

**TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES OF JULY 7, 1997**

The regular meeting of the San Anselmo Planning Commission was convened at 7:30 p.m. in the Council Chambers by Vice-Chair Wittenkeller. Staff present were Planning Director Ann Chaney, Senior Planner Lisa Wight and Associate Planner Chip Griffin.

A. CALL TO ORDER

Present: Mihaly, Dowd, Israel, Wittenkeller
Absent: Cronk, Harle, Zwick

B. OPEN TIME FOR PUBLIC DISCUSSION

Commissioner Mihaly announced his resignation from the Planning Commission to be effective after this evening. He thanked his fellow commissioners and the staff for their hard work. Several commissioners commented that Mihaly will be missed on the Commission.

C. CONSENT AGENDA

1. MINUTES: June 16, 1997

M/s, Israel/Dowd, to approve the consent agenda. Ayes: All. Abstain: Mihaly. Absent: Cronk, Harle, Zwick.

D. CONTINUED HEARINGS

1A. DR - 9719 - Rob Ham, **1 The Alameda Knolls**, A/P 5-320-01,. Design Review of a new single family dwelling, located within the R-1H Zoning District. **CONTINUED TO 7/21/97**

1B. DR-9721 - Rob Ham, **3 The Alameda Knolls**, A/P 5-320-04, Design Review of a new single family dwelling, located within the R-1H Zoning District. **CONTINUED TO 7/21/97**

1C. V-9724/DR-9722 - Rob Ham, **7 The Alameda Knolls**, A/P 5-320-02,05, and 06, Design Review of a new single family dwelling, and a Variance to construct the house within 9.75' of the rear property line (20' required), located within the R-1H Zoning District. **CONTINUED TO 7/21/97**

2. V-9727/DR-9713 - Mr. And Mrs. Edward Heavey, **405 Sequoia Drive**, A/P 6-117-08, 1) Design Review of a new single family dwelling; and 2) a parking variance for the third required parking space to extend over the right-of-way, on property located within the R-1 Zoning District. (above 150' mean sea level) **CONTINUED TO 7/21/97**

3. V-9713 - Seidelman Associates for Geoff Koblick **6-42 Red Hill Avenue** and Jeffrey Johnston, **22 Island Drive**, A/P 6-201-02 and 6-201-54, proposal to construct a 15' high, 142' long retaining wall across a portion of 22 Island Drive (no variances needed for this section). Rear yard Variances are required to construct: 1) an 88' long west "side" retaining wall, varying in height from 15' (as it connects with the upper wall) to 0' (as it connects with the lower wall) located within 0' of the rear property lines for 22 Island Drive and 6-42 Red Hill Avenue (20' setback required); 2) a 46' long east "side" retaining wall, varying in height from 15' to 0', located within 0' of the rear property lines for 22 Island Drive and 6-42 Red Hill Avenue (20' setback required); and 3) a 136' long, 5' high "tie-back" retaining wall located within 1' of the rear property line of 22 Island Drive on property located within the C-3 and R-1-C zoning district. **CONTINUED TO 7/21/97**

E. PUBLIC HEARINGS

1. Environmental Review/GPA-9601/Z-9601 - **All Limited Commercial (C-L) zoned properties (located between 606 and 820 Sir Francis Drake Boulevard**, Review of Negative Declaration of Environmental Impact, proposal to amend the General Plan and the Zoning Ordinance to permit the following uses: 1) Gasoline Sales; and 2) Combined Use of Gasoline Sales and Convenience Market. This request is being initiated by Russ Johnson, Chevron Service Station owner in order to convert the service bays to a convenience market.

Ms Wight presented her staff report. She summarized the changes in language that were made since this item was presented at the June 2, 1997, meeting. The new language is intended to simplify the changes to the General Plan and acknowledge the uses that are in place in this area.

Commissioner Israel asked about the land-use table and whether the first entry should read Gasoline/Convenience Market, instead of an "Gasoline and Convenience Market."

