

**TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES FOR JUNE 16, 1996**

The special meeting of the San Anselmo Planning Commission was convened at 7:30 p.m. in the Council Chambers by Chair Israel. Staff present was Planning Director Ann Chaney, Associate Planner Lisa Wight and Planning Assistant Chip Griffin.

A. CALL TO ORDER

Commissioners present: Harle, Duys, Wittenkeller, Sargent, Israel
Commissioners absent: Mihaly

B. CONSENT

1. Minutes - June 10, 1996

M/s Sargent/Duys, and unanimously passed, to approve the consent agenda.

C. OPEN TIME FOR PUBLIC DISCUSSION

No one spoke during this time.

D. PUBLIC HEARINGS CONTINUED

1. WORKSHOP: Town of San Anselmo - Ordinance Amendment
- Evaluation of the 8' interior side yard and 12' street side yard set back requirement in residential zoning districts for additions to existing structures which do not meet current set back requirements .CONTINUED TO 7/1/96

E. PUBLIC HEARINGS

1. DR-9606/U-9603 - Pacific Bell (applicant), 1509 SIR FRANCIS DRAKE BOULEVARD, (Seventh Day Adventist Church), A/P 5-153-03, A use permit and design review to locate a cellular phone site at this location, the panel antenna will be located within the existing tower, on property located within the R-2 Zoning District.

2. V-9603/DR-9602/U-9602 - Pacific Bell (applicant), 324-330 SIR FRANCIS DRAKE BOULEVARD, (Tamalpais Theater) A/P 6-251-04, a variance, use permit and design review request to establish a cellular phone site at this location. The proposed cellular antenna will be located on a section of the building that exceeds the 30' height limit, on property located within the C-L Zoning District.

Mr. Griffin presented the staff report for items E1 and E2 simultaneous noting that staff is still recommending approval for both items.

In response to Commissioner Wittenkeller, Mr. Griffin stated that the "no new policy" as specified in the staff report refers to other cities have not adopted new policies to address the new technology.

In response to Commissioner Wittenkeller, Mr. Griffin stated that the Town Police and Fire radio antennas are on the roof of Town Hall.

David Price, JM Consulting Group, stated that the Town hired Dr. Poison, to perform a radio frequency study, which they have paid for as well as having made in Mrs. Silver stated that the neighbors did not want the addition to go to the rear. They wanted to make sure that the neighbors sun would not be blocked. modifications to reduce the height variances and the number of antennas.

Paul Eveloff, 48 Alta Vista, stated that there are many people who are concerned about the health issues associated with EMF's and he is concerned about the health and safety of his community. He was concerned about the cumulative impact and wanted to see that research provided prior to approval. He said that the level of service will not be impacted if the Town continues this project because he is able to use his cell phone without interruption. He noted that the City of Medina will not allow cell and there must be a good reason.

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Patricia Burton, 40 Alta Vista, wanted to see a reference made to the Town Attorney's action. She stated that Marin County is the highest community with breast cancer for women and perhaps that sets Marin aside. She has been in contact with the newspapers and they are very interested in this subject, but unfortunately, were not able to attend tonight's meeting.

John Girton, 15 Avenue del Norte, stated that this issue has not gotten much publicity and if more people knew about it, there would be more of an outcry. The City of Medina had a lot of public discussion and that is why they do not allow any cell sites. He felt there was a public health issue and the public should know about it.

In response to Mr. Girton, Chair Israel stated they properties in question are zones R-2 and C-L.

Dr. Polson, Consultant, provided information on his academic background. He stated that there have been cumulative studies done that take into consideration multiple frequencies. With all radiation, the transmitters are working on microwave frequency bands; These have been used for many years by many industries. There have been over 18,000 studies done. The wave length of the PCS is 6 inches. He stated the PCS system will put out 400 watts and that energy is broadcast in a very narrow beam. Ground level exposure is very low, the closer to the tower. He stated that the cell sites are a low powered density system.

