

The regular meeting of the San Anselmo Planning Commission was called to order at 7:00 p.m. on April 6, 1987, by Chairman McPeak. Staff present: Lisa Wight, Planning Technician, and John Roberto, Planning Consultant.

A. ROLL CALL

Commissioners present: Harle, Hayes, Manning, McPeak, Sias, Zaharoff
Commissioners absent: Kroot

B. APPROVAL OF MINUTES

1. M/S Zaharoff, Sias, to approve the minutes of March 16, 1987, as written.

Motion passed unanimously.

2. M/S Sias, Harle, to approve the minutes of March 23, 1987, as written.

Motion passed unanimously.

3. M/S Manning, Sias, to approve the minutes of March 30, 1987, as written.

Motion passed unanimously.

C. PUBLIC HEARINGS

1. 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 the initial environmental review.

Mr. Roberto presented the staff report dated April 2, 1987, pointing out ways other jurisdictions have dealt with height limits in their hillside and ridge areas: Larkspur's height limits are established by zoning district and that limit is 25 feet. Buildings on sloping lots have their height measured from the lowest elevation to the top of the roof line. Height is also limited on ridges and slopes through the design review and use permit process. Larkspur feels at times that height limitations can effect the building design quality; Mill Valley has a height limit on ridges of 18 feet and the purpose is to limit homes on the ridge to one story; Walnut Creek has a procedure for review on hillsides and not a height limit; Lafayette has a procedure for review and height limit is not something that they have focused on because the design review process does that.

Bob Wisner, owner of an R-1 H property, said that Redwood City has a basic height limit of 26 feet which is measured from the lowest point on the slope to the highest point on the house. There are loopholes to this method, i.e., a detached garage further down the slope. His concern with a maximum story and height limit is that some R-1 H lots are not highly visible.

Jonathon Braun, 479 Scenic Avenue, recommends an 18 foot, one story height limit be established for construction on the ridges, and a 25 foot height limit on hillside slopes.

Commissioner Manning said he favors a review procedure rather than setting a general maximum height limit.

Commissioner Hayes recommends the 18 foot height limit, one story, in the ridge zone unless there are unusual circumstances.

Commissioner Harle said a height limit is somewhat desirable. Referring to the proposed amendment, it should be stated that planting should not obstruct views from other houses and the insistence of native materials. Access to open space should only be required where reasonable and necessary; some areas are too steep and not useable. Construction should be outside the ridge zone unless it would involve a sacrifice of substantial amenities.

Commissioner Sias agreed with an 18 foot, one story, height limit in the ridge zone and the R-1 35 foot height limit for construction on the

slope with the condition that a landscaping plan be provided so the impact of a large structure could be mitigated to some extent. The building materials should be up to the owner and reviewed at the design review stage. Regarding proposed Sections 10-3.1208(1) and 10-3.1210(1), the reasons for waiving should be required in writing.

Commissioner Zaharoff supports an 18 foot height limit in the ridge zone unless there are unusual circumstances. She understands the need for flexibility in developed sloped lots and the height can be reviewed at the design review stage; however, if the Commission feels a maximum height limit is necessary, she supports 26 feet.

Chairman McPeak supports the 18 foot height maximum if it is related to ridge elevation; he questioned whether a time limit as suggested in proposed Section 10-1209 requires that findings be made; that clarification of the design phases is necessary; Section 10-1212(d) should be changed to read, "the Planning Director or Town Engineer."

Mr. Roberto noted that the current R-1 H Ordinance refers to the uses allowed in R-1 zones and suggested the Commission might wish to review some of those uses for their appropriateness on a hillside lot. At Commissioner Hayes' request, Mr. Roberto reviewed the changes in the proposed Ordinance.

The Commission agreed to continue this item to the meeting on April 20.

2. GPA-2 - Town Planning Commission initiated General Plan Amendment of 1535 Sir Francis Drake Boulevard, A/P 5-153-01, to change the land use designation from Mixed Residential, Predominantly Single Family, 6 - 12 units per acre, to General Commercial, and review of the Negative Declaration.

