

**TOWN OF SAN ANSELMO
PLANNING COMMISSION STAFF REPORT**

For the meeting December 17, 2012

Agenda Item D-2

Project Address:

610 Oak Avenue
San Anselmo, CA 94960
APN: 007-154-02

Case No.

DR-1209, GP-1205

Property Owners

John and Kim Lewis
610 Oak Avenue
San Anselmo, CA 94960

Request

Hillside design review for plans to construct a 510 square foot, free-standing, open air "porch" with a 65 square foot half bathroom and a 65 square foot wet bar. The project also includes plans for the construction of a 2,519 square foot sport court. The open air "porch" and sport court are located to the northwest of the existing residence. A grading permit is also requested to excavate over 100 cubic yards of material. The project site is located in the R-1-H zoning district and within the Bald Hill Area Plan.

Recommendation

Staff recommends denial of the hillside design review and the grading permit applications. Staff has been in consultation with the applicant for several months during the review process and has communicated throughout the process that staff would recommend denial of the project as designed.

I. PROJECT SUMMARY

Environmental Determination

Categorically Exempt: Section 15303(a) – New Construction or the Conversion of Small Structures.

Authority

San Anselmo Municipal Code: Article 15 -Design Review and Title 9, Chapter 18-Excavation, Grading and Erosion Control.

Timing

A determination must be made within 60 days of the project being deemed complete. The decision deadline for this project is February 5, 2013.

Previous Action

- 2000 Lot line adjustment.
- 1998 Approval of a precise development plan and hillside design review for a new single family residence.

II. PROJECT ANALYSIS

Existing and Proposed Conditions

	Existing	Proposed	Code
Lot Size	140,263 sq. ft. (3.22 acres)	Same	43,560 sq. ft. (1 acre) minimum
Floor Area (sq. ft.)	Total 4,869	Total 5,509	5,000
	Entry Level 2,692	Entry Level 2,692	
	Upper Level 1,443	Upper Level 1,443	
	Lower Level 551	Lower Level 551	
	Garage (included in FAR) 183	Open Air "Porch" 510	
		Half bath 65	
		Wet bar 65	
	Garage (included in FAR) 183		
Floor Area Ratio	3.47%	3.93%	3.56%
Sport Court (sq. ft.)	NA	2,591	NA
On-Site Parking	Total 3	Same	3
	Garage 2		
	Uncovered 1		
Stories (Open Air "Porch")	NA	2	3
Height (Open Air "Porch")		29 feet	35 feet
Zoning	R-1-H	Same	NA
Flood Zone	X (not a flood zone)	Same	NA

Project Description

The proposal is to construct a 510 square foot, free-standing, open air "porch" with a 65 square foot half bathroom and a 65 square foot wet bar and an attached 2,519 square foot sport court. The proposed open air "porch" and sport court would be located adjacent to the existing 4,869 square foot residence. The "porch" would include a 65 square foot half bath, a 65 square foot wet bar and a fireplace. The "porch" would be open, except for the walls enclosing the half bath and wet bar. The "porch" would have a 5:12 pitch roof and be approximately 29 feet high and include storage areas in the lowest level.

The sport court would be 50 feet by 50 feet with a concrete deck and a 3.5 foot high cedar railing. The sport court would be constructed with concrete piers and steel grade beams. Its height to the top of the railing would be 16.5 feet from average grade, 34 feet 1 inch from the lowest point of grade and 8.5 feet from the highest point of grade. In addition, the proposed sport court would be engineered to support the load of vehicles for parking and could be used as a fire truck turn-around. A storm water storage tank is proposed to collect and use all run-off from the "porch" and sport court for landscape irrigation. No lights are proposed for the sport court.

The San Anselmo Municipal Code requires a grading permit application be reviewed by the Planning Commission if the project involves the movement of more than the 100 cubic yards of material. This project requires approximately 198 cubic yards of material to be excavated for the "porch" and sport court and approximately 148 cubic yards of material are proposed to be off hauled. The proposed off haul route is down Oak Avenue to Bolinas Avenue to Sir Francis Drake Boulevard and then to the yet undetermined transport site. The applicant estimates the project would require the off-hauling of approximately 148 cubic yards of material or approximately 15 truck loads.