Senior Planner Wight agreed and said this should be added in the ordinance as well for clarification.

It was the consensus of the Commission to accept the staff recommendation.

M/s, Mihaly/Israel, to recommend to the Town Council approval of the Environmental Review, GPA-9601 and Z-9601 - All Limited Commercial (C-L) zoned properties (located between 606 and 820 Sir Francis Drake Boulevard, Review of Negative Declaration of Environmental Impact, proposal to amend the General Plan and the Zoning Ordinance to permit the following uses: 1) Gasoline Sales: and 2) Combined Use of Gasoline Sales and Convenience Market, with the modified language on the Land-Use Table and in the ordinance. Ayes: All. Absent: Cronk, Harle, Zwick.

Ms Wight announced that this will be heard by the Town Council on July 8 and July 22, 1997.

2. U-9608/DR-9721/V-9723 - Russ Johnson, Chevron, 750 Sir Francis Drake Boulevard, A/P 6-091-40, Review of Negative Declaration, use permit and design review to construct an addition, operate a combined use of gasoline sales and a convenience market, on property located within the C-L Zoning District.

Ms Wight presented her staff report. This item was continued from the June 2 meeting, requesting that the applicant submit additional information, which he has done.

Russ Johnson, Applicant, said the existing flagstone is difficult to match, but he will do his best. Otherwise he plans to paint the lower area of the new building to match the rest of the building. The retaining wall in question runs about six feet high. A second air conditioning unit is proposed in the rear. The refrigeration unit is proposed to be located on the right hand side and he has obtained figures from the manufacturer on the decibel reading.

Commissioner Israel asked if he concurs with the sound requirements or is he asking for a variance to the sound requirements. Ms. Wight said that this is an ordinance requirement that he is subject to regardless of this approval.

Commissioner Dowd confirmed that Mr. Johnson will try to locate flagstone to match the existing flagstone. Mr. Johnson said he believes the existing flagstone was painted over anyway.

The discussion was opened to the public. No one spoke during this time and the public hearing was closed.

Commissioner Mihaly said he supports the staff recommendation, with a clarification on the flagstone. He'd like Mr. Johnson to match it if it's unpainted; if it's painted already, he should be able to ignore the flagstone altogether.

Commissioner Israel suggested a less expensive substitute for flagstone if it is to be painted. He supports the staff recommendation.

Commissioner Dowd agreed with Commissioner Israel, as did Commissioner Wittenkeller.

M/s, Israel/Mihaly, to approve the negative declaration, use permit and design review to construct an addition, operate a combined use of gasoline sales and a convenience market, on property located within the C-L Zoning District, at 750 Sir Francis Drake Boulevard, A/P 6-091-40, Russ Johnson, applicant. Ayes: All Absent: Cronk, Harle, Zwick.

Conditions of approval:

1. The approval is based on the plans received by the Town on May 7, 1996; and
2. Prior to issuance of a Certificate of Occupancy, the mechanical equipment shall be properly baffled to the satisfaction of the building inspector so as to not emit a noise value which exceeds the following at the property plane of the subject property: 10 p.m. to 7 a.m.: 55 dBA, and 7 a.m. to 10 p.m.: 60 dBA.
3. Should construction not begin within one year from the date of this approval, the approval shall be considered null and void. A one-time-only, one-year extension can be requested in writing to the Planning Director prior to the expiration date.
4. This use permit shall not become effective until 30 days following the Town Council's adoption of the Zoning Ordinance amendments relative to the C-L zoning district (which is anticipated to be adopted on July 22, 1997, and effective August 21, 1997).

3. DR-9720 - Ellie Leswing, 1035 Sir Francis Drake Boulevard, A/P 6-042-02, Design Review request to construct a new, 1980 square foot, 2-story single family home. Plans include a detached, 420 square foot, 2-car garage, to be located in the front of the house, on property located within the R-1 Zoning District.

