

**TOWN OF SAN ANSELMO
PLANNING COMMISSION MEETING OF SEPTEMBER 11, 1995**

The special meeting of the San Anselmo Planning Commission meeting was convened by chairman Israel at 8:00 p.m. in the Council Chamber. Staff present was Planning Director and Associate Planner Lisa Wilght.

A. CALL TO ORDER

Commissioners Present: Harle, Sargent, Mihaly, Israel

Commissioners Absent: Hayes, Ollinger

B. CONSENT

1. V-9535 - Rob & Joan Guest, 122 Jordan, A/P 6-144-46, A variance to cover an existing car deck that is located 0' from the street side property line (12' required), and 12' from the rear property line (20' required), on property located within the R-1 Zoning District.

M/S Harle, Mihaly, to approve Consent Agenda subject. **Conditions of approval are:** 1. The new carport shall be constructed in accordance to the plans date stamped received June 29, 1995 by the town of San Anselmo. 2. That applicant shall obtain all necessary development permits and conform with all adopted standards of the Building and Public Works Department. 3. That if this development which has received discretionary approval has not begun within one year from the date of the final action, the permit shall become null and void. However, this discretionary action may be renewed by the Planning Director for a maximum period of one year provided the applicant places such request in writing to the Director showing good cause prior to the expiration of the discretionary action. Motion unanimously passed. Audience advised of the ten day appeal period.

C. OPEN TIME FOR PUBLIC DISCUSSION

There was no public discussion.

D. GENERAL DISCUSSION - NO PLANNING COMMISSION ACTION REQUIRED

1. Janet Duncan, 19 Hooper Lane, A/P 7-012-09, A request to construct two creekside bulkheads (retaining walls) which are 36' and 48' long respectively, with a maximum height of 5', on property located within the R-1 Zoning District.

Ms. Chaney explained why no planning action was taken on the above project. Section 10-3.605 of the San Anselmo Ordinance Code, relative to natural discasters, the Planning Director has the discretion to determine whether the proposed project is in accordance with the intent of this section and shall require an approved Variance. She indicated that the above project, as well as a retaining wall at 14 Willow Way fall into this category.

E. PUBLIC HEARINGS - CONTINUED

1. V-9534 - Carolyn and Randall Truelove, 15 Miwok, A/P 177-265-10, A variance to: 1) replace a bulkhead 0' from the front property line; 2) replace a bulkhead 3' from the side property line; 3) reconstruct a carport 11'-6" from the rear property line (20' required); and 4) construct an addition that will be 10'6" from the rear property line (20' required), on property located within the R-1 Zoning District. Continued to the meeting of September 18, 1995

2. DR-9516/Environmental Review - Sarita Patel for George Lucas, 133 Essex, A/P 6-121-21 and 6-161-01, Environmental review of a development project for a single family dwelling (including a tennis court, retaining walls, grading, alteration of a ravine to a meadow, a bridge over

TOWN OF SAN ANSELMO
PLANNING COMMISSION MEETING OF SEPTEMBER 11, 1995

Ancho Vista Avenue) on property located within the R-1 Zoning District. Continued to the meeting of September 18, 1995

3. U-9506/DR-9512/V-9527 - Warren Perry, 100 and 120 Sir Francis Drake Boulevard, APN's 6-241-01 and 6-241-02, 1) Design Review; 2) Use Permit, and 3) 14 space Parking Variance (24 spaces required; 10 provided on-site; 13 shared with adjacent use) to construct a 10,320 sq. ft., 22'6" tall, warehouse storage facility (4,950 sq. ft. existing - formerly Crocker Bank building) on property located within the C-3 (General Commercial) Zoning District. Continued to the meeting of October 2, 1995

4. U-9504/Environmental Review - Tom and Lilka Areton, 104-106 Butterfield Road., APN's 5-072-17 and 5-072-18, A use permit and environmental review to allow Cultural Homestay International, a non-profit social service institution, to operate on property located within the R-1 Zoning District. Continued to the meeting of October 2, 1995

5. Shelagh Kew Barker, for 1100, 1104, 1108, 1112, 1116, 1120 and 1124 Sir Francis Drake Boulevard, 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 September 18, 1995.