The proposed exterior colors and materials of the open air "porch" include wood siding, trim and asphalt shingles to match the existing residence. The sport court will have a blue-gray concrete finish, wood cedar railing and wood lattice with vines to screen the support structure.

A total of 15 trees, all Bays except for one Palm, are proposed to be removed (Sheet A1.2). Trees that are proposed for removal would be replaced per the minimum required tree replacement ratio of 1:1 for Bay and Palm trees. New landscaping is also proposed between the new open air "porch" and the existing driveway and between the Oak Avenue Trail and the open air "porch".

A shade study was not required because there are no residences whose natural light would be impacted by the proposal.

II. REQUIRED FINDINGS

Hillside Design Review

To approve the Hillside Design Review application the Planning Commission must make each of the following findings:

1. *The project is functionally and aesthetically compatible with the existing improvements and the natural elements in the surrounding area.*

The 510 square foot, free-standing, open air "porch" with a 65 square foot half bathroom and a 65 square foot wet bar and an attached 2,519 square foot sport court is not functionally and aesthetically compatible with the existing improvements and the natural elements in the surrounding area. A porch is commonly defined as an exterior appendage to a building, forming a covered approach or vestibule to a doorway. The proposed "porch" is not attached to the main residence and is a stand alone structure with a half bathroom and wet bar.

The intent of the R-1-H zoning district is to *...preserve and maintain the natural land forms and vegetation of the Town's primary ridges and ridge zone areas by limiting development as defined by the Town's General Plan...and to recognize and work in concert with the environmental opportunities and constraints of these unique and sensitive areas. The General Plan accomplishes these goals ... by providing for a thorough and tiered review and approval process for new development on undeveloped land, for certain reconstruction of existing development, and for certain expansions of existing development.* The intention of the hillside floor area ratio requirements is to ensure quality exterior design which will result in a low visual profile.

Table 4E, footnote #1 of the San Anselmo Municipal Code–10-3.411 (attached) states: *Adjusted Floor Area is defined as the gross exterior floor area (as measured from the exterior framing of the outside wall) in the main dwelling PLUS:*

- (a) Any garage space after the first 500 square feet;*
- (b) Any enclosed accessory buildings; and*
- (c) Any potential living space with minimum dimensions of 8 feet by 10 feet and 7.5 feet head room.***

Staff has made the determination that the proposed 510 square foot (± 32 feet by ± 19 feet) open air "porch" area (not including the half-bath and wet bar) qualifies as potential living space as defined in footnote #1 of Table 4E and therefore should be counted as adjusted floor area. This determination was communicated to the applicant early in the application review process. Including this area with the areas of the proposed half-bath, wet bar and the existing house, results in a total floor area of 5,509 square feet which is 509 square feet over the maximum area allowed by the San Anselmo Municipal Code. The goal of the hillside floor area ratio ordinance is to limit the bulk and mass of structures beyond the limitation imposed by setbacks and height limits. This is especially true of residences on large lots where the total floor area would have

no limits, except for setbacks and height, if a floor area ratio had not been established. Specifically, footnote #1 of Table 4E addressing potential living space, was adopted to prevent the creation of areas that could easily be converted to living space after the home had been constructed.

Staff is not able to make this design review finding.

2. The project provides for protection against noise, odors and other factors which may make the environment less desirable.

Once the construction is complete, the proposed project should not create any odors which would make the environment less desirable. Lights are not proposed for the sport court and will require design review if they are proposed in the future. Noise generated from the sport court may be a factor for hikers using the Oak Avenue Trail. However, this would be a temporary impact until the hikers are out of range.

3. The project will not tend to cause the surrounding area to depreciate materially in appearance or value or otherwise discourage occupancy, investment, or orderly development.

The project could cause the surrounding area to depreciate in appearance. The large 50 by 50 foot sport court, though not visible from neighboring parcels, will be visible from the Oak Ave Trail. While staff believes the sport court is unsightly, we are unaware of any evidence that it would cause the surrounding area to depreciate materially in appearance or value or otherwise discourage occupancy, investment, or orderly development.

