

TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES FOR MAY 1, 1995

The regular meeting of May 1, 1995 was called to order at 8:00 p.m. by Chairman Israel in the Council Chamber. Staff present was: Planning Director Ann Chaney, Associate Planner Lisa Wight and Planning Consultant Delvin Washington.

A. CALL TO ORDER

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

B. CONSENT

1. Minutes - April 17, 1995

M/S Julin/Ollinger, to approve Consent.

Ayes: Harle, Sargent, Mihaly, Julin, Ollinger, Israel

Abstain: Hayes

Motion carried.

C. OPEN TIME FOR PUBLIC DISCUSSION

D. PUBLIC HEARINGS - CONTINUED

E. PUBIC HEARINGS

1. V-9503 - Kevin and Laura Shea, 14 Rowland Court, A/P 7-112-22, 1) a 12' front yard variance, 5' north and south side yard variances, and an 11'9" rear yard variance to reconstruct a dwelling; a variance for the lot coverage to be 38%; and a parking variance for no on-site parking, on property located within the R-1 Zoning District.

- 1B. V-9511 - Kevin and Laura Shea, 41 Laurel Avenue, A/P 7-112-21, a parking variance to alter the existing legal on-site parking of two (2): side-by-side clear, 9' by 19' parking spaces in order to provide substandard on-site parking of two (2): tandem, 9' by 19" parking spaces (as a result of lengthening the driveway and assigning one (1) of the clear parking spaces on No. 41 and one (1) tandem driveway space on No. 41 to No. 14 Rowland Court).

The applicant was present.

Ms. Wight presented a brief update from the last meeting and provided five potential options for the Commission. She also noted that there was a petition submitted from the residents opposed to the parking on Rowland.

Mr. Shea stated he would be willing to accept Option Number 4 which includes lattice fencing. It will cause less detriment to all the properties and will not disturb any backyard or remove trees.

Ms. Wight said this option was suggested to the applicant last August and is still an acceptable option.

Chairman Israel asked about pushing the parking as far back on the lot as possible. Ms. Wight said option number 4 is preferable to all the options. If the Commission wants to approve Option 4 the project will have to be renoticed. She suggested the Commission can move to continue and it can be placed on Consent at the next meeting if all the Commissioners are in support of the proposal.

Chairman Israel asked if an access easement would be required.

Mr. Shea said he would be agreeable to having a deed restriction placed on the property to allow for driveway access across his other property.

Marstin Tallant, 31 Rowland Court, presented a memorandum to the Commission that addressed the parking issues and the number of children in the neighborhood. His concerns are related to health and safety. He said that the neighbors have signed a petition against additional parking on Rowland Court. He supports a parking pad on 41 Laurel.

Mr. Shea commented on the petition. He said that some of his neighbors park on the street when in fact they have adequate

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parking off site. He feels that Option 4 is the only viable option.

Commissioner Hayes was interested in Option 4 given that parking must be required. He felt that this was the best alternative because he does not want to see trees removed. His only concern is that there is adequate space for parking.

Commissioner Harle thought the envelope has been pushed and the lot is too substandard. Because the Town Attorney has given a signal that something should be approved he will go with Option 4.

Commissioner Julin supports Option 1 as originally proposed, and in fact prefers it, but will support Option 4 if that is what the applicant now wants.

Commissioner Mihaly is sympathetic with the opposition of the neighbors. He is leaning slightly towards what the applicant is now proposing. However, this is pushing the car forward and would require fencing with planting. He believes this situation will deteriorate if these two lots are not terminated and cars will park on the street. The advantage of Option 4 is that it is self contained.

Commissioner Ollinger stated that he will abstain.

Commissioner Sargent supported Option 4.

Chairman Israel regrettably supports Option 4. Given that this is a legal lot this proposal is the best for health and safety reasons. He is inclined not to support parking within the front setbacks but he still feels this is the best solution. He would require some additional landscaping against the non usable strips by the fireplace and the three foot strip; He also does not think the house has to be moved the entire three feet; He would also like to see a 4' fence and perhaps lattice with landscaping to screen.

Commissioner Hayes would like to see how a site plan that indicates placement of the fences and lattice as well as the type of landscaping proposed.

Commissioner Julin wanted to remind the Commission that the applicant is providing housing even though this is a substandard lot.

M/S Hayes/Julin, to continue to the meeting of May 15th so it can be renoticed and the applicant can provide a site plan indicating placement of the fence and lattice as well as proposed landscaping. This item can be placed on the consent calendar with the understanding that it can be taken off for discussion if a Commissioner or member of the public wants to discuss it.

All Ayes.

2. Environmental Review/FDP-9501/DR-9504 - Michael Peele, 450 Redwood Road, A/P 7-191-03, Environmental review, precise development plan and design review of a proposed single family dwelling on property located within the R-1H Zoning District.

The applicant was present.

Ms. Wight presented the staff report.

Ms. Wight presented the plan that was approved in 1978 to show the difference between the current and past proposal. Staff said the concern about moving it as proposed by the Open Space because is not advisable by the Geological Engineer. She felt the house would be less visible tucked away rather than closer to the street.

Commissioner Julin asked about the deed restriction. Staff responded that it alerts new buyers after construction as to the design conditions as well as if the lot is sold prior to construction.

Commissioner Julin also asked about Condition Number 5 which requires \$2,900 improvement bond. She thought that the neighbors were to be notified. Ms. Chaney said it would be remiss of staff not to alert developers about the requirement although the formality of alerting the neighbors has not happened yet.