F. PUBLIC HEARING

1. DR-9519/PDP Amendment/V-9536 - Peter and Pamela Fraser, End of Oak Avenue, A/P 7-154-14 (Formerly 7-154-04) 1) Design review to construct a 4,668 square foot house; 2) amend the previously approved Precise Development Plan; and 3) height variances for chimneys to exceed 35' above average grade on property located within the R-1H Zoning District.

The applicant, Paul Hartment, Architect, and Steve Arago, Stuber Strough, were present.

Ms. Wight presented the staff report. She noted that there have been two additional letters of support submitted since the staff report was prepared. They are from the owners of 501 Oak and the adjacent property owner.

Commissioner Mihaly asked for an explanation of the lot line adjustment and realignment and increase of the building envelope.

Peter Fraser said when the house was sighted originally it was because of the original survey in the early 1920's. When the boundary adjustments were done it was rotated.

Steve Arago, Stuber Strough, said it was difficult to find the resolution of the boundary throughout the project. The original submittal only indicated 6-8 bay trees to be removed. This information was taken from the 1980 survey and many of the trees were listed as bays. Some of the trees below 6" to 8" were not indicated on the survey and have since grown. He provided an additional plan that indicates accurately all the trees within the building envelope. It is predominately an oak, bay and madrone woodland.

Commissioner Mihaly said that the envelope looks bigger and the current house would not fit into the old envelope. He wondered what drove the change. He asked about Staff's suggestion to pulling in the building envelope on the north side.

Mr. Arago stated that those trees outside of the building envelope would be taken care of with the Fire Department Management Plan.

Commissioner Mihaly said that since visibility is an issue, what is proposed for screening.

TOWN OF SAN ANSELMO
PLANNING COMMISSION MEETING OF SEPTEMBER 11, 1995

Mr. Arugo explained the types of trees that currently exist and new oak trees will be planted to fill in some of the void. There are also some flowering trees and some accent trees by the entrance.

Mr. Fraser stated that the current location is the only area on the property without massive grading for outdoor living. He noted that the building envelope is very secluded.

Chairman Israel stated that the topography does not show the flattened area nor does it show the steep drop off. There was no tagging of the trees to be removed within the new building envelope. He is also concerned as to why the envelope has changed.

Mr. Hartman, noted that the proposed house was designed for the current envelope and will not fit into the old envelope. He stated that the site access was difficult and the lot was a very difficult one to build on. They wanted to lessen the impact from the downhill slope and to remove as few trees as possible. They wanted to drop the house in so as to have as little impact as possible. The roof line was broken up so as not to be too massive. He felt that most of the house will be screened by several of the remaining trees. He thought the white window trim was very minor and will look elegant with the green trim and brown shingles.

Mr. Fraser pointed out on a map the adjacent properties and the distance from his building envelope.

Cathy Sanders, 310 Redwood Road, Bald Hill Working Group, stated that it has been proven from past information that this site is very visible. The story poles that are there are nestled into the trees that will be removed. She felt the first story will be visible. She would like to see a photo montage prepared. She stated that 21 trees is pretty extensive and would also like the trees retagged.

Michael Gill, 663 Oak Avenue, approves of the project in general. The visibility issue can be addressed by maintaining the trees in the front of the house. From the distance, and the colors proposed, the house will not be a mass. The house was done well to preserve the hiking trails and the neighbors near by.

Jim Morrison, 510 Oak Avenue, concurs with Mr. Gill. He supports the design and felt the white sash was not a detriment.

Curt Brown, 600 Oak, stated the front of his house will view the project and he is in support of the project. His biggest concern is visibility from the road but is assured by Mr. Fraser that it will not be an issue.

Mr. Fraser explained that there is a major oak tree with a massive canopy, the house was designed around some of the major oaks to give it definition. They have designed the house around the trees and are proposing to remove as few as possible. The house has always been proposed to be set back away from the road and the hikers.