4. The project will not create unnecessary traffic hazards due to congestion, distraction of motorists, or other factors and provides for satisfactory access by emergency vehicles and personnel.

The sport court is proposed to be designed to accommodate a fire truck turnaround, which will be beneficial for emergency access. During construction, the contractor will be required to adhere to the rules and regulations regarding safety and accessibility as well as the specific regulations of the Bald Hill Area Plan.

5. The project will not adversely affect the health or safety of persons using the improvement or endanger property located in the surrounding area.

Construction will be required to be in compliance with all adopted building codes thereby ensuring the health and safety of persons in or near the property.

6. The project has adequate screening.

The existing vegetation, including trees surrounding the site is extensive. All Bay trees that are proposed for removal are proposed to be replaced at a 1:1 ratio. No trees proposed for removal are heritage trees. The landscape plan submitted proposes the planting of 3 Western Redbud trees, 11 Pacific Wax Myrtle trees and 12 Strawberry trees between the Oak Avenue Trail and the proposed project. The landscape plan also includes planting 11 Coast Live Oak trees approximately 40 feet below the proposed sport court.

7. The selection of architectural features and colors enable the structure to blend with its environment and which results in a low visual profile.

The architectural features and colors of the open air "porch" are complimentary to the existing house and blend with the surroundings. The most visible part of the 50 by 50 foot sport court, the blue gray concrete deck, though not visible from neighboring parcels, will be visible from the Oak Avenue Trail and is not typically found in hillside residential areas. If the sport court area is used for parking or storage the area could become even more visible.

Staff is not able to make this design review finding.

8. The project will not be materially visible offsite.

Based on the story poles and the plans submitted, the project will be visible offsite from the Oak Avenue Trail.

Staff is not able to make this design review finding.

9. The project is of a scale, intensity and design that integrates with the existing character of the surrounding neighborhood.

The 510 square foot, free-standing, open air "porch" with a 65 square foot half bathroom and a 65 square foot wet bar and an attached 2,519 square foot sport court are not of a scale that integrates with the existing character of the surrounding neighborhood. The total floor area of the open air "porch" and existing home exceeds the maximum square footage allowed by the hillside floor area ratio requirements by 509 square feet. At its highest point the sport court is proposed to be 34 feet above grade and is not integrated with the existing contours. The sport court is about the size of a typical tennis court. Staff is not aware of any other sport courts of this size in the surrounding neighborhood.

Staff is not able to make this design review finding.

Grading Permit

To approve the Grading Permit the Planning Commission must make each of the following findings:

1. The health, welfare and safety of the public will not be adversely affected.

Although staff is recommending denial, if the Planning Commission can make the findings to approve the project, it is not anticipated that the health, welfare and safety of the public will be adversely affected by this project beyond some temporary disruption during construction.

2. Adjacent properties are adequately protected by project investigation and design from geologic hazards as a result of the work.

Although staff is recommending denial, if the Planning Commission can make the findings to approve the project, adjacent properties will be protected against geologic hazards as a result of the grading. A soils study and approval by the Public Works Director will be required at the building permit submittal.

3. Adjacent properties are adequately protected by project design from drainage and erosion problems as a result of the work.

Although staff is recommending denial, if the Planning Commission can make the findings to approve the project, the project will not significantly change any local drainage patterns because, as in Finding 2, the Public Works Department will require a drainage study at the building permit phase. Public Works staff is concerned about the proposed increase in impervious areas and the steepness of the hillside. A tank for stormwater catchment and irrigation is proposed in the submitted plans. Staff has advised the applicant about the incongruous roles of irrigation water storage and flood water attenuation in these systems, and will require additional measures such as bioretention. Retaining wall footings and bioretention planting soils will increase the cut and fill volumes. Erosion concerns are addressed in Finding 7.

4. The amount of excavation, grading, or fill proposed is not more than is required to allow the property owner reasonable beneficial use of his or her property.

