

**TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES FOR APRIL 17, 1995**

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

A. CALL TO ORDER

Commissioners Present: Harle, Sargent, Julin, Ollinger, Mihaly, Israel
Commissioners Absent: Hayes

B. CONSENT

1. Minutes - April 3, 1995

M/S Harle/Julin, to approve Consent Agenda All Ayes.

C. OPEN TIME FOR PUBLIC DISCUSSION

There was none.

D. PUBLIC HEARINGS - CONTINUED

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. Continued to the meeting of May 1, 1995

2. 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). Continued to the meeting of May 1, 1995

E. PUBIC HEARINGS

1. **Town of San Anselmo - the Planning Commission will consider revision to the Zoning Ordinance regarding Design Review process for residential development in the flatland area (i.e. land below 150' mean sea level).**

Ms. Chaney presented an update to the Planning Commission.

Commissioner Harle said the whole system of the design review findings should be eliminated and the three new findings be substituted.. Ms. Chaney concurred..

Eddie Brennan, 21 Idalia Court, stated that her neighbor has had light and air taken away from her because of an addition. Also, her neighbor at 17 Idalia Court is proposing an addition and she is opposed to the second story for the same reason, therefore she is in support of a design review ordinance in the flatlands.

Barbara Schmidt, Austin Avenue, wants to see design review in the flatlands.

Heidi Brennan, 21 Idalia Court, said that view is also an issue in terms of real estate value. She felt that neighbors should talk to neighbors when second stories are built.

John Brennan, 21 Idalia Court, said that he has talked with many residents in San Anselmo and many are strongly in favor of design review. He felt common sense should prevail when people add on to their homes. There should be some protection to property rights.

Glen Smith, Austin Avenue, believes there should be a design review board, separate from the Planning Commission. There should also be follow up once a project has been approved.

Eleanor Obenaus, 12 Idalia Court, is in favor of design review.

Jake Owens, 125 Saunders, was in support of design review and would like to see the distance factor included.

John Bowman, 130 The Alameda, felt that when an addition infringes on neighbors there should be some recourse by those people affected.

Susan Mollenkopf, Angela Avenue, supports the design review even though she is in the process of applying for a second story addition. She asked if the Commission could build some objectivity into the ordinance.

TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES FOR APRIL 17, 1995

Nancy Oswald, 25 Idalia Court, is in support of the design review proposal. She lives under the shadow of a very large addition.

Ms. Walker, 130 The Alameda, is in favor of design review.

Jonathan Braun, 479 Scenic, would like the Commission to reconsider architectural review as part of the proposal.

Chairman Israel explained that there has been a lot of discussion amongst the Commission regarding architectural review and what they are trying to achieve rather than style would be to have neighbors enter into dialogue when additions are proposed.

Commissioner Sargent supported passing the resolution. He also appreciated Mrs. Mollenkopf's opinion because she is going to go through the process. The Commission is attempting to address the light and air issues with this resolution. He recommended dropping the square footage to 400 square feet, rather than 500. He is not sure how to handle the distance criteria.

Commissioner Mihaly concurred with staff's recommendation and concurs that they should not deal with distance issues or side yard setbacks now. He supports the 400 square feet rather than 500 square feet. He was ambivalent about views. This will be used as a backdrop for neighbors to discuss the projects. He urged the audience to go to the Town Council if they support this proposal.

Commissioner Harle supports the criteria of design review. He finds it difficult to control air because what constitutes "controlling air?" - although he did not feel it hurt to have the wording left in.

Commissioner Mihaly asked if the law would be retroactive. Ms. Chaney advised that she will talk to the Town Attorney and perhaps an emergency resolution could be adopted.

Commissioner Julin thought that the Commission could recommend approval to the Town Council but it will only take the Town in the direction of more regulation. Her reservations are what the role of government should be; when does it stop being a tool for the community and when does it become a straight jacket? At what point do laws nurture versus strangle us? She would like to see people work together as a community rather than have government be in charge. She does not support this proposal although staff has given this a lot of thought.

Commissioner Ollinger said that what the Commission really deals with is day-to-day issues and not long range planning. Perhaps separate committees should be set up to discuss the long range issues. He has no trouble approving design review with 400 square feet but does have concerns on how it is carried out. Criteria might be to ask for better drawings, require the neighboring houses to be shown on the drawings, have more details, include landscape, fences or other prominent barriers, submission of photographs of the site and surrounding sites. He is concerned about the exclusion of decks and other structures from the square footage because they could also cause a removal of light and air, depending on their location.

Chairman Israel supports the proposal. He thought the 400 square foot trigger was good. It was his understanding that when the Town survey went out, approximately 70% of the residents agreed that design review was important. He would like to see conflict resolution take place prior to a project coming to the Planning Commission. The Town of Ross and Sausalito have the mechanism where by applicants talk to their neighbors prior to going to the Planning Commission.

Commissioner Harle said that perhaps the neighbors on either side should be noticed rather than the normal 300 foot noticing process. If there are no objections, then the permit goes forward. He does not think 300 feet is really necessary when you are just talking about light and air.

Commissioner Sargent liked the idea that the neighbors affected by the design must sign a letter indicating that they have reviewed the plan. Commissioner Mihaly is reluctant to have that as part of the proposal.

Chairman Israel could support the resolution just as it is to start with and if it needs refinement later then it can come back to the Commission. The real problem is that neighbors do not talk to each other. He also wondered if second units should also trigger design review. Addressing Commissioner Julin's concerns, he stated that if the Commission is not able to take care of all the issues before them then there should be more meetings schedules or subcommittees set up.