Z-243 - Town Planning Commission initiated Rezoning of 1535 Sir Francis Drake Boulevard, A/P 5-153-01, to change the zoning from C-1 (Neighborhood Business District) to PPD R-3/C-1 (Preliminary Planned Development with a presumptive use of Multiple Family Residential and Neighborhood Business District) with a limitation on the number of residential units, and review of the Negative Declaration.

Mr. Roberto presented the staff report dated April 1, 1987. He noted the environmental checklist has been completed by staff, but a determination has not been made on whether the General Plan amendment and rezoning will have a significant impact on the environment. A traffic analysis as to the possible changes in traffic related to uses is necessary to assess the degree of impact; commercial development could result in a higher increase in traffic than a residential development; commercial development could result in a physical form of development not compatible with the existing residential development; commercial development may include lighting programs resulting in glare and annoyance throughout the night. Mr. Roberto pointed out that currently there is no General Plan land use category for a mixed residential/commercial use. There should be a new land use category and a narrative built off that defining low density and low intensity and relate a PPD zoning category with a specific use designation of low intensity commercial or low density residential.

Attilio Segale, owner of the property, questioned the proceedings and Chairman McPeak explained the process.

Bob Chapman, Oak Knoll Avenue, John Moss, Oak Knoll Avenue, and James Delorey, 69 Medway Road, questioned the different uses allowed in the different zones and expressed concern about the effect density could have on traffic using their streets off Sir Francis Drake Boulevard.

Frank Treadway, Butterfield Road, said he supports an R-2 use rather than commercial.

Commissioner Hayes said the Housing Element recommendation of providing low/moderate income housing has a density of 24 units per acre which is too high and this property should be eliminated from the Element's discussion; would entertain a residential density not to exceed six units per acre; and feels there are also some low intensity commercial uses that would not cause an impact.

Mr. Roberto said he defines intensity as how much activity will be generated by the use and in relation to traffic, the concern should be the times traffic is generated, rather than the numbers: when will the use be generating traffic and will that be during Sir Francis Drake Boulevard peak periods or not. Also, there's the possibility of limiting the traffic on a commercial use to a point where the business is not viable. In response to Commissioner Zaharoff's request, Mr. Roberto said he will bring text book data on vehicle trip generation to the next meeting.

M/S Hayes, Sias, to continue this item to the meeting on May 4, 1987.

Motion passed unanimously.

3. Z-242 - Mr. and Mrs. Paul Elliott, 57 Summit Road, A/P 7-013-41, proposed rezoning from PPD R-1 (Preliminary Planned Development with a presumptive use of Single Family Residential) to SPD R-1 (Specific Planned Development for one dwelling) (previously approved; however, a use permit was not obtained within two years so the zoning automatically reverted to PPD R-1) and the initial environmental review.

U-616 - Mr. and Mrs. Paul Elliott, 57 Summit Road, A/P 7-013-41, use permit for a Specific Planned Development single family dwelling.

Ms. Wight presented the staff report dated April 6, noting that the applicant has erected the story poles at the correct elevations and Mr. Kottage has prepared a draft resolution of approval for the proposed planning actions. The conditions of approval are: 1) Spruce Blue siding, Slate Gray coordinating trim, Moire Black roof shingles; 2) the landscape plan shall be as shown on the approved residence plans with the exception that the Magnolia trees shall be replaced alternately with live oak trees and fast growing native California trees as approved by staff; 3) all construction work shall be subject to bonding of the roadway leading to the project site and the nature of this bonding shall be subject to staff approval; 4) exterior lighting shall be indirect, low profile, and low intensity in nature; 5) development is limited to the residence shown in the plans and the remainder of the property shall remain in its natural, undeveloped state; and 6) trees outside of the building site shall be subject to the Heritage Tree Ordinance with the exception of those trees having trunks less than six inches in diameter measured two feet above ground.

Jonathon Braun, 479 Scenic Avenue, said the house will appear very large even from distant views and is in a very visible location on the property; the colors should be earth tones; and suggested the structure can be lowered three feet in elevation.

Mr. Elliott said he will lower the structure three feet - the first floor elevation will be at 555 and the roof line will be at 578, rather than the originally proposed 581.