Mr. Griffin presented his staff report. This item was first heard at the meeting of June 16. Three issues surfaced at that meeting: building height, landscape planning and redesign of the front entry gate. The building, as redesigned, is 26 feet high at its highest point. The new dimensions are consistent with the wishes of the neighbors. This height may increase 12" to handle drainage requirements to the front of the building. A landscaping plan for the front area is included. An automatic irrigation system is not included in the plans, so this is included in the project conditions. The front entry gate is now located next to the garage rather than up at the street.

Commissioner Israel said the curb cut is now shown as 30'. Perhaps clarification from Public Works is needed on this. This seems like a lot of concrete right on the street.

Kurt Leswing, Applicant, said they have made every effort to accommodate the wishes of the neighbors and the Commission.

The public hearing was opened.

David Farmer, 9 Tamal, said he is gratified to see these changes and appreciates the efforts the applicant has taken. They are, however, concerned with the solid wall that faces their home, perhaps it can be mitigated with landscaping.

Commissioner Israel asked if there are windows in the rear of his garage. Mr. Farmer answered affirmatively.

Angela Fresconi, 9 Tamal, said she is pleased with the new plans. She asked about the landscaping plan. They would like a tree between the new house and their garage.

The public hearing was closed.

Kurt Leswing, Applicant, said he doesn't object to planting a tree, but he doesn't want to reduce light to the new home's windows or jeopardize the home's foundation with tree roots.

Commissioner Israel said he would support the gravity drainage to the street, even if it increases the building height by one foot. The star jasmine is a great vine; he agrees with the applicant that it may be difficult to put in a tree there and it may reduce light and air to the windows. He congratulated the applicant on a successful revision.

Commissioner Dowd agreed with Israel.

Commissioner Mihaly agreed. Regarding the trees, he would like to pursue a tree or two to break up the mass of the building. Perhaps planting a tree away from the applicant's window would solve the problem.

Commissioner Wittenkeller commented on the great cooperation and good redesign. He suggested a small to medium tree that might work in that location with non-invasive roots. Three 15 gallon trees would do it.

M/s, Dowd/Mihaly, to approve DR-9720, Ellie Leswing, 1035 Sir Francis Drake Boulevard, A/P 6-042-02, Design Review request to construct a new, 1980 square foot, 2-story single family home. Plans include a detached, 420 square foot, 2-car garage, to be located in the front of the house, on property located within the R-1 Zoning District, with two modifications, 3 15-gallon trees to be planted behind the neighbor's garage, and the curb cut shall be the minimum dimension required by the Public Works Director. Ayes: All. Absent: Cronk, Harle, Zwick.

Conditions of approval:

1. That the request for Design Review be granted to construct a new two-story house and garage in accordance with the plans date stamped June 24, 1997, received by the town of San Anselmo Planning Department with the following revision(s).

(a) Landscape Plan shall be revised to include an automatic irrigation system for new plantings. System Control box shall be shown and may be located in the utility room along the easterly side of the house.

(b) A Drainage Plan, to be approved by the Public Works Director, shall provide that runoff from all new structures shall be conveyed to Sir Francis Drake Blvd. Roof leaders must have sealed connections if slope is less than .5%. Outlet to Sir Francis Drake shall be located whereas water shall run along curb to the east.

2. Applicant shall apply for and pay all appropriate fees for building permits, plan checks and inspections.
3. Prior to any work performed in the public right-of-way, applicant shall obtain a Revocable Encroachment permit from the Public Works Director.
4. This permit and each condition contained herein shall be binding upon applicant and any transferor, or successor in interest.
5. If construction is not commenced within one year from the date of final action the permit becomes null and void. However, this discretionary action may be reviewed by the Planning director for a maximum period of one (1) year provided the applicant places such a request in writing to the Planning Director showing good cause prior to the expiration of the discretionary action.

