

TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES FOR JUNE 19, 1995

The regular meeting of the San Anselmo Planning Commission was convened at 8:00 p.m. by Chairman Israel in the Council Chamber. Staff present was Ann Chaney Planning Director and Lisa Wight Associate Planner.

A. CALL TO ORDER

Commissioners' present: Harle, Julin, Israel, Ollinger
Commissioners' absent: Hayes, Sargent, Mihaly

B. CONSENT

1. Minutes - June 5, 1995
2. V-9514 - Jerald Hymanson, 100 Camino De Herrera, A/P 5-071-51, A front yard variance to replace a car deck with a carport within 5' of the front property line (20' required), on property located within the R-1 Zoning District. (Above 150' Mean Sea Level)
3. V-9516/DR-9510 - Stephen J. Foti and Candace A. Laurer, 180 Camino De Herrera, A/P 5-031-27, 1) A southwest side yard variance to construct a first story garage and a second story living addition within 5' of the southwest side property line (8' required), on property located within the R-1 Zoning District (Above 150' Mean Sea Level); and 2) design review.
4. V-9517 - Ruth Donohugh, 9 Humboldt Avenue, A/P 7-023-01, 1) A variance to construct a 5' tall bulkhead with a 3' tall railing 9' from the front property line. This area will allow space for 3 off-street parking spaces 0' from the front property line (20' is required); and 2) A variance to enclose a covered porch 0' from the rear property line (20' is required), on property located within the R-1 Zoning District.

M/S Julin, Ollinger to approve consent.

Conditions of approval are as follows:

9 Humboldt Avenue:

1. The applicant shall have a Certified Arborist evaluate all drilling that will occur beneath the drip line of the Oak and Bay trees located in the Town of San Anselmo right of way. The intent of this condition is to retain these trees to the greatest extent possible.

All ayes. Motion unanimously passed.

C. OPEN TIME FOR PUBLIC DISCUSSION

Frank Treadway, 127 Butterfield Road, stated that old trees have been removed from Brookside School parking lot. He was hopeful that the School District would replace the trees removed but to date nothing has been done. Chairman Israel asked Staff to make a brief report on this for the next meeting.

D. PUBLIC HEARINGS - CONTINUED

1. Environmental Review/Z-9502/PS-9502/DR-9508; U-9505 - Charles Kurtz, 5 Santa Barbara, A/P 5-211-30, 1) Environmental Review; 2) amendment to an existing Special Planned Development Zone (SPD); 3) amendment to a Use Permit; 4) Tentative Parcel Map ; and 5) design review to split an existing developed parcel of land in order to construct a new single family residence, on property located within the SPD Zoning District. **CONTINUED TO THE MEETING OF JULY 24, 1995**
2. PDP-9504/LLR-9501 - Ben O'Hare, Redwood Road, APN's 7-141-04, 7-097-05, and 7-097-02, Precise Development Plan and Lot Line Adjustment to create two residential lots on land totaling 2.6 acres near 269 Redwood Road, on property located within the R-H Zoning District. **CONTINUED TO THE MEETING OF JULY 10, 1995**

E. PUBLIC HEARINGS

1. Town of San Anselmo - General Plan Amendment to incorporate the Bald Hill Area Plan. The purpose of the Bald Hill Plan is to establish development standards and policies which focus on the unique conditions of this hillside area such as the steep, heavily wooded terrain; narrow, winding roadways; highly visible hillside and ridgeline properties; and connection with public open space lands. Plan contents include policies on land use/density, circulation/parking, water/sewer, drainage, visual, trail access, and fire protection.

Ms. Chaney presented the staff report. Her Staff report included the Open Space and Conservation Map with changes. Ms. Chaney noted that Commissioner Julin discussed with staff changing the language for 6.7 to as follows: "...for the Town and, including but not limited to, the Countywide

TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES FOR JUNE 19, 1995

Trails Plan map, and other recreational maps (e.g. Marin Municipal Water District, Mount Tamalpais)."

Commissioner Harle said the Town would probably only highlight the trails on the maps.

Commissioner Julin said the original wording was too restrictive and that she felt because it is a trail, it should be on all maps available to the public.

Scott Hochstrasser, Planning Consultant, said the Oak Avenue property owners are against the change in wording and there were some very particular wording in the Oak Avenue trail. If the Commission was in favor of the change he would ask for a continuance. Regarding the policy on drainage, he concurs that the 100 foot benchmark should be included.