The Commissioners generally agreed that they appreciate the applicant's accommodations in revising his proposal. Commissioner Hayes said he is sorry to see a 4,600 square foot dwelling constructed on a very visible hillside slope and, therefore, cannot recommend approval of the application. Mr. Elliott said he purchased the property with the intent of developing in this particular location.

M/S Zaharoff, Harle, to accept the Resolution as prepared by staff with an added condition: 7) The maximum roof line elevation is to be 578 feet; and recommend approval of the rezoning to SPD R-1 to the Town Council; based on the drawings received by the Town on March 10, 1987.

Motion carried:

AYES: Harle, Manning, McPeak, Sias, Zaharoff
NOES: Hayes

Audience advised of the ten day appeal period.

4. V-2148 - Richard E. Nagley, 40 Butterfield Road, A/P 5-144-26, a five foot north sideyard variance to raise a storage area attached to the garage 3.5 feet in height within three feet of the north side

property line with an overhang; an 18 foot rearyard variance to raise a storage area roof 3.5 feet in height within two feet of the rear property line - AFTER THE FACT.

Chairman McPeak gave the background of this application.

Richard Nagley, applicant, and Tracy Davis, resident of the property, presented the application and advised they had requested and obtained the necessary permits for this roof height extension.

Ms. Wight advised the permit issued was for a new roof and the plans did not indicate, nor was the permit issued for, a roof height increase.

Chairman McPeak and Commissioners Manning, Hayes and Harle felt the roof height change to this particular storage area is a detriment to the neighbors and are unable to find special circumstances for approval.

Commissioner Sias said he can support the application provided the storage area is guttered. Commissioner Zaharoff said she can also support the application on the basis that it affords additional privacy to the north side neighbor.

There was no one else in the audience to speak on this matter.

M/S Manning, Harle, to deny that portion of V-2148 for Richard E. Nagley, 40 Butterfield Road, A/P 5-144-26, a five foot north sideyard variance to raise a storage area attached to the garage 3.5 feet in height within three feet of the north side property line with a roof overhang; and an 18 foot rearyard variance to raise a storage area roof 3.5 feet in height within two feet of the rear property line, on the basis that it is a detriment to the nearest neighbors.

Motion carried:

AYES: Harle, Hayes, Manning, McPeak

NOES: Sias, Zaharoff

Audience advised of the ten day appeal period.

5. V-2162 - Lee Riney, 44 Ash Avenue, A/P 5-194-38, a third story variance.

Ms. Wight presented the staff report dated April 3, 1987. The applicant has eliminated the setback variances and the addition requires a third story variance for only a small area over the laundry room towards the front of the building. There are special circumstances in that there is no other place to construct an addition on the property; however, staff feels the addition may be overdevelopment of the lot. The addition could have an imposing effect on both the front neighbors as No. 50 Ash Avenue and the rear neighbors at Nos. 25 and 27 Merced Avenue; however, keeping things in perspective, the area of the addition having this imposing effect meets the Code requirement of two stories and the third story area only consists of approximately 25 square feet. Staff recommended that to preclude the possibility of this large addition becoming a third unit in the future, the interior stairway should be revised to begin its ascension to the new floor at a more interior point in Unit 1.

Warren Holmes, representing the applicant, and Lee Riney, applicant, present. Mr. Holmes said the location of the entrance is the most logical place and stressed that it is not their intention to bootleg a third unit.

The majority of the Commissioners agreed that while they are concerned about the size and looming effect of this addition, the only matter for consideration is the small area considered a third story and appreciated the elimination of the setback variance requests and the resulting reduction in size of 400 square feet.

Commissioner Manning said the addition is overdevelopment of the property and it will loom over the neighbors.

M/S Sias, Zaharoff, to approve V-2162 for Lee Riney, 44 Ash Avenue, A/P 5-194-38, a third story variance, on the grounds that this will not constitute a granting of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated; the granting is necessary for the preservation and enjoyment of substantial property rights; and the granting 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; and the special circumstances are that the building cannot be expanded reasonably in any other way due to the size, slope, topography, location and surroundings, based on the drawings received by the Town on March 16, 1987.