4. V-9726/U-9709 - Paul Rambke, 25 Durham, A/P 5-205-07, Use Permit to legalize an existing second unit in "San Francisco Boulevard" neighborhood and an "After-the-Fact" Variance to: **a) allow a parking space within 4' of the easterly property line (8' required) and within 8' of the rear property line (20' required); and b) replace a non-conforming 205 square foot studio within 2' of the easterly side property line (8' required), on property located within the R-1 Zoning District.**

Mr. Griffin presented his staff report. He summarized the list of items contained in the resolution that the staff identified as needing to be completed for Mr. Rambke to get into compliance with the second unit ordinance. Other conditions are listed for maintaining the second use permit.

Commissioner Mihaly asked why staff recommends the approval of the variance for the art studio, given the history of non-compliance on this property.

Mr. Griffin said it is because it is replacement in kind which is typically an administrative issue.

Commissioner Israel asked how we can ensure compliance to all these conditions when the property owner has a history of non-compliance.

Mr. Griffin said he shares those concerns. The second unit is in very good condition. A monitoring program could be set up.

Commissioner Wittenkeller asked about the rear yard setback on the art studio. Mr. Griffin said the building hasn't been changed on the outside, just on the inside. If the building burned down it couldn't be replaced.

Commissioner Israel said he understood that granting a use permit would require the property owner to obtain a variance for this building. Ms Chaney agreed that a variance would keep the process cleaner.

Greg Rambke, 25 Durham, Applicant, gave a history of the property. The buildings were originally a barn and a tractor shed. In 1988 he heard that there was some sort of amnesty program so he made an application. The process stopped after one year, mostly because the Town did not pursue it. The garage was improved as agreed.

Commissioner Wittenkeller asked Mr. Rambke how he would feel about taking down the studio.

Rambke said he would rather not.

Commissioner Israel asked if the driveway behind the studio is planned to remain the same.

The hearing was opened to the public.

Greg White, 5 Santa Barbara, said the alley is an easement. If the applicant can use it, shouldn't they be responsible for helping with maintenance. He is concerned that the tenants may have 2 or 3 cars and the alley can't handle that many. The parking area should be cut in further to allow for backout space that isn't on his property. He is concerned that additional cars may reduce firefighting ability. The third unit is occupied currently, and the current tenant, a painter, stores a lot of flammable materials. These units increase traffic on the alley. Their access is right at their master bedroom.

Commissioner Dowd asked about the alley easement. Mr. White said he believes that 5 and 7 Santa Barbara have maintenance responsibilities for the alley, but he doesn't know for sure.

Mr. Griffin said he and the Public Works Director looked at this question and they aren't sure what the situation is.

The public hearing was closed.

Commissioner Dowd said his instinct would be to remove the art studio. He'd like to see the garage converted back.

Commissioner Mihaly agreed. As second units go, this one isn't bad. He would support the second unit and a variance granted after the owner has proven a legal right to ingress/egress on the alleyway. This should be an additional condition. The old shed should come out; the site is overloaded. He hopes removal of the shed will help with the parking situation.

Vice-Chair Wittenkeller agreed with Commissioner Mihaly. He supports second units where they make sense. If there is trouble about the legal access, the issue should come back to the Commission.

Commissioner Israel agrees about the alley easement. He is less concerned with the rear parking problems. He agrees about the removal of the shed. It might be nice to have some landscape area at the front of the second unit to soften the look of the unit and preclude anyone from parking there. Conditions should include fees and penalties. He would like this continued to get a legal reading on the legal access question and the noticing of the variance hasn't been done. This could be done on the consent calendar.