Ms. Chaney stated that there are differences about what was originally approved and what is now being proposed. One difference is the number of trees to be removed. Staff needs to research the location of the trees. From a design standpoint, the angling of the house and the color are positive. However, the environmental document was approved on information that has now been changed.

Commissioner Mihaly stated that he really liked the house, the materials and is not bothered by the white sash and does not think it will be very visible. He is also not opposed to changing the building envelope if there was information that warrants the change. He has no problem with a bigger site envelope but does not like the idea of changing the building envelope for a larger house. He is nervous approving a vested tentative map with two different lot lines. The real issue however is visibility. He stated that his general impression is very positive but is looking for ways to remove some of the uncertainty. Most of the previous photo montages have not really provided him with new information. If the house will not shrink and it is a good design, it seems that the Commission can make sure the trees are maximized so they will screen. Perhaps a good analysis would be to take out more trees so the remaining trees can be maximized.

Commissioner Harle concurred with Mihaly about the design. He does not believe that visibility is likely to be a big problem. The problem of the building envelope, from what he understands, is that the precise

TOWN OF SAN ANSELMO
PLANNING COMMISSION MEETING OF SEPTEMBER 11, 1995

development plan was presented prematurely because old and inaccurate information was presented. It seems that it is unfortunate that there was an already approved envelope; he might have approved the current one if it came before him originally.

Commissioner Sargent stated that he is pleased with the design of the house and has no problem with the white sash on both sides but suggested making the second floor green to appease the people that are proposed to it. He does have concerns with the changing of the envelope and stated that it could be considered precedent setting. The movement was done really as a function of building a larger house. His concern is the control of the landscape. The location of the boundaries is much more important than the location of the house.

Ms. Chaney stated that the Commission might want to impose a Landscape Management Plan. Outside the envelope must be left in its natural state.

Chairman Israel said that his problem is that an environmental document was prepared based on the old envelope. The design is great, but is concerned how to ascertain the building envelope. He does not think they have the ability to approve the building envelope change in size. He stated that the area on the envelope should be the same but have some flexibility within the envelope to move the house. He would like to know exactly how many trees are to be removed; would like to see the conditions of approval for the tree maintenance and removal and wants to make sure it is consistent with the Bald Hill Plan. He would like the applicant to identify the poles as to the specific location of the house (garage, bedroom, etc). He would also like to see a tape outline of the building envelope. A photo montage is not required because the applicant has already done what is necessary to break up the mass. He has no problem with the white sash. He questioned whether or not the environmental document needs to be amended.

Ms. Chaney agreed that perhaps the report of the trees needs to be verified and the environmental document amended.

Commissioner Mihaly suggested that trees within the building envelope be maintained. He wondered if the Commission wanted a view driven landscape plan and improve the condition that the trees be maintained.

Chairman Israel said all the drawings indicate a slope but some of the areas constitute a steep slope. Right now there is no protection for the trees in front of the building. He agrees with Commissioner Mihaly that the location of trees to be protected should be view driven.

Commissioner Sargent stated that they would not be able to have a pool or other accessory structures in the future if they were restricted within the envelope.

Commissioner Mihaly stated he would like to see the general area of the "bubble" maintained. If that is not possible, then let the Commission know what the affirmative reason is. In addition, if there is a frontyard and the trees in the frontyard maintain the screening, the landscape should be view driven.

Chairman Israel did want to see the trees tagged that are to be removed. He would like to see some identification of the new building envelope on the site.

Mr. Fraser stated they could reduce the building envelope.

Commissioner Mihaly said it is hard to interpret the photographs; does staff feel the house will be visible from the HUB. Ms. Wight stated that it is really difficult to tell if it will be visible when the trees are removed although the story pole with the orange disk was at the 35' height.

M/S Mihaly/Sargent, to continue. DR-9519/PDP Amendment/V-9536 - Peter and Pamela Fraser, End of Oak Avenue, A/P 7-154-14 (Formerly 7-154-04) 1) Design review to construct a 4,668 square foot house; 2) amend the previously approved Precise Development Plan; and 3) height variances for chimneys to exceed 35' above average grade on property located within the R-1H Zoning District. Meeting continued to the meeting of October 2, 1995 to allow the applicant to address the Commission's concerns.