Motion carried:

AYES: Harle, Hayes, McPeak, Sias, Zaharoff

NOES: Manning

Audience advised of the ten day appeal period.

6. V-2158 - Mark McKinstry, 63 Spruce Avenue, A/P 7-025-02, third story variance; and a parking variance for existing parking to remain substandard - CONTINUED TO 4/20/87 AT APPLICANT'S REQUEST.
7. U-618 - John A. McMillen, Caffe Nuvo, 556 San Anselmo Avenue, A/P 6-102-15, use permit for the on-sale of beer and wine.

Ms. Wight presented the staff report dated April 3, 1987. Since the business originally opened in 1981 (under different ownership then) there have been problems associated with persons loitering, destructing property and causing a nuisance to persons. According to Police Captain Richard Schmidt, complaints are still received; however, the current owners have made an effort to contact the Department when there are problems. Wally Raymond, owner of 629 - 635 San Anselmo Avenue, contacted staff today to advise of his opposition to the application as he said the persons hanging around the Caffe are destructive and a nuisance and the on-sale of beer and wine will exacerbate the problems. Staff also noted the applicant felt the on-sale license will further her objective in attracting an adult crowd.

John and Barbara McMillen, applicants, advised that since they purchased the property in 1984, they have been trying to live down a bad reputation and much of the loitering has ceased and the majority of their clientele are adults. They have given some thought to limiting the age of the customers in the evening. They also want to offer something other businesses on the street don't in anticipation of a new coffee roastery opening across the street. Many coffee houses in the Bay Area serve wine.

Frank Treadway, Butterfield Road, said he enjoys going to the Caffe for coffee and is not interested in beer and wine there.

Dennis Canning, 128 Butterfield Road, said Caffe Nuvo was a good idea, but has resulted in a loitering problem and drug exchange, although it is not directly the owners' fault. He said he can't approach the Caffe in the evening.

Commissioner Manning said the on-sale beer and wine will detrimentally affect the kids and the loitering problems should be addressed before an on-sale license is granted. Commissioner Hayes said he is uncomfortable approving the application when the Police Department has concerns.

Commissioner Harle feels the owners have the right to the use permit and are not responsible for the loiterers. Commissioner Zaharoff said she does not have problems with the use permit because ABC has strict requirements which will necessitate increased management responsibilities. She noted that San Anselmo use to be a place for browsing in the early evening and that has changed probably due to the loitering persons and changing the clientele at the Caffe to an adult group may help bring the old atmosphere back. Chairman McPeak agreed and added that he recommends an age restriction in the evening.

M/S Zaharoff, Harle, to approve U-618 for John A. McMillen, Caffè Nuvo, 556 San Anselmo Avenue, A/P 6-102-15, use permit for the on sale of beer and wine, on the basis that the use will not be detrimental to persons residing or working in the neighborhood; and the granting of this application is necessary for the preservation and enjoyment of substantial property rights; conditioned upon restricting the clientele after 8:00 p.m. to 21 years and older.

Motion carried:

AYES: Harle, McPeak, Sias, Zaharoff

NOES: Hayes, Manning

Audience advised of the ten day appeal period.

8. NU-8 - Dennis B. Canning, 128 Butterfield Road, A/P 5-111-59, renewal of use permit for a second living unit to remain upon change of property ownership.

Ms. Wight presented the staff report dated April 2, 1987, noting that the unit has been used as a second unit since 1978 under previous ownership, that the Town has received no complaints, and that the application meets all the required findings for approval.

Mr. Canning described the second unit.

M/S Hayes, Zaharoff, to approve NU-8 for Dennis B. Canning, 128 Butterfield Road, A/P 5-111-59, renewal of use permit for a second living unit to remain upon change of property ownership, on the grounds that it meets all the necessary findings as outlined in Items 1 through 8 in the staff report dated April 2, 1987.

Motion passed unanimously.

D. ADJOURNMENT

The regular meeting of the San Anselmo Planning Commission was adjourned at 11:20 p.m. to the next regular meeting on April 20, 1987.

LISA WIGHT
PLANNING TECHNICIAN