Commissioner Sargent asked if Dr. Polson's opinion would change if there were multiple transmitters on one building. Dr. Polson provided a chart and explained that if ten systems came in they would be .5 percent of the ANSI standard. If there 100 systems in one location, the RFR emissions would be only 5% of the standard. He noted that television and FM antennas are quite different and stronger than the antennas used for the cell sites. The PCS levels are so far below the ANSI standards which have been set very conservatively.

In response to Commissioner Harle, Dr. Polson stated that there is no scientific data that exists that there are harmful health effects for thermal and non thermal energy.

Commissioner Wittenkeller asked about the amount of radiation with a hand held cell phone: He thought it was the hand held unit rather than the cell site that was the risk. Dr. Polson responded there was a court case which has recently been dropped because there has been no evidence about the health hazards of cell phones. He added that the exposure from cordless telephones is the worst case from the PCS base stations and there is no indication that there is a safety issue.

Chair Israel stated that the scientific data is the best there is to date and there is a Federal statute that limits the Town to a great extent.

Ms. Chaney stated that Staff will look at an ordinance change if the Commission gave direction to do so.

Mr. Price stated that the City of Medina has a population of 3,000 people and was zoned residential that is the reason for the lack of cell sites. The process of review has been extensive. The ANSI standard is a condition of the standard and currently the ANSI standard has measures that allows for 1035 Microwatts; if that standard changes at any time, they will have to meet and comply with the standards. He noted that the frequency measured by Dr. Polson is the maximum levels and the power will remain within those levels. Also, Condition 6 of the Staff Report requires a bi-annual monitoring.

Commissioner Duys asked about a fund for monitoring. Mr. Griffin stated that the monitoring will be monitored by Pacific Bell and it is in their best interest to ensure they are in compliance.

Commissioner Wittenkeller stated that he is convinced that because the frequency is so far below the exposure allowed, and the fact that Condition 6 specifies bi-annual monitoring to make sure the levels are far below the ANSI Standards, he would be able to approve the proposal. He noted that the people who use the cell phones are more at risk and people have a choice as to whether or not they want to use them.

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Commissioner Harle stated he felt it was hard to impose his opinion but he judged that this is not a credible hazard based on the information and studies. There are risks on the other side and he could see all kinds of uses which could protect and keep people safe by having the cell phones in their possession. The probability to creating hazardous situations could be more of a risk in not limiting them.

Commissioner Duys concurred with Commissioner Harle but wanted to thank the public for their input and wanted to see that the studies will continue to be brought forth to staff. She could only support the project because it is so far below the ANSI Standards. If new information comes forward to the Commission regarding violations or modifications to the standards, there will be future discussion.

Commissioner Sargent wanted to thank the public for their comments. He felt there was still a question about cumulative impact and that approving these projects would be setting precedent. This is a new industry and there is still a need for an assessment of the air waves. He would like to see a master plan prepared with the cost borne by the applicants.

Chair Israel stated that he also shares the health concerns; he felt an assessment should be done and a study prepared but he also felt this is a sign of our times. The threshold is so far below any currently understood standard. He would be inclined to revise the language of Condition 6 to ensure that levels are maintained at the current level of the standards. If the level changes, a percentage of that threshold, the Commission could be contacted and be provided information as to why the change. It was his opinion that citizens in Marin are very aware of the health issues. He noted that the quality of service is limited in certain areas of San Anselmo and these sites will help the frequency.

Commissioner Sargent wondered how the antennas were monitored to ensure they were maintained properly. Dr. Polson responded that the antennas are monitored by a computer and a person would be dispatched to the site if there was a problem.

Commissioner Duys asked about applying a surcharge to this applicant to develop a master plan. Ms. Chaney responded that typically the Town would incur the costs and apply it to future applicants. Commissioner Wittenkeller: would like to have impose a fee to future applications.

M/s Wittenkeller/Harle, to approve the application for DR-9606U-9603, with findings and conditions in the staff report and with modification of condition 6 that states: "that it not exceed the .05 percent of the ANSI Standard, and if it did, the Commission would need to understand the reason for change.

Commissioner Duys wanted to see a concession, that in the event the Town does incur funding at some point in the future, the applicant be required to provide future funding. Chair Israel felt that it might be a good idea to get the appropriate language from the Town Attorney.