M/s, Israel/Mihaly, to continue V-9726/U-9709, Paul Rambke, 25 Durham, A/P 5-205-07, Use Permit to legalize an existing second unit in "San Francisco Boulevard" neighborhood and an After-the-Fact" Variance to : a) allow a parking space within 4' of the easterly property line (8' required) and within 8' of the rear property line (20' required); and b) replace a non-conforming 205 square foot studio within 2' of the easterly side property line (8' required), on property located within the R-1 Zoning District, item is continued to clarify the alley access question, to notice the neighbors of the variance and for landscaping revisions and the removal of the art studio, to July 21, 1997. Ayes: All. Noes: None. Absent: Cronk, Harle, Zwick.

5. Environmental Review/TM-9703/PDP-9704/Density - Paul Nave/Andrew Bachich, near 555 Oak Avenue, A/P 7-201-08, Request for Density Determination, Vesting Tentative Map, and Precise Development Plan to create two lots (home sites) on a 5.47 acre site, on property located within the R-1 H Zoning District.

Ms. Chaney presented her staff report. The environmental document does not have to be approved this evening, even though it states that in the staff report, as laws have changed. Ms. Chaney pointed out the location of the property on the large map and showed the general area affected by the Bald Hill plan. The property is 5.5 acres and is proposed to be divided into two lots. No houses are proposed at this time. Access is by the private road off Oak Avenue. Two driveways are proposed with retaining walls of up to 10 feet high. She presented the two building envelope proposals, as well as a third that would require a parking deck. MMWD cannot serve properties this high, so the properties have been allowed to drill wells to achieve their water needs. This project would access a sewer line already installed per the Oak Avenue Development Agreement. One issue is soil stability. After review by soils engineers, new building envelopes, within the originally outlined building envelopes, were agreed upon by the soils engineers based on the soil stability. She is concerned that anyone purchasing the property knows what can be built and where.

Commissioner Wittenkeller asked about the slope of the building sites. He said the most level portion he could find was about a 50% slope. Most planning agencies would consider that unbuildable. He is concerned about the fragile slopes on the sites.

Ms. Chaney said these envelopes are not dissimilar from the envelopes approved on the Oak Avenue project, but quite a bit larger than the Redwood Hills subdivision.

Commissioner Mihaly asked if a "below the road" site was considered for the upper property. Ms. Chaney said it was not.

Ms. Chaney said that the staff's preferred building envelope for the second lot is the one below the road because it is less environmentally invasive. Story poles are in place for all three sites.

Commissioner Mihaly said he is concerned that true visual impact determination cannot be completed until the homes are designed.

Commissioner Israel said his general impression is that lower is better between the two sites, but the vegetation is heavier on the higher lot. He wondered how the building sites were determined with so few test pits.

Ms. Chaney said that vegetation is planned to mitigate the 10 foot driveway retaining walls. Four building sites were approved through the Oak Avenue Development Agreement. Regarding drainage, this has been reviewed by the Public Works Director. Staff recommends that private open space easements be imposed on the properties that won't be developed.

Commissioner Israel said it would be helpful in the next packet to get a copy of the relevant maps.

Scott Hochstrasser, Planner for Bachich/Nave, said the pink lines on the map are the stable areas for house building. They feel it is premature to choose between the building envelopes at this time. The infrastructure is in place to support these two lots. The envelopes are designed to have the maximum amount of flexibility when house designs are proposed. On page 5 of the staff report staff recommends that the building envelopes be reduced and they request that this not be done. On page 6 of the staff report road access for parcel 1 is not affected by the envelopes of 2 or 3. Also on page 6, staff suggests eliminating the driveway previously approved on the adjacent property. They don't feel they have the responsibility to redesign that road at this time. However, their design doesn't preclude this if it should happen in the future. Regarding the private open space, they feel it is redundant because the Bald Hill Plan is very clear on what can happen outside the building envelope. Regarding the negative declaration, the transportation and circulation portion is not acceptable to the applicants. They don't want to be held responsible for improving the entire section of the road, although they would participate. He asked that the Commission act on the negative declaration tonight, with the changes outlined.

Commissioner Mihaly asked if the applicant would be willing to stipulate that visual analysis be done on both sites at the appropriate time.