The amount of excavation, 198 cubic yards, 148 cubic yards of which will be off hauled, is more than is required to allow the property owner reasonable beneficial use of his or her property. The 3.2 acre parcel is already developed with a 4,869 square foot residence, a ± 500 square foot pool and ± 3,000 square foot terrace and yard.

Staff is not able to make this grading permit finding.

5. The visual and scenic enjoyment of the area by others will not be unreasonably adversely affected by the project.

The most visible part of the 50 by 50 foot sport court, the blue gray concrete deck, though not visible from neighboring parcels, will be visible from a small section of the Oak Avenue Trail and is not typically found in hillside residential areas. The grading work itself will not have an unreasonably adverse affect on the visual and scenic enjoyment of the area.

6. Natural landscaping will not be removed by the project more than is necessary and that any removed vegetation will be replanted in a timely manner.

The existing vegetation, including trees surrounding the site is extensive. Although staff is recommending denial, if the Planning Commission can make the findings to approve the project, all Bay trees that are proposed for removal will be replaced at a 1:1 ratio. The landscape plan submitted proposes the planting of 3 Western Redbud trees, 11 Pacific Wax Myrtle trees and 12 Strawberry trees between the Oak Avenue Trail and the proposed project. The landscape plan also includes planting 11 Coast Live Oak trees approximately 40 feet below the proposed sport court. Natural landscaping will not be removed beyond what is required by the Ross Valley Fire Department as part of the approved vegetation management plan.

7. The time of year during which construction will take place is such that work will not result in excessive siltation from storm runoff or prolonged exposure of unstable excavated slopes.

If this project is approved by the Planning Commission, construction which disturbs soil will only be permitted between April 15th and October 15th to reduce the likelihood of erosion and siltation from storms. Staff has concerns about the effects of heavy machinery on the steep hillsides below the sport court and will require erosion control measures and/or permanent landscaping for a building permit.

8. The proposed excavation, grading, or fill does not violate the Town's General Plan or Zoning Codes.

The proposed excavation, grading and fill are not specifically addressed in the Town's General Plan. However, because staff is not able to make finding #4 above, the proposed excavation, grading and fill does violate the Town's Excavation, Grading and Erosion Control Ordinance, which is part of the Town's Municipal Code.

Staff is not able to make this grading permit finding.

9. *Sufficient erosion control measures will be employed to offset any impact by the proposed excavation, grading, or fill.*

Although staff is recommending denial, if the Planning Commission can make the findings to approve the project, a complete erosion control plan will be required at the time of building permit submittal. The plan will be reviewed by town staff to assure it meets all town erosion control requirements.

Staff is not able to make four of the nine Hillside Design Review Findings and two of the nine Grading Permit Findings and, therefore, is recommending denial of the project.

Prepared By:

Phil Boyle
Senior Planner

Attachments:

1. Section 10-3.411 Table 4E of the San Anselmo Municipal Code
2. Application and Supplemental Questionnaire
3. View Study/Photo Map
4. Materials Board
5. Photos of Existing Conditions
6. Construction Management Plan
7. Plans

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TOWN OF SAN ANSELMO PLANNING COMMISSION MEETING DECEMBER 17, 2012

COMMISSIONERS PRESENT: Chair Sisich, Co-Chair Brasler, Commissioners House, Krebs, Overberger, Zwick

COMMISSIONERS ABSENT: Commissioner Swaim

CALL TO ORDER

Chair Sisich called the meeting to order at 7:00 p.m.

OPEN TIME FOR PUBLIC EXPRESSION

Arianna Van Meurs, Bolinas Avenue, representing the Bolinas Avenue Neighborhood Association (BANC), discussed the San Francisco Theological Seminary's Master Plan, noting that the Seminary is slated to appear before the Planning Commission with regard to a design review application at a later date.

Van Meurs distributed photographs taken during the recent storm documenting storm water drainage issues on Bolinas Avenue. She acknowledged that Public Works Director Sean Condry has spearheaded a project on Oak Avenue, which has mitigated much of the drainage; however, Bolinas Avenue continues to endure significant flooding.

