

**TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES FOR JUNE 5, 1995**

The Planning Commission was convened at 8:00 p.m. in the Council Chamber by Chairman Israel. Staff present was Planning Director Ann Chaney and Planning Consultant Delvin Washington.

A. CALL TO ORDER

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

B. CONSENT

1. Minutes - May 15, 1995

2. Town of San Anselmo - Proposed Revision to the Ordinance for Maximum Dwelling Size to revise the floor area ratio (FAR) for residential properties above 150' mean sea level elevation thereby allowing deviation to the "Maximum Size of Dwellings" in Table 4E. (Note: 5,000 square feet maximum dwellings is the current threshold).

3. V-9515 - Maria Martinez, 53 Hillside Avenue, A/P 7-115-24, a 19' A front yard set back variance to construct a carport over an existing open parking deck. The carport will be located 1' from the front property line (20' required) on property located within the R-1 Zoning District. (Above 150' Mean Sea Level)

Commissioner Harle asked that Item B2 be removed from consent.

M/S Julin/Harle, to approve Item 1 and 3. Motion carried with Commissioner Ollinger to abstain on B3. Audience advised of the ten day appeal period.

C. OPEN TIME FOR PUBLIC DISCUSSION

D. PUBLIC HEARINGS - CONTINUED

1. 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 JUNE 19, 1995

2. Environmental Review/GPA-9501/Z-9501/Zoning Ordinance Amendment to Table 4A -Shelagh Kew Barker, for 1100, 1104, 1108, 1112, 1116, 1120 and 1124 Sir Francis Drake Blvd., APN's 6-031-07, 6-031-08, 6-031-09, 6-031-10, 6-031-11, 6-031-12, and 6-031-13, 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." CONTINUED TO THE MEETING OF JUNE 19,, 1995

E. PUBIC 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 and recommended an additional policy under Circulation/Parking: "Street improvements, in conjunction with new development, may be required by the Town Engineer in accordance with Chapter 8 of the San Anselmo Municipal Code."

Ms. Chaney noted that a letter has been submitted by Scott Hochstrasser recommending a change to 3.9 and staff has no opposition to that.

Commissioner Harle questioned 4.0. Ms. Chaney stated she will reword it because it is unclear.

Commissioner Mihaly noted that under 5.1 Height, there are two different ways to measure height.

Commissioner Ollinger felt the requirement for the wall color in 5.2.3 was too restrictive. Commissioner Julin concurred with Commissioner Ollinger. She also questioned 5.2.3 with the statement of "...minimize the use of retaining walls."

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Commissioner Sargent suggested changing 5.5.2 to indicate 25% of each tree, not the total amount of trees. Ms. Chaney indicated that 7.2a should be changed to indicate "under brush".

Ms. Chaney stated that staff has received letters from the Epstein's and Pisanis with concerns about some of the policies.

Kathy Sanders, 310 Redwood Road, stressed that the Plan is a quality document and many hours have been spent putting it together. Regarding lamp black for a retaining wall, she would request the statement "where it is deemed necessary". Page 8, fence design: she is concerned for safety reasons and that is the reason for not permitting a solid fence. Policy (5.4), she suggested "...to facilitate the safety issue in the area".

Barbara Geisler, 405 Redwood and 4 Woodruff, stated that part of her property has a trail easement through it. She is concerned about the liability. She is also concerned about protecting her redwoods, which will mean she will have to take out many bays which were also a fire hazard. She is also concerned about the control issue about color.

Luis Epstein explained that his arguments are based on ecology and the environment. He said it is misleading to talk about Bald Hill when really the top of the Hill is really the only bald portion and yet the discussion always talk about a heavily wooded area. He said that he is going to be assessed for streets and drainage and wondered why the Town has chosen not to maintain those streets. His parcel is saturated with trees and yet they are not all mature and he cannot plant anymore trees. He also said that the best color to paint his house is white to keep in heat and yet that is against the Bald Hill plan. He questions that he must maintain the trails and improve the creek bed. If this is a good plan for Bald Hill then it should be applied to other areas of San Anselmo. He said that economic impact should be taken into consideration when implementing the Plan.