Commissioner Wittenkeller asked where they anticipate the buildings. Mr. Hochstrasser said they intend to build inside the pink and blue lines.

Commissioner Israel asked how they can approve a negative declaration without knowing what the structures will be and how they will affect the roadway.

Jonathan Braun, Scenic Avenue, distributed some photographs of lot 1. While there have been improvements to this plan, there are still a number of problems. The driveway excavation would require quite a lot of retaining walls. Nowhere can he see a plan for screening these retaining walls as required by the Bald Hill plan. The redwood trees below lot 1 seem to be the only landscaping planning in the area. He is concerned about the estimate of construction activity length being unrealistic. He can't imagine putting those roads in and only take out one tree as estimated by the applicants. He is also concerned about the access of the upper lot's driveway. Lot 3 seems easily buildable compared to lot 2. The fire road near lot 2 is critical for firefighting; perhaps this should be made clear in the plans. He recommends further mitigation near where the well was put in years ago and trees were knocked over and just left.

Kathy Sanders, 310 Redwood Road, member of the Bald Hill Working Group, said they looked very carefully at this area during their discussions. She would like to see a lower alternative site found. Envelope 3 would be preferable over envelope 2. Why can't the building envelope be determined later when you know where the house will be. The envelopes are much too big to be considered now.

Paul Nave, Applicant, said this property is not on the ridge line at all. They have paid professionals to locate these building sites. He has been through many years of this. He wants to do whatever he can to mitigate impact. It was his idea to move down to envelope 3 because it required less excavation and retaining walls.

Commissioner Mihaly said we are, again arguing over what the building envelope actually means. Perhaps a house envelope for the building and a landscaping envelope for the yard is needed from a policy perspective. From his perspective he does not see a substantial advantage to envelope 2. Regarding the road maintenance he feels the applicant's have a point. He feels the tentative map should allow for an extension of the driveway at envelope 1. He would like more visual analysis on lot 3 than just story poles.

Commissioner Israel said he is most concerned about envelope 1 and the transition from the drive to the house. He is not sure that these are the only buildable sites on these lots, but if this is approved these are

the only possible building sites. The landscaping/house envelopes definition needs to be addressed at a later date. He agrees with a number of the comments made by Jonathan Braun.

Commissioner Dowd said he is leaning toward approval of the negative declaration application this evening.

Vice-Chair Wittenkeller said Bald Hill is visually San Anselmo's most distinctive feature. He is concerned about the road access and is not ready to vote on this tonight.

Ms Chaney said she feels that she should try to put together a letter that outlines the Commission's concerns.

Commissioner Mihaly said he feels there are problem areas that need to be addressed. If possible staff should sit down with the applicants and deal with these problems, including how specific the roadway should be.

Ms. Chaney said she has a problem with the abrupt end to the driveways. She did not evaluate any alternative sites. She can speak with the soils engineer and look at the property more carefully.

Commissioner Israel said he would like to see something definitive as to why the lower site doesn't work for a house. He'd like to have the envelopes staked out on the site. He wants to see what trees will be removed for driveway construction. He wants to know the material planned for retaining walls.

M/s Mihaly/Israel, to continue the environmental review/TM-9703/PDP-9704/Density, Paul nave/Andrew Bachich, near 555 Oak Avenue, A/P 7-201-08, Request for Density Determination, Vesting Tentative Map and Precise Development Plan to create two lots (home sites) on a 5.47 acre site, on property located within the R-1-H Zoning to the August 4, 1997, meeting. Ayes: All. Absent: Cronk, Harle, Zwick.

F. GENERAL DISCUSSION

Election of Chair and Vice Chair - This item was continued.

G. REPORT OF UPCOMING APPEALS TO TOWN COUNCIL

H. ADJOURNMENT TO JULY 21, 1997.

M/s, Israel/Dowd, to adjourn at 12:00 a.m. Ayes: All.

Debbie Stutsman