 Elkhorn Way, agreed.

Hugh Cadden, unknown address, owner of R-1 H property, suggested there not be a maximum height limit, rather the height should be reviewed during design review.

Mr. Roberto pointed out that if 18 foot is the maximum, a variance from that maximum will be difficult to obtain due to the necessary findings.

Chairman McPeak suggested the maximum height be related to the ridge elevation.

M/S Kroot, Sias, to revise the draft to reflect the proposed changes and draft proposed height limitations as discussed; to give to the Planning Commission by May 11 for their review before the public hearing on May 18, 1987.

Motion passed unanimously.

3. V-2158 - Mark McKinstry, 63 Spruce Avenue, A/P 7-025-02, a third story variance; and a parking variance for existing parking to remain substandard - after-the-fact.

Mark McKinstry, applicant, present.

Ms. Wight presented the staff report which said that raising the roof four feet to provide a useable loft area was a practical use of the dwelling since the loft existed with a substandard ceiling height. She noted that a parking variance is necessary as the applicant is technically adding living area and has only one parking space that is partially on the property. However, due to the small size of the loft addition and the fact that access to it is through a second bedroom, it most likely will not be used for separate sleeping area and, therefore, not cause an increase in parking demand. Support for the application was received in writing by property owners of Nos. 56, 67 and 100 Spruce Avenue.

Mr. McKinstry said the owners on Spruce Avenue are proposing to repave the roadway, but it will remain a non-maintained Town street and over night parking will still be allowed.

M/S Kroot, Sias, to approve V-2158 for Mark McKinstry, 63 Spruce Avenue, A/P 7-052-02, third story variance and a parking variance for existing parking to remain substandard, on the grounds that the special circumstances are the residence is very small and is located on a cul-de-sac that has minimal traffic; there is a 10 by 30 foot paved surface in front of the property for parking which is adequate due to the minimal impact of traffic on this roadway; it will not be detrimental to the neighborhood; and is necessary for the enjoyment of substantial property rights; based on the plans dated April 3, 1987.

Motion passed unanimously.

Audience advised of the ten day appeal period to the Town Council.

4. V-2172 - Libby Hayes, 14 Elm Court, A/P 7-081-15 - CONTINUED TO MAY 4, 1987.
5. V-2173 - George Lucas, 40 Ancho Vista Avenue, A/P Nos. 6-163-40 and 6-163-43, a 20 foot frontyard variance to construct retaining walls within zero feet of the front property line.

Les Baronian, architect, present.

Ms. Wight presented the staff report pointing out that due to the slope of the property and the rocky soil, the area has been difficult to landscape. The applicant proposes to construct terraced redwood retaining wall planters to contain topsoil and will landscape with native plantings. The project should be an attractive improvement to the property.

Alan Wulzen, 55 Sequoia Drive, questioned whether the construction of the walls would preclude a sidewalk being constructed in front of this property in the future. Mr. Baronian advised the walls are on private property and will not affect any future sidewalk construction.

M/S Hayes, Kroot, to approve V-2173 for George Lucas, 40 Ancho Vista Avenue, A/P Nos. 6-163-40 and 6-163-43, a 20 foot frontyard variance to construct retaining walls within zero feet of the front property line, on the grounds that it is necessary for the enjoyment of substantial property rights; it will not be detrimental to persons or improvements in the neighborhood; the special circumstances are the steepness of the front portion of the site and the rocky soils; based on drawings dated February 2, 1987.

Motion passed unanimously.

Audience advised of the ten day appeal period to the Town Council.

6. SS-266 - Robert Carey, 344 Oak Avenue, A/P Nos. 7-282-02 and 7-282-03, lot line relocation and review of the Negative Declaration.

William Johnson, potential buyer of the property, present.

Ms. Wight presented the staff report stating the applicant proposes to relocate the lot line, which in this particular case requires an environmental review and Planning Commission approval. Staff recommends the Commission approve the lot line relocation subject to the following to be considered at the building permit stage: 1) storm water is to be collected and directed into a new 15 inch minimum culvert to one of two head walls with inlets at Redwood Road; 2) a 100 foot AC berm should be installed at the outer edge and lower section of the pavement overlaid in order to provide a cross slope towards the uphill edge of the road to direct water runoff away from the

downslope embankment; 3) other drainage and site work shall comply with the soils report requirements.

The Commissioners didn't feel it necessary to condition the Negative Declaration and lot line relocation approvals since those items will be handled at the building permit stage.

M/S Kroot, Hayes, to certify the Negative Declaration for SS-266 for Robert Carey, 344 Oak Avenue, A/P Nos. 7-181-02 and 7-181-03, with the amendment that all items checked "Maybe" by staff be changed to "No" as there will be no significant effects on the environment.

Motion passed unanimously.

M/S Kroot, Hayes, to approve SS-266 for Robert Carey, 344 Oak Avenue, A/P Nos. 7-181-02 and 7-181-03, lot line relocation based on the fact that the parcels resulting from this will conform to local zoning and building ordinances; based on the drawing revised March 12, 1987.

Motion passed unanimously.

Audience advised of the ten day appeal period to the Town Council.

D. ADJOURNMENT TO REGULAR MEETING ON MAY 4, 1987.

The regular meeting of the San Anselmo Planning Commission was adjourned at 12:15 a.m. to the next regular meeting on May 18, 1987.

LISA WIGHT  
PLANNING TECHNICIAN