Commissioner Harle suggested a continuance to allow staff time to prepare a resolution regarding the language change and at the 7/1/96 meeting, the item should be placed on Consent.

M/s Wittenkeller/Harle, to with draw the motion of approval and to continue the project to allow staff time to prepare a resolution for approval for 7/1/96 which will be placed on consent. All ayes.

Mr. Price indicated that he would like to work with staff and the Town Attorney. on the proposed language.

3. DR-9530/S-9503 - Red Hill Shopping Center, 834-916 SIR FRANCIS DRAKE BOULEVARD, A/P 6-061-23, design review of new exterior building colors and sign review of a new sign program on property located within the SPD Zoning District.

The applicant has requested a continuance to the meeting of July 1, 1996.

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4. V-9615/DR-9608 - Howard and Maria Silver, 17 IDALIA COURT, A/P 7-232-04, 1) Design Review to construct a 924 square foot-second story addition to an existing 1,332 square foot single family dwelling; 2) Variance request to locate required parking (2 spaces) within 0' of the front yard setback (20' required) and into the public right-of-way due to a request to convert an existing 1-car garage to office space; and 3) a height variance for the chimney height to be 32' above average grade (code maximum 30') on property located within the R-1 Zoning District.

Ms. Wight presented the staff report. She noted that Staff inadvertently included the conditions in the staff report for design review in the hillsides and not the flatlands. However, staff could still approve the design review.

Commissioner Harle asked if the house at 21 Idalia Court also received a variance. He would really like to see the adjacent properties indicated on the site plan and wondered where the neighbors house was placed. It looks like the houses are very close and the cantilevered section will loom and shade the next door windows of 21 Idalia Court. Ms. Wight stated that the neighbors variance was granted at 4.5' and it was her impression that the neighbors were in support of the project.

Mr. Silver stated that they made every effort to work with their neighbors. They have never used the garage in the ten years they have lived in the house; the cars have always been parked in the driveway. If they could not move the closet into the garage area, the room would be very small. If they had a two car garage, it would not be aesthetically pleasing in the front. The only change would be to the garage door.

Mrs. Silver stated that the neighbors did not want the addition to go to the rear and wanted to make sure that the neighbors' sun would not be blocked.

Mr. Brennan, 21 Idalia Court, stated that the proposed plan is not what what the Architect showed them. She stated that she thought the addition was just going to be in the attic. This house looks very tall and massive.

Resident, 25 Idalia Court, wondered if the building was going to be taller than those around it. Ms. Wight responded that she has not done a comparison study.

Mr. And Mrs. Brennan stated that this proposed plan looks different than what they were shown. Mrs. Silver responded that the plan has not changed.

After a short break the discussion was brought back to the Chair.

Chair Israel stated that because of the concern by the neighbors, and the fact that the staff report was based on information that the neighbors were in support of the project, he recommended a continuance to the next meeting. He also noted to the applicants that elimination of parking and parking in the front setbacks is an issue for him.

Commissioners' Wittenkeller and Duys stated that they would also not approve parking in the front setbacks with the removal of the garage.

M/s Wittenkeller/Duys, to continue to the meeting of 7/1/96.

5. DR-9610-David Bott and Karen Nelson, 80 SOUTH OAK AVENUE, A/P 7-241-50, Precise Development Plan and Design Review request to construct a new single family home; and a variance to construct a patio wall (9' high maximum) within 3'6" of the south side property line (8' required) on property located within the R-1-H Zoning District.

Ms. Chaney presented the staff report noting that this is an item for discussion and direction from the Commission to the applicants and staff and that no action will be taken tonight.

Chair Israel stated that the Civil and Engineering sheets were not part of the packets.

Commissioner Wittenkeller said that pressure tanks have been installed and then water has been purchased by MMWD. Can this be done?.

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Fire Marshall Fisher stated that as long as there is a turn out, they could park on the street but the street may have to be widened.