Chairman Israel wondered if the Commission would consider using FAR rather than lot coverage. He thought 35% coverage was not correct. He concurred with Commissioner Harle that "air" should be removed, and agrees that there should be some criteria established to help owners. He agrees that distance would be hard to establish at this time. Regarding the noticing procedure, he would like to keep the 300 foot radius. He has mixed feelings about view. There is a different presumption from a vacant lot being developed on rather than a house that is being added to. He is not sure how to handle view at this time because he is not sure who "owns views"?

TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES FOR APRIL 17, 1995

Commissioner Ollinger thought the view issue will come out when residents speak out and will also be helpful with photographs and more detailed drawings.

M/S Mihaly/Ollinger to approve Resolution Number 9501 with amendments as follows: 1) Change 500 square feet to 400 square feet; 2) Administrative Design Review will not include color but only those items in (c) (1,2 and 3), and 3) although the 400 square feet does not include decks and stairways, they will be considered when evaluating the project for the design review.

Commissioner Harle stated that basically at heart he agrees with Commissioner Julin but thinks this is a simple accommodation and will go with it. Chairman Israel wants to keep it out of the design realm and into the impact realm. Commissioner Julin said her vote is cast with the utmost respect to the community and the commission.

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

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

2. Town of San Anselmo - Amend the General Plan, specifically to update the Housing Element. Public hearing will focus on the following: 1. Association of Bay Area Governments (ABAG) housing targets; 2) General Plan and Zoning Ordinance limitations; and 3) New housing programs.

Ms. Chaney stated that this is a follow-up from the concerns of the last meeting. She stated that HCD feels more comfortable at 25 units per acre rather than 20.

Commissioner Mihaly cautioned staff on using the 30% of 65% of median because in some jurisdictions the one bedroom could be based on two people rather than one.

Chairman Israel said he would like to see some second units available to low, very low and mid level income individuals.

Commissioner Sargent thought the access into the Red Hill school site was very difficult and will have major traffic impacts. Therefore the negative declaration should be changed to "yes" from "maybe".

Chairman Israel would like to have low income housing integrated into the neighborhoods and would be willing to allow lot splits or allow for a density bonus.

Ms. Chaney explained that the primary location where that could occur is on the hillside lots, therefore it would alter the slope density formula. Because of the narrowness of the roads, etc., there are other problems that could occur.

Chairman Israel did not think the slope density would have to be modified because it could be by overlay. He would like to see a way to replenish the small two bedroom homes in San Anselmo.

Commissioner Harle said that he remembered that there might be some restrictions on the sale of the Red Hill school site; that it would revert to Sunnyhills or that they would have first right of refusal. Ms. Chaney said that staff is still researching that issue.

Jonathan Braun, 479 Scenic, advocated against the 25 acres per unit and would suggest a focused EIR because of traffic at the Red Hill school site. With regard to the second units he would like the Commission to do whatever is possible to keep the rents as low as possible.

Commissioner Julin said that affordable housing projects are made possible with fee waivers or reductions - without that sometimes projects are not possible. It should be defined in the Housing Element. She said not only does it involve permit fees but also MMWD fees, sewer fees and school fees and amounts to a subsidy by the rest of the community.

Commissioner Sargent said that the sites in the hillsides are charged the same as those in the flatlands and he feels that is not fair because the hillsides should be charged more. He agrees with Commissioner Julin's idea that it would allow for a reduction in the infill lots.

Commissioner Julin thought that it would be much easier for applicants if they know the standards for each district and the fees at the beginning of the process

Chairman Israel said other communities allow for the low income communities to get fast track plan checking.

Commissioner Julin supports a pro active role by Town staff to work with other agencies to obtain waivers or reduction in fees. She also suggested that staff review the fees for planning, noting that San Anselmo is the lowest in the County. She also

TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES FOR APRIL 17, 1995

felt the Town should go hand-in-hand with developers to alerting her as to the perimeters of each project.

Commissioner Mihaly stated that there must be a statement that the Red Hill site has constraints because of traffic.

Jonathan Braun took issue with stating that 25 units per acre is to be the overlay, when in fact, there are traffic constraints.

Commissioner Sargent thought it would be worth getting a initial housing study for the Red Hill site and money might be available from Marin Foundation.

Commissioner Julin suggested wording that stated "up to 25 units per acre" instead of "would be 25 units per acre".

M/S Israel/Ollinger, to approve the negative declaration for the update of the Housing Element of the General Plan of the Town of San Anselmo..

M/S Julin/Mihaly, to approve Resolution 9502 with amendments as follows:

1) Amend Program 2.2.2: to include "...up to a maximum of 25 units per acre."; 2) Page 23, add "Number 3. The site has physical constraints (traffic/circulation) and any development would be subject to further environmental review providing a specific project."

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

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 Mihaly/Sargent to continue this to the meeting of May 1, 1995.

F. GENERAL DISCUSSION

Ms. Chaney performed a comparison on FAR for other communities. Chairman Israel would like to have a public discussion to consider an ordinance change from lot coverage to a FAR.

M/S Israel/Ollinger to instruct staff to pursue an amendment change for those additions encroaching into the 5' to 8' side yard setbacks be changed from a variance to design review

F. REPORT OF UPCOMING APPEALS TO TOWN COUNCIL

G. ADJOURNMENT TO May 1, 1995

The regular meeting was adjourned at 11:15 p.m. to the next meeting on May 1, 1995.

BARBARA CHAMBERS