Scot Hochstrasser, Land Use Planner, said the plan before the Commission is a compromise plan and is hopeful that it will be adopted without many changes.

Paul Nave, Oak Avenue, questioned the liability and maintenance of the trails.

Commissioner Ollinger questioned 5.2 stating that this would end up with uniform buildings, rather he felt the Commission should not be locked into the specifics. He noted the specific design can be discussed at the design review stage. Commissioner

Commissioner Mihaly stated that the intent is just a guideline. He suggested 5.2 should include a statement as follows: "The overall goal is to reduce visibility from nearby and distant views through the use of color and materials. Color and materials should be designed to accomplish that purpose and the following guidelines are provided".

Commissioner Ollinger felt wording for 5.6.2, felt should be changed to "may be" from "should be" required depending on the project. Ms. Chaney said that when an application is submitted it would be good to have them view the project through their neighbors prospective.

Commissioner Julin said she agrees completely with Mr. Epstein's comments about the Plan being called Bald Hill. She felt that it should be explained at the beginning of the document as well as list the number of undeveloped parcels. Regarding 2.1, she said it is somewhat in conflict with the Circulation Element in the General Plan. Ms. Chaney stated that the standard is 20 feet and 15' is less than that. Commissioner Mihaly said it should be consistent with the General Plan and should be clarified.

Commissioner Julin, questioned the method in 5.1.1. Commissioner Mihaly explained the reasoning behind the process and the intent of the two methods. She felt that 5.1.2 was rather subjective. 5.1.1 should be "maximum structures shall be measured in two ways" and drop 5.1.2 second sentence.

Commissioner Harle objected to the visual section in that it is too restrictive. The logical reason to build on a hill is to have views and this plan requires massive screening. He is also not in sympathy with the tree proposal. Commissioner Harle said that there is so much tree color on the Hill because people have started living there and in the 1900's there were not many trees.

Commissioner Julin said felt that retaining walls are necessary for some building and therefore it is misplaced in section 5.2.3. 5.6 1) and 2) is going too far and requiring too much; 7.4 she felt that any structural understory shall be enclosed, not just decks.

Commissioner Mihaly, is not comfortable with 5.5.2 and felt it needs to be clarified.

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M/S Mihaly/Ollinger to continue 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. This is continued to June 19, 1995 at which time it should be placed on Consent.

2. 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.

The applicant and Brad And Jill Tardy, Architects, were present.

Mr. Washington presented the staff report.

Commissioner Harle asked about the access. The driveway seems to have a high amount of traffic off of the driveway. There may be two second units on Durham that only have access from the driveway. Mr. Washington said that he has not had contact with the Fire Marshall at this time but feels that they would at least place a restriction that the house be sprinkled.

Charles Kurtz said he has nothing to add at this time but would like to have his Architect speak.

Mr. Tardy said that the setback and all zoning requirements have been met and they have tried to minimize the cuts into the hillside. He presented photographs of houses adjacent to the property. Although the height of the house seems high, it is in the scope of the other houses surrounding it. The revised house height is 24', with the average height of 20'. Proper construction can control water runoff. No lighting in the house will go into other houses. There are a number of small oak trees on the property and they propose to replant as many trees as required. The construction is board and batten

Bob Gini, 1 Santa Barbara, is concerned about the removal of the trees and the undermining of the hillside with additional water runoff. The driveway is too narrow and cannot support fire trucks.

Mrs. Gini, 1 Santa Barbara, said the street always floods during the raining season and she is concerned about drainage.

Shirley Thompson, stated that her property abuts the access road and is concerned about the road. The traffic keeps increasing on the access road. The sewer backs up regularly now and the new house would exacerbate the problem.