3. Condominium Conversion/ V-9537/DR-9520/Environmental Review - John Blackwell, 865 San Anselmo Avenue, A/P 7-162-03, 1)

TOWN OF SAN ANSELMO
PLANNING COMMISSION MEETING OF SEPTEMBER 11, 1995

request to convert two rental units to condominium units; 2) parking variance to allow 4 tandem parking spaces where 4 clear spaces are required; and 3) design review; on property located within the R-3 Zoning District.

Ms. Chaney presented the staff report.

Commissioner Mihaly asked about the preferability of having condominium versus rental in San Anselmo.

Ms. Chaney stated that this might be a way of getting affordable ownership housing.

Commissioner Mihaly said that this looks like a way of subdividing the lot. He wondered if there was a Town policy that is applicable.

Commissioner Harle wondered if a condo conversion could take place on an R-3 lot? He also asked if second units can go into R-3 lots.

Mr. Blackwell, stated that he lives in the back unit. He said that he wants to keep his property and his partner wants to sell his portion and therefore they are suggesting the condominium conversion. He presented photographs of houses/units that have tandem parking in the neighborhood. He does not think it is appropriate to require different parking standards from a renter and an owner. He explained that Sec. 10-7.06 of the San Anselmo Municipal Code states that parking should be what is in existence prior to conversion. There does not seem to be a difference with parking for a rental unit and a condominium.

Kieth Smith, partner, stated that their partnership agreement changed when Mr. Blackwell decided he wanted to stay and he wanted to sell. This condominium agreement would allow him to stay. He noted that the individuals that were looking at the units for rent had three or more vehicles and it is likely they would require more parking than homeowners.

Commissioner Harle was in favor of the project but does understand Staff's concern about parking.

Commissioner Sargent agrees with the applicant that rental cannot be treated differently than ownership and therefore parking shouldn't be an issue because it was previously approved. He supports the application because it might be considered affordable homeownership. He cautioned the applicants on the difficulty of condominium ownership. He noted that it is not an ideal situation to have tandem parking.

Commissioner Mihaly said he tended to feel if there was a clear indication that the tandem parking would work, he would reconsider. His concern is that this be zoned condominium and the loss of the rental would be a detriment and did not see that there would be any gain.

Chairman Israel did not think parking was an issue, and is interested in parking from the ownership standpoint. He is however concerned about the density on this lot and that what is going to be created is two single family dwellings on a small lot with no clear yard space.

Commissioner Sargent stated that after reading the minutes of the previous meetings and hearing the other Commissioners' concerns he was going to change his vote. He stated the Commission went to great lengths to help the applicants in the past to allow the creation of the second unit. The need for the condominium conversion is based on a personal need and is not a benefit to the Town.

M/S Mihaly/Sargent, to deny Condominium Conversion/ V-9537/DR-9520/Environmental Review - John Blackwell, 865 San Anselmo Avenue, A/P 7-162-03, 1) request to convert two rental units to condominium units; 2) parking variance to allow 4 tandem parking spaces where 4 clear spaces are required; and 3) design review; on property located within the R-3 Zoning District. Basis of the denial are: 1. The loss of a rental unit; 2. The density of ownership which in essence converts the property from an R-3 to R-1; 3. The Housing Element establishments that the Town's portion of multi-family rental units (exclusive of second units) is 25% or more of the total housing stock, and that this will decrease the number of multi-family units in Town.

TOWN OF SAN ANSELMO
PLANNING COMMISSION MEETING OF SEPTEMBER 11, 1995

Commissioner Mihaly stated that if two single family houses were proposed for this site, it probably would have been rejected. The Commission was excited about providing a rental unit on the site and therefore the variances could be granted.

Chairman Israel noted that there was no signed agreement from the tenant.

AYES: Sargent, Mihaly, Israel
NOES: Harle

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

G. REPORT OF UPCOMING APPEALS TO TOWN COUNCIL

H. ADJOURNMENT

The special meeting was adjourned at 11:20 p.m. to the next meeting on September 18, 1995

BARBARA CHAMBERS