Commissioner Harle suggested that the Town will not promote the placement of the trail on other maps with the exception of the General Plan. Commissioner Julin wondered if it even needed to be that specific. Commissioner Harle responded that perhaps the Commission should defer to the Attorneys.

Commissioner Julin did not know how the public could benefit without knowing the trails are there and available.

Chairman Israel said the changed language seems to open other doors and thought the original language was better than this change.

Commissioner Julin suggested "Trail location or reference to location will not be promoted by the Town".

Ms. Chaney said suggested deleting the whole section and have the language of the settlement agreement stand.
Commissioner Ollinger was in favor of that.

Jonathan Braun, had concerns about 5.0 Visual, stating the added statement is just redundant, serves no purpose and may be confusing and asks for it to be deleted. Regarding 5.5.2, he thought the original language was much more effective.

Cathy Sanders, 310 Redwood Road, explained that the Map does not include Bridge Road(a paper road that goes to Redwood)as part of the trail but it should. Page 10, "...a permit should be obtained" "should" be changed to "shall". Page 13, 6.8: "Should" be changed to "shall". Policy 5.4.1 should be changed to "shall".

Barbara Gissler, 405 Redwood, said that residents around the curve of the hill by her house have no means to exit during a fire and that Laurel Avenue is a viable way to exit. She feels that should be addressed in this plan.

Ms. Chaney said she asked that very question to the Fire Chief. His response was that Laurel Avenue is always kept clear in the event of a fire and the trucks would rather have it for their exclusive use and allow the public to use a paved road as means of exiting.

Ms. Gissler said that the road is not sufficient for use by the Fire Department and is not maintained by the Street Crews. She felt that the road should be paved and maintained.

Chairman Israel said the changes he has heard from the discussion tonight were to delete 6.7 and revise 6.1 to include stipulated agreement language; Page 1: should be changed from "...east slopes.." to "...west slopes.."; Delete wording in 5.0 as follows: "This statement recognizes the intent is to minimize a structure's visibility as opposed to creating an invisible structure"; 5.2.3 Delete "The project should minimize the use of retaining walls. However,..." and "Lamp black or earth tones shall be used with concrete retaining walls. However..." Add "The stark contrast of concrete retaining walls shall be mitigated"; 5.4.1 Change "shoulds" to "shalls"; 5.5.2 Leave in "may"; 5.5.2 Delete "For reasons other than tree health, fire or human safety, a tree permit should be obtained from the Town"; 6.1: Add wording from the Development Agreement; 6.8 b) Change "shoulds" to "shalls"; 7.4c) should be changed to "double glaze" from "thermal pane";

M/S Israel/Ollinger to approve the Negative Declaration.

ayes: Harle, Ollinger Israel
Abstain: Julin
Motion carried. Audience advised of the ten day appeal period.

M/S Israel/Ollinger, to approve and recommend that the Town Council approve, an Amendment to the General Plan incorporating the Bald Hill Area Plan.

Commissioner Julin stated she will abstain because it is so excessively restrictive in detail that it cannot be an area plan. She cannot vote no because so many people have worked on it and does not want it viewed as an insult.

Commissioner Harle stated that he will also abstain.

TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES FOR JUNE 19, 1995

M/S Israel/Ollinger to withdraw motion for approval.

M/S Israel/Ollinger to continue the project to the meeting of July 10, 1995.

All ayes.

2. Shelagh Kew Barker, for 1100, 1104, 1108, 1112, 1116, 1120 and 1124 Sir Francis Drake Boulevard, (Workshop for discussion only) APN's 6-031-07, 6-031-08, 6-031-09, 6-031-10, 6-031-11, 6-031-12, and 6-031-13, discussion of application for: 1) Environmental review; 2) General Plan Map Amendment: to change the classification for these properties from Single Family: 1-6 units per acre to Medium Density: 6-12 units per acre; 3) Rezoning to change the classification from R-1 (Single Family Residential) to R-2 (Two Family Residential); and 4) Zoning Ordinance Amendment to Table 4A, Footnote 4: to delete the reference to R-2 as follows: "The minimum lot area for all newly created R-2 (strike R-2 out), R-3, and P lots shall be as described in this table. No allowance for rounding up shall be granted for the last lot in a subdivision, which only partially meets the lot area requirement."

The applicants and their attorney Fred Peterson were present.

Ms. Wight presented background on this project.