Efforts to engage the Seminary in discussions to resolve drainage issues have failed. Van Meurs is aware that frontage improvements will be required of the Seminary and believes resources should be directed toward the drainage issues, as well as the traffic safety issues, noting that a number of pets have been lost and that there have been a number of near misses involving members of the Cedars assisted living community.

Van Meurs plans to return to the future meeting at which the Seminary's design review application will be discussed.

PLANNING DIRECTOR'S REPORT

Interim Planning Director Diane Henderson noted that the next meeting of the Planning Commission is scheduled for January 7, at which time removal of the building at 535-541 San Anselmo Avenue and the subsequent construction of a park at that site will be discussed.

Henderson added that the Seminary's design review application may or may not be discussed at the following meeting on February 4, depending on whether or not the applicant has completed the proposal.

Henderson thanked the Commissioners for their efforts in the past year and observed that there are several large projects slated for the forthcoming year.

PUBLIC HEARING ITEMS

CONSENT AGENDA

Minutes of Planning Commission Meeting of November 19, 2012

M/s, House/Zwick, to approve the minutes of the November 19, 2012 Planning Commission meeting.

AYES: Brasler, House, Krebs, Overberger, Sisich, Zwick
NOES: None
ABSTAIN: None
ABSENT: Swaim

REGULAR AGENDA

DR-1209, GP-1205, John and Kim Lewis, 610 Oak Avenue, 007-154-02: Hillside design review for plans to construct a 510 square foot free standing open air "porch" with a 65 square foot half bathroom and a 65 square foot wet bar. The project also includes plans for the construction of a 2,519 square foot sport court. A grading permit is also requested to excavate over 100 cubic yards of material. The project site is located in the R-1-H zoning district and within the Bald Hill Area Plan (Staff person: Boyle).

Senior Planner Phil Boyle circulated a color and materials board provided by the applicant and noted that several emails from neighbors supporting the project had been circulated. He further noted the inadvertent omission of the last finding with regard to the grading permit from the original staff report and made this available to the Commissioners. Boyle was able to make the finding and confirmed that it does not affect staff's recommendation on the project.

Boyle presented the staff report.

Boyle is recommending denial of the project because he cannot make the findings for design review and grading. He informed the applicants several months ago that he did not believe he would be able to support the project.

Commissioner House asked if a letter regarding the project had been received from the Fire Department

Boyle responded that a standard memorandum had been received indicating that the Fire Department had no objection to the project being heard by the Planning Commission.

Commissioner Zwick asked if the 9th finding for the grading permit application was required of all Town projects.

Boyle confirmed that this is correct.

Zwick asked for clarification that sufficient erosion control measures would be required if the project were approved.

Public Works Director Sean Condry confirmed that this is the case.

Commissioner Krebs asked Boyle if he had received any indication of opposition to the project.

Boyle responded that there was no indication of opposition to the project.

As there were no further questions for staff, Sisich invited the applicants to respond.

Designer Wendy Posard distributed information including photographs and plans.

Sisich asked if the distributed photographs and plans had been reviewed by staff.

Posard responded that these items have not yet been reviewed, explaining that in response to the Planning Department's concerns about creating potential living space, as well as the Public Works Department's concerns about the amount of grading, her clients are now proposing to eliminate their plans for the covered porch and to move forward with their proposal for a sport court and enclosed space to accommodate garbage and bicycles.

Posard indicated that the change in plans represents a decrease in the amount of excavation and suggested that it may be possible to redistribute (as opposed to off-haul) the excavated soils to another area of the site. She added that the proposed blue grey concrete deck of the sport court can be replaced with concrete in earth tones. Further, new plans for the open air porch have reduced that feature by two thirds and mature screening is planned for the vicinity.

Posard observed that Google maps reveal many neighboring properties with visible cantilevered parking structures similar to the one proposed by her client and noted several examples of large pools and hardscaped areas built with grade beams and piers throughout the area. The applicant's neighbor has a sport court that is larger than the one he is proposing.