Alfred Borries, 129 Santa Cruz, is concerned about the change in the environment for the development of this house.

Tannette Jaloff, 125 Santa Cruz, stated that the drainage problem is quite poor in that it shoots down the hill. She has replaced her driveway three times since 1951. Also, a portion of her view will be blocked. She is also against the removal of ten trees.

Commissioner Julin said that she lives within the three hundred foot radius. She questioned how the frontage will be 40'. Mr. Washington showed how he arrived at that and noted that it is public right-of-way.

Commissioner Harle has problems of the use of the easement as the only access. He questions the fact that there may be other developments in the future. He would like to see the access widened. The rest of the proposal seems reasonable and concurs with the staff report.

Commissioner Mihaly is not sure how he can support the project at this point with the concerns voiced by the neighbors. He felt that this plan should speak in detail about the soils stability and drainage requirements. He stated that questions still need to be addressed prior to the approval of the lot split because once the lot is split than a house can be built. He therefore wants more information regarding drainage, soils stability and environmental impacts.

Commissioner Ollinger concurs with Commissioner Mihaly. He also stated that the access road is very narrow and is even difficult to find although it is used by many homes. He also has difficulty in how the lot is being split; with forces a house to be squeezed into the setback lines. There are some health and safety issues that still need to be resolved

Commissioner Sargent had nothing further to add.

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Commissioner Julin was concerned about the public right-of-way. (An improved common driveway). She wanted to know how it was created and how can it accommodate additional building. She felt that there are physical constraints in developing this parcel. She wondered if there was anything in the SPD that would prohibit development. She agreed that drainage is a serious problem.

Commissioner Harle wondered how many dwellings can be served by a driveway access. He also wondered if any of those houses in Durham were registered or illegal second units.

M/S Mihaly/Julin to continue 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. this is continued to July 17, 1995.

Taken from Consent.

Town of San Anselmo - Proposed Revision to the Ordinance for Maximum Dwelling Size to revise the floor area ratio (FAR) for residential properties above 150' mean sea level elevation thereby allowing deviation to the "Maximum Size of Dwellings" in Table 4E. (Note: 5,000 square feet maximum dwellings is the current threshold).

Commissioner Julin wanted to have the following statement included as to why she could not support this proposal. "Commissioner Julin was inclined to leave the Ordinance as it originally stands. None of these suggestions really solve the dilemmas that she has had. Her difficulty is not being able to make the special circumstances when the project seems very reasonable. She thinks size limit is the most critical factor in visibility and therefore size restrictions should be left on it. She does not think that the Town should rely on landscape. There will always be a few exceptions that the Code will not be able to address. She would rather work with the findings and be creative."

Commissioner Sargent stated that the 10% was not meant to be placed in the table to allow people the right to build but would still keep the footnote on page 37 that recognizes it. Perhaps it could be a special finding.

Commissioner Mihaly also wanted a statement that explains the reasoning behind the potential 10% increase

M/S Sargent/Ollinger to approve Town of San Anselmo - Proposed Revision to the Ordinance for Maximum Dwelling Size to revise the floor area ratio (FAR) for residential properties above 150' mean sea level elevation thereby allowing deviation to the "Maximum Size of Dwellings" in Table 4E. (Note: 5,000 square feet maximum dwellings is the current threshold). Approval is based on the staff report with amendments as stated in the discussion.

Ayes: Harle, Ollinger, Mihaly, Sargent

Noes: Julin.

Motion carried. Audience advised of the ten day appeal period.

F. GENERAL DISCUSSION

The Commission decided on July 10th and 24th as the Commission dates for July because of the holiday.

G. REPORT OF UPCOMING APPEALS TO TOWN COUNCIL

H. ADJOURNMENT TO June 19, 1995

The regular meeting of the San Anselmo Planning Commission was adjourned at 11:30 p.m. to the next meeting on June 19, 1995.

BARBARA CHAMBERS