Commissioner Harle felt it difficult to discuss without a proposal before him. He is disinclined to change the lot size to R-2. Commissioner Julin concurred with Commissioner Harle.

Commissioner Ollinger stated that it seems like traffic has increased on Sir Francis Drake and that not many families with children want to occupy properties on such a busy street.

Commissioner Harle said he would rather spot zone and deal with the one particular house in question rather than reevaluate the whole zoning issue.

Commissioner Ollinger said if the Commission is to look at spot zoning he would like to see the reasons for that. He is not sure rezoning to R-2 will make the situation any better; the density will be worse and will exacerbate the traffic.

Commissioner Harle said that allowing 7,000 square feet for R-2 is illogical when 7,500 is required for R-1.

Commissioner Julin said there was a minor subdivision on Sir Francis Drake and Tamal that required an access across the Tamal property so access would not be on Sir Francis Drake. She does not feel it is in the public's best interest to process this application to increase traffic by allowing additional housing.

Ms. Wight said that alternative proposals by the applicant include a change within the provision of the Second Unit Ordinance that either eliminates rent control or requires owner occupancy.

Chairman Israel said he would have a difficult time supporting the notion of allowable second lots not meeting the requirements for R-1.

Fred Peterson, Attorney, understands the difficulty of the Commission but they are looking for some creative solutions. In the 1976 General Plan, the Land Use Map was shown as R-2. All property owners bought their properties in the 1980's thinking that their properties were zoned R-2. In the 1980's there was no discussion about the minimum lot size when lots were rezoned on San Anselmo Avenue. They think a showing can be made that the block is spot zoned. His clients are heavily surrounded by traffic and want some relief in zoning. This neighborhood is not safe to raise children because of traffic.

Davis Wilson 1104 Sir Francis Drake, purchased in 1982. It is very difficult raising children on Sir Francis Drake. It would be nice if the units did not have the requirement of owner occupancy.

Marla Tom 1112 Sir Francis Drake, support the change in zone. The only people interested in property on Sir Francis Drake are investors.

shield Barker, 1108/1110 Sir Francis Drake, said they bought the property and second unit to augment their income. Within the last ten years the traffic has increased drastically. The property was on the market over one year but only investors were interested. She said the area is very unique and is not a single family neighborhood. They are unable to sell their home and realize the value of their investment. She suggested that egress and ingress on her property is difficult.

Chairman Israel said that what he has heard so far from the Commission is not very favorable for a zoning change. He did not understand how the change in use would allow the applicants any better use of the property.

Commissioner Harle said another problem is the premise that the Second Unit Ordinance was to allow low cost housing. The restrictions placed on it

TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES FOR JUNE 19, 1995

was to keep housing low and if they allow properties such as this to change zoning, it will take away the principals of the second unit and low cost housing.

Ms. Chaney said that the Second Unit Ordinance rent agreement will increase somewhat although she is not sure it will be of help to the applicants.

Chairman Israel suggested staff meet with the applicant and discuss the merits of the project.

Commissioner Julin stated that this is a humanitarian situation, but does not support the argument that worsening traffic means there should be a density increase. She also does not feel that this area has been spot zoned, but rather an evolution in that part of Town. She does not think it is in the public interest follow through with this project. She does not feel she needs more information to make a determination on this project.

M/S Julin/Ollinger to continue Shelagh Kew Barker, for 1100, 1104, 1108, 1112, 1116, 1120 and 1124 Sir Francis Drake Boulevard, (Workshop for discussion only) APN's 6-031-07, 6-031-08, 6-031-09, 6-031-10, 6-031-11, 6-031-12, and 6-031-13, discussion of application for: 1) Environmental review; 2) General Plan Map Amendment: to change the classification for these properties from Single Family: 1-6 units per acre to Medium Density: 6-12 units per acre; 3) Rezoning to change the classification from R-1 (Single Family Residential) to R-2 (Two Family Residential); and 4) Zoning Ordinance Amendment to Table 4A, Footnote 4: to delete the reference to R-2 as follows: "The minimum lot area for all newly created R-2 (strike R-2 out), R-3, and P lots shall be as described in this table. No allowance for rounding up shall be granted for the last lot in a subdivision, which only partially meets the lot area requirement." This is continued to the meeting of July 10, 1995 to allow the applicants time to consider whether or not they want to proceed with the project. All ayes.