In conclusion, Posard addressed each of the negative findings in Boyle's report in light of the revised proposal she presented. She introduced John Lewis, the property owner.

Lewis is seeking a flat, fenced area in which his young children and the children of his neighbor can play. Further, a simple 8 x 10 structure in which to store garbage away from the house and out of reach of wild animals, as well as ample parking to augment his existing two car garage and steep slope, are desired.

As it has been indicated that the proposed sport court would be visible from the nearby Oak Avenue Trail, Lewis noted that he has been willing to work with community members, including the Open Space Trust and he does not believe the improvements are visible or will impede any one's enjoyment of the trail. Further, Lewis noted that the trail is a limited access easement.

Lewis added that all neighbors consulted have approved the project, and that his home has the second smallest footprint on Oak Avenue in terms of lot size, parking area, and home square footage. He further observed that the original Bald Hill agreement encourages non-intrusive parking.

In conclusion, Lewis stated that fire safety is important to him and he believes that living on a ridge where fire can approach quickly makes it constructive to insure that fire trucks can reach the property, noting that Section 7 of the Bald Hill Plan indicates that access for firefighting equipment is equally important to visual aesthetics.

Sisich observed that the proposal presented by Posard and Lewis is different from the one addressed in Boyle's staff report.

Boyle confirmed, explaining that when the applicants expressed interest in revising the original project late in the previous week, he had advised them that the public notice had already been

posted with regard to the original project and that staff had no means by which to redirect review to a revised project. To date, the revised project has not been reviewed by staff.

Henderson confirmed that Boyle has been working with the applicant on the original proposal for 11 months and that throughout that time she and Boyle have been in agreement that it does not meet the necessary findings. Henderson added that this is the first time in her 3 year tenure with the Planning Department that a project with a recommendation of denial has been brought to the Commissioners. After numerous attempts to persuade the applicants to generate a revised plan, it was only after the publication of Boyle's staff report that the applicant has acquiesced and revised the project.

Henderson concluded that if the applicant wishes to proceed with the revised plan, fees will need to be paid, the project will be taken through the necessary channels, including review by the Public Works and Fire Departments, and then it will return to the Planning Department for the generation of a staff report.

Discussion ensued regarding the cost recovery nature of staff's review process and the alternative ways in which the revised project may return to the Commission for review.

Krebs questioned the wisdom of reviewing the submitted project when the applicant has indicated a desire to proceed with a different plan. He suggested asking the applicant whether he would prefer to continue the matter in order to submit the revised plan to staff for review in the conventional manner.

Henderson agreed with Krebs, noting that his suggestion is not different from what staff has been attempting to accomplish with the applicant. If the applicant has no intention of building what is before the Commission at the moment, it is not a good use of the Commission's time to continue the current discussion.

Overberger agreed with Krebs, understanding that staff has been working with the applicant on the original submission for nearly a year. She asked if there was any value in spending some time discussing issues around the project that are important to each of the Commissioners.

Overberger noted that she is concerned with exceeding the maximum Floor Area Ratio (FAR); other Commissioners may have other concerns and informing the applicant of these concerns might be beneficial in revising the project for resubmission.

Brasler cautioned that the applicant may be abandoning the open air porch portion of his original project under the assumption that the Commission will support staff's recommendation of denial of the project; he does not wish to proceed under that assumption.

Sisich agreed that the way to proceed is to make sure all public comments are received, close the public hearing, and have the Commissioners give their opinions, which might inform the applicant's decisions going forward.

Kelly Murphy, Oak Avenue, feels the applicant's project is important to her as a neighbor in light of the risks her family shares with the applicant's—very different risks from those of property owners who are closer to emergency services. Should there be a wild fire, having the space created by the applicant's project as a staging area for emergency vehicles is encouraging. Further, Murphy is appreciative of the applicant's family as an addition to the neighborhood and

she values the way in which the applicant approaches his project in terms of the needs of the community.

A brief discussion ensued regarding the elements included in Boyle's calculation of FAR for the original proposal, what the calculation for FAR would look like for the revised project, and aspects of the proposal that may not be included in FAR but that do contribute to bulk and mass.