David Wilson, Architect, stated that the primary concern was to minimize the cut and fill on the site. The site is very steep and the house size is due to the site conditions. They also wanted to maintain privacy. Because of the driveway requirements, the house was pushed back, which would help create privacy. They chose a color palate which would be compatible with the earth and the trees. The lower level of the house should not be visible because of the current vegetation on the lot. The road is at a slope of 20% grade which helps determine the floor plan of the house. He noted that there is a fairly substantial discrepancy on the surveys. A potential for change is to reduce the garage width from 25' to 20 feet, which would decrease the height of retaining walls. Another suggestion would be to open up the retaining wall.

Theresa Tamely, 951 South Oak, stated that her main concern was the impact of the house on a very narrow street. The story poles indicate that the retaining walls will be right on the street and will create a looming affect. She also felt she would be able to view the roof lines from her house, as well as from the distance.

Greg Gibson, 47 South Oak Avenue, has some of the same concerns as when Mr. Yeakey owned the property. The house really juts out and is not visually appealing. There has been a lot of land movement in this area and he is concerned about any house being built on the lot. Also, the road is not Town maintained and he requests that the Town accept the roadway; he was also concerned about the placement of the sewer on the fragile road and about fire safety.

Mr. Deigman, 60 South Oak, stated that his property has had slippage problems and he had to put rip rap in to stabilize the hillside. He was concerned about how the roadway could be extended and would also like South Oak accepted.

Debbie Treewater, 1000 South Oak Avenue, has had substantial land movement on her property. The previous plan had drainage going into her property and she wanted to make sure that does not happen. She wanted to make sure that she will not be held libel for any excessive drainage runoff.

Mr. Wilson stated the drainage plan is identical to the previous owner, Rob Yeakey, but they will research the possibility of dispersing the drainage on site. He stated that they have also considered rotating the house into the hillside which will reduce the visual impact. He noted that any house on this lot would be visible and they are trying to make it as low as possible.

Commissioner Harle had no comment at this time.

Commissioner Duys stated that this is a difficult site and very visible, she wondered if there is a way to create landscaping for the driveway, that not only comes from the ground up, but by planters on the driveway what cascade over the top. She would like more time to look over the elevations but likes the idea of creating different planes of the house; the house has good shades and shadows. The color palate will help to have the house blend in with the trees and vegetation. She would like more input on the sewer, drainage and the roadway.

Commissioner Sargent was concerned about the reflectivity (glazing, lighting and the color and color of the concrete for the retaining walls) He does not know how much recess there is with the glazing. He liked the direction of the form and mass.

Commissioner Wittenkeller was concerned about the mustard color because it will be fairly reflective. He would like to see more low plantings; vines on the retaining walls or trellis below to help the vines to grow. He would like to see a landscape plan. He did not like the lines of the building looking up but does like the lines looking as shown by the model.

Fire Marshal Fisher stated they could reduce the driveway width as long as it can be accessed by 150'.

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Chair Israel wanted the driveway width reduced and wanted more information on roadway width, and the location; will it be widened onto the private property. He would like more information about the water tank and about whether or not they want to share the tank. Many trees have already been removed from the site and wondered if there was a proposal to remove any more. If so, he would like to understand why. He wanted information back from the Public Works Director about having the Town accept the street. The stucco has real benefits in terms of fire protection but it has the least amount of surface texture and looks hard and reflective. He will be interested in looking at the glazing and interior lighting and windows. The garage bothers him because it contributes a lot of vertical mass. Part of that is because the patio is accessed by the living room and bedroom. Another suggestion might be to bury the garage into the hillside and separate the house from the garage. Also; he wondered if they might consider turning the garage 25 degrees.

M/s Sargent/Wittenkeller, to continue the item to 7/1/96.

Mr. Bott asked about information on having the roadway assessment to upgrade the roadway. Ms. Chaney stated that she will research the cost analysis for the property owners.

- F. GENERAL DISCUSSION
- G. REPORT OF UPCOMING APPEALS TO TOWN COUNCIL
- H. ADJOURNMENT TO Monday, July 1, 1996.

The meeting was adjourned at 11:30 p.m. to the next meeting of 7/1/06.