3. U-9504 - Tom and Lilka Areton, 104-106 Butterfield Road., APN's 5-072-17 and 5-072-18, AN interpretation of Code definition of "institution" relative to a use permit application to allow Cultural Homestay International, a non-profit social service institution, to operate on property located within the R-1 Zoning District.

The applicant and his attorney Herbert Hawkins were present.

Ms. Wight presented the staff report.

Mr. Hawkins said there are approximately 10 parking spaces on the lot. Most of the year there are only 3-4 employees except during the summer when students travel and the workload is heavy. He feels the Ordinance is quite clear and this use has been in existence for 15 years. This is not a brokerage house. He questioned if the use has to be for San Anselmo residents only. He does not agree to that. This social service is not only beneficial to Marin County but also to the nation and because of that should not be disqualified.

William Foti, 111 Butterfield, said this is spot zoning at the worst. He would not like to see this business being run out of a single family residence. He said there is not sufficient parking on the site so cars spill off onto Rosemont. He does not feel this business qualifies as a social service.

Tom Areton, owner, they handle 5,000 to 6,000 students a year. The Federal Government recognizes them as a social institution. This is not a brokerage, all housing is done on a volunteer basis.

Frank Treadway, 127 Butterfield, has been aware of the institution for 5 years. Anything to do with cultural exchange is good for San Anselmo however location of this institution is also important.

Commissioner Ollinger said the use doesn't particularly bother him and that they have strayed from the definition. He would still be open for discussion on the appropriateness of the use permit in the neighborhood.

Commissioner Julin said that it falls within the definition of the zoning ordinance. Regarding the social services being performed on site does not really bother her because there is always administrative work to be done. If the social service were carried on the site it would create a greater use.

Commissioner Harle said it is a social service providing an institutional service. Chairman Israel concurred.

Ms. Wight stated that this will be noticed for environmental review.

4. DR-9509/SR-9501 Mike Walterscheid for JACK IN THE BOX, 830 Sir Francis Drake Boulevard, A/P 6-061-71 and 21, A design review and sign review to change the exterior color of an existing JACK IN THE BOX, and to add architectural embellishments and change the face of all existing signs, on property located within the C-3 Zoning District.

Joe LoBianco, representative for JACK IN THE BOX was present.

TOWN OF SAN ANSELMO

PLANNING COMMISSION MINUTES FOR JUNE 19, 1995

Ms. Chaney presented the staff report noting that the applicants are requesting a sign variance which have not been noticed so no action can be taken on the signage at tonight's meeting.

Mr. LoBianco, explained that the project is mainly a maintenance and painting project. He presented photographs of the proposal. The flat coping is to be installed to match the fascia. They want to paint the roof black and install recessed light fixtures that face down. The coping is a neon tube. They can reduce the signage, fill in the signage on the building and make it part of the roof and will reduce the signage to 25 square feet.

Commissioner Harle liked the offer to cut the size of the signage. He wondered how bright the sign would be. If it was relatively subdued he would not have a problem with it.

Commissioner Ollinger was interested in how bright the sign would be because there are residences across the street. He did not find the pole size that objectionable. He felt that 11' would be a more acceptable height.

Commissioner Julin asked about the awnings. Mr. LoBianco said they will be removed and not replaced. Commissioner Julin said she supported the application.

Chairman Israel expressed his appreciation in the proposal to reduce the signage. He noted that a pole sign of 11' would get everyone's attention. He felt strongly about the neon strip on the top. The residents across the street will look straight across the street at it. The black and white scheme looks great for this building and location.

Commissioner Harle was not opposed to a strip lighting as long as it was toned down.

Commissioner Julin had no problem with the strip lighting if it was approved for UnoCal.

M/S Julin/Harle to approve DR-9509/SR-9501 Mike Walterscheid for JACK IN THE BOX, 830 Sir Francis Drake Boulevard, A/P 6-061-71 and 21, A design review and sign review to change the exterior color of an existing JACK IN THE BOX, and to add architectural embellishments,(this does not include the neon strip) on property located within the C-3 Zoning District

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

M/S Julin/Harle to continue DR-9509/SR-9501 for signage and the neon strip to the meeting of July 10, 1995. Motion unanimously passed.

F. GENERAL DISCUSSION

There was none.

G. REPORT OF UPCOMING APPEALS TO TOWN COUNCIL

H. ADJOURNMENT

The regular meeting of June 19, 1995 was adjourned at 11:30 to the next special meeting of July 10, 1995.

BARBARA CHAMBERS