Zwick asked Condry if he has reviewed the proposed off-haul of soils for the project.

Condry indicated that he has considered the amount of grading that has taken at the property cumulatively. He added that this proposal is the first instance in which he feels the relatively new grading ordinance has come into play. He explained further that this kind of hillside cutting and filling is precisely the kind of activity the grading ordinance attempts to address. Condry concluded by explaining that he asks for rough cut and fill calculations when a project is being reviewed at the planning stage. At the building permit application stage, he asks for precise numbers and examines these more closely.

The applicant interjected to suggest that if grading is not allowed, an alternative method of attaining flat space would be to gate the limited access easement on the Oak Avenue trail; he added that this is not his preferred manner of proceeding.

Zwick asked the applicant to define "limited access easement."

According to the applicant's understanding of the original Bald Hill Agreement, with regard to trails such as the Oak Avenue trail, property owner's rights precede Open Space Trust rights. The applicant listed restrictions placed on the use of the easement, including but not limited to a prohibition against the Town promoting the space, a prohibition against the space being included on maps, the requirement of cyclists to either observing a 5 mph speed limit or to walk their bikes, etc.

Brasler asked for clarification as to where the easement begins and ends.

Murphy indicated a portion of the trail that fronts the applicant's property, explaining that access is not guaranteed for this portion of the trail.

House noted that on a visit to the applicant's property, she observed a flat front yard and suggested it would be an appropriate area for children's play.

The applicant responded that it is very difficult to accommodate visitors' parking needs because of the lack of useable parking space.

House clarified that the impetus for the project was to address the parking issue and that solving this problem afforded an opportunity to create and use more hardscape for a children's play area.

The applicant confirmed House's clarification.

Sisich closed the public hearing.

Zwick asked Boyle if the Open Space Committee had provided a recommendation regarding the project.

Boyle responded that the Open Space Committee neither strongly objected to nor strongly supported the project.

Zwick asked Boyle to determine if the existing hillside properties with cantilevered flat spaces in the vicinity of the applicant's property were built before or after the Bald Hill Plan.

Brasler asked Boyle how close staff and the applicant have come to reaching a consensus on a project that would have garnered a positive staff recommendation to the Commission.

Boyle explained that the original plan has not changed significantly over the past 11 months, commenting that most of the discussions related to defining FAR and potential living space.

As there were no further questions from the Commissioners, Sisich asked who would like to start in voting on the original project under review.

Overberger considers even 100 cubic yards of off-haul to be excessive; therefore, she cannot make the findings for the grading permit in that regard. Further, the 5000 square foot cap instituted under FAR restrictions attempts to address the very type of bulky design element proposed in this project and, for that reason, she cannot make the finding in this regard either. Because of those two issues, she would not be able to support the original project as presented.

Krebs largely agreed with Overberger's comments. There are different ways to look at the limited access easement and just exactly what the rights of the hikers are in this regard; further, whether or not issues related to the easement and hikers' rights are important or material to the current discussion is a more complex issue. Krebs declined to weigh in, noting that he would probably err on the side of appreciating the fact that hiking access is granted. Perhaps any negative impacts on hikers' views of the project are mitigated by the fact that they are granted access to the trail.

With regard to grading, Krebs would look more favorably on the project if the amount of grading and off-haul are reduced. With regard to FAR, he would not want to set a precedent of exceeding that regulation's limits. At first glance it appears there is no FAR conflict with the revised proposal.

In conclusion, Krebs would probably make a motion to continue the hearing so that the applicant can have an opportunity to resubmit the project. He would probably be able to support the project if the two issues of concern to him are satisfactorily addressed.

House agreed with the comments of Overberger and Krebs; she shares their concerns with regard to excavation and FAR limits. She posed the question of whether or not the Commission would be happy with the large parking pad that is proposed, assuming the issues of excavation and FAR are satisfactorily resolved.

Further, House is in favor of creating a turn-around for fire trucks, although she is uncertain as to how a fire truck would access the property given the 90 degree turns that are required to do so.

In conclusion, she is concerned about the bulk of the proposed parking pad.