Commissioner Harle had no objections to this project and supports the staff report.

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Commissioner Julin supports the application but questions the liberal use of deed restrictions because it is a burden to place such restrictions on property. She also has reservations about the roadway constructions without a formal policy.

Commissioner Mihaly supports the application.

Commissioner Ollinger said if the house is pushed forward it would be a disaster. He does not find the height of the house offensive. He supports the application.

Commissioner Sargent supports the application.

Commissioner Hayes would like to see the fair share to be conceptual although he would like to discuss this further. However, he is supportable of this project.

Ms. Chaney explained the \$2,900 fair share and how staff arrived at the amount.

Ms. Julin did not feel it is right to affix a specific amount until the democratic process has taken place and gone through the public scrutiny.

Chairman Israel supports the proposal. With regard to the fence requirement, he would hope the cyclone fence that exists will be removed.

Chairman Israel suggested that Conditions, 2, 4, 5, 7, 8, and 9 should remain part of the deed restriction and the rest should be not be.

M/S Mihaly, Israel, to approve Environmental Review/PDP-9501/DR-9504 - Michael Peele, 450 Redwood Road, A/P 7-191-03, Environmental review, precise development plan and design review of a proposed single family dwelling on property located within the R-1H Zoning District. All ayes. Motion unanimously passed. Audience advised of the ten day appeal period.

3. Environmental Review/PDP-9502/Parcel Split-9501/Density Determination, Carlos Castro, 444 Redwood Road, A/P 7-191-10, a precise development plan, density determination and tentative parcel map to subdivide an existing property currently developed with a single family residence, on property located within the R-1H Zoning District.

The applicant was present.

Mr. Washington presented the staff report.

Commissioner Harle provided some background information about the density determination. When density was determined for the undeveloped lot it was one unit per three acres. This lot was already developed and the Commission at that time did not think it would be subdivided.

Chairman Israel asked what the maximum size house could be based on the slope and lot size.

Commissioner Julin supports the application but has reservations similar as to those on the last application.

Commissioner Ollinger supports the application. He does have concerns about where the garage will be and does not tie into the house. It looms and thrusts out from the embankment.

Commissioner Sargent is uncomfortable with the application because of the open space and the work that was done on Bald Hill to retain open space. If this is approved he would like to see the project scrutinized. The proposed structure seems to be quite large and would be a big impact on Bald Hill. If there is an option to deny he would do so.

Commissioner Hayes said he did not recall the precise discussion on this lot when density determination was discussed but the ordinance does say a maximum of two, and he therefore does not think there is any vested right for two parcels at this point.

Commissioner Harle concurred with Commissioner Hayes.

Chairman Israel had no reason to deny other than that the road is already over taxed now. If two units have always been anticipated

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and each has 1 acre then he saw no reason to deny. However he wanted assurance that some time in the future it could not be subdivided again.

Commissioner Mihaly did not think the Commission should be obliged to approve the project. During the Bald Hill meetings density was discussed. He did not think there was a relationship between density and fire safety. He said that this lot is very steep and it could be very large and could loom. He said the subdivision could be denied now until the applicant comes forward with the house design or a smaller building envelope that is less than 5,000 square feet.

Commissioner Harle said the major problem with the hillside lots was the cumulative traffic issues.

Commissioner Mihaly said if the Commission could approve the lot with a house on it, then the parcel split should be approved with conditions if necessary.

Commissioner Ollinger said the mass will not be viewed from across the valley, and only the first story will be viewed up close. He still feels that this project could be approved because a house can be constructed on this lot. The density in the hillside has been greatly reduced by the purchase of open space.

Commissioner Sargent wondered why a lot split should be approved when the Town has gone through great expense to purchase open space.

There was a discussion on how the lots were determined in the hillsides for density.

Chairman Israel agreed that one more unit will not have an impact on the safety issue but he agrees that the design of the parcel would be important simultaneously to the lot split. If a house cannot be built on this, then the lot split cannot be done.

M/S Israel/Ollinger, to deny without prejudice pending design review on the house Environmental Review/PDP-9502/Parcel Split-9501/Density Determination, Carlos Castro, 444 Redwood Road, A/P 7-191-10, a precise development plan, density determination and tentative parcel map to subdivide an existing property currently developed with a single family residence, on property located within the R-1H Zoning District.

Commissioner Mihaly said they want to protect the ridge for access and view shed. The size and location of the house is an issue.

Commissioner Julin said there is a risk that could accelerate the development process by requiring a design review with the parcel split. Chairman Israel added that the owner may choose not to proceed with the project at all.

Ayes: Ollinger, Harle, Hayes, Sargent, Mihaly, Israel
Abstain: Julin

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

4. Town of San Anselmo - Proposed Revision to the Ordinance for Maximum Development 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).

M/S Israel/Mihaly, to continue to May 15, 1995. All ayes.

F. GENERAL DISCUSSION

Report on Town Engineer's requirements for all weather surfaces.

G. REPORT OF UPCOMING APPEALS TO TOWN COUNCIL

Design review on the flatlands will be heard on May 23, 1995.

H. ADJOURNMENT TO May 15, 1995

The regular meeting of the San Anselmo Planning Commission was adjourned at 11:00 p.m. to the meeting of May 15, 1995.

BARBARA CHAMBERS