Zwick agreed with the comments of Overberger, Krebs, and House. Specifically, he is in favor of the fire truck access; however, like House, he is dubious with regard to a fire truck's capability of making a three point turn on the proposed pad as designed. Zwick suggested the applicant secure a letter confirming that the Fire Department prefers the current design.

House added that she would also like to see a letter from the Fire Department confirming that they would have full access to the parking pad. When she considers the narrow road and the curve into the driveway itself, House has difficulty envisioning a fire truck gaining access.

Henderson pointed out that if the Fire Department intends to use the pad as a turn-around, the pad would need to be signed and marked for no parking, which conflicts with the applicant's goal of creating more parking spaces.

Zwick suggested that the potential conflict can be worked out with the Fire Department, noting that it is possible to widen the space/ easement so that two trucks can pass one another.

With regard to grading and off-haul considerations, Zwick observed that a lot of terracing and cut and fill have already occurred on the site. He suggested that, nevertheless, it might be useful to consider the project in terms of how many cubic yards per square foot of designated FAR-inclusive space are involved in the construction of the proposed garbage container structure. The sport court is not a factor in the FAR calculation, so the impact on FAR should be minimal.

Zwick added that when the project returns for review, he will be looking at the applicant's efforts to place the sport court aesthetically; specifically, he will look at whether or not the court is contoured with the ground, whether it is on the ground or not, and whether or not the Fire Department can actually use it.

Brasler believes it is important to respect the FAR limit. With regard to the issue of off-hauling significant amounts of soil, he suggested the applicant dig four additional piers and build a vegetable garden, thus keeping the soil on site. He has no concerns with respect to the visibility and believes there is adequate screening. In conclusion, he believes that if staff approves the revised project, he will be able to support it as well.

Sisich appreciates the efforts the applicant's team has put into the proposal and reminded all that hillside living is a lifestyle choice. He supports the staff on the original project. If staff supports the revised project, Sisich will support staff's decision.

Henderson asked for clarification with regard to the Commissioners' positions on the amount of cut and fill vs. the amount of off-haul. Most of the Commissioners are concerned with earth moving in general, including both cut and fill and off-haul.

M/s, Brasler/Zwick, to continue to a date mutually agreeable to staff and the project applicant to refine the project, based upon the project applicant's agreement to a one-time, 90-day, extension.

AYES: Brasler, House, Krebs, Overberger, Sisich, Zwick
NOES: None
ABSTAIN: None
ABSENT: Swaim

ITEMS FROM PLANNING COMMISSION

Henderson announced that Planning Commissioner David Swaim has been appointed by the Town Council and was sworn in. Hopefully he will join the Commissioners at the next meeting.

In an effort to assist the Bolinas Avenue residents and to address concerns of theirs, Krebs asked if there are any means whereby the Seminary's forthcoming proposal can be made available before the planning packet is officially released.

Discussion ensued with regard to ways of gathering and disseminating information concerning the Seminary's proposal in a way that would be helpful to the neighbors.

In response to Commissioners' various concerns, Henderson confirmed that the Seminary's design review proposal will be brought before the Planning Commission in segments. She noted that drainage information has been submitted.

Further, Condry has been actively working with the Bolinas Avenue neighbors, as well as the Towns of Ross and San Anselmo, in looking at the project in the context of a larger picture. All are working to determine reasonable requirements of each party. Henderson concluded by stating that she will ask Boyle to call the Seminary and urge them to listen to the comments expressed by the Bolinas Avenue neighbors at the current meeting. She is hopeful that the two parties will enter discussions.

Condry confirmed that there are many facets to the drainage issue in the Bolinas Avenue area and that he is working to address the challenges by working with all parties involved. Additional funding has been acquired and he has a meeting scheduled with Ross Public Works Director Bob Hemati to discuss a course of action.

Discussion ensued with regard to the schedule of hearings for forthcoming projects.

ADJOURN TO THE MEETING OF JANUARY 7, 2013

Chair Sisich adjourned the meeting at 8:50 p.m.

Respectfully submitted,
Nancy Harris