

## THE PLANNING COMMISSION MINUTES OF AUGUST 8, 1988

The special meeting of the San Anselmo Planning commission was called to order on August 8, 1988, at 7:00 p.m. in the Council Chamber by Chairman Hayes. Staff present: John Kottage, Director of Public Works and John Roberto, Planning Consultant.

Commissioners Present: Harle, Manning, Julin, Sias, Kroot, Yarish, Hayes

John Roberto gave the following overview of his interpretation of the direction the Commission gave staff at the previous meeting: 1. The basis for the land Use Element Map should be the current land use in Town and there was agreement that the existing zoning map best reflected current land use. 2. create a "mixed residential zone" in the downtown area thereby eliminating the need to break up the unique existing residential use in this area. The concept is to have a general mixed residential land use area shown on the General Plan Map and then to have a more detailed map that shows the existing breakdown of land use within said general area. 3. That existing land use which is not consistent with the proposed land use categories, will be grandfathered. The Town is not going to create new islands, but will retain some of the existing small islands which will become legal nonconforming. 4. To have special protection for the undeveloped lands which are within the conservation zone, which is more specifically identified as Town land above the 150' elevation.

The "Land Use Alternative 2" map presented at this meeting was developed based on the first 3 of the above 4 Commission guidelines. In addition, staff has prepared an additional map that delineates those lands above 150' elevation to aid in the discussion of policy related to hillside property.

John Kottage presented the map that reflects those lands of 150 feet and above, stating that the areas in green are the vacant lands which are zoned R-1H, the dark green lines are the 150' elevation and the parcels in blue are the vacant lands above 150' which are not in the R-1H zone. Some of the parcels zoned R-1 and shown in blue, are quite small and may be very difficult to build on. Some observations staff has made is that there are roughly 67 units remaining on R-1H vacant lands, approximately 140 vacant R-1 lots exist above 150', some of which may not be developable, roughly 1/2 of all the Town area is above the 150' elevation and approximately 1/3 of all the Town's lots are above the 150 foot elevation.

Mr. Kottage stated that many of these sites have not been developed in the past because they are difficult sites. Because of the difficulty of these sites, both the Planning and Building permit process for these sites will be time consuming and will cause a significant impact, on both staff and the Planning Commission. This burden will be made much greater should an R-1H type process be expanded to include these sites.

Paul Gutfreund, 216 Oak Springs, stated there was another vacant parcel that was above the 150' elevation that was not included on the map that has staff presented.

Johnathan Braun, 479 Scenic, spoke of a conversation with a Planner in Larkspur on their extensive method of reviewing hillside parcels.

John Roberto said that he wrote the ordinance for Larkspur. The Larkspur ordinance related to the steepness of the slopes, not elevation. Larkspur has a density regulating mechanism to trigger design review measures which address

## THE PLANNING COMMISSION MINUTES OF AUGUST 8, 1988

the very visible, lower lying sites. San Anselmo is concern is more related to the upland slopes.

Johnathan Braun, 479 Scenic, said Larkspur also had another criterion that limits lot coverage to 40%.

John Roberto noted that Larkspur is slightly smaller than San Anselmo and has a much larger Planning staff than San Anselmo with which to implement their policies.

Chairman Hayes said that the Planning Commission's charge must be to recommend what it sees as the best planning approach for the Town to take regarding a hillside design review process. It must be left to the Town Council to make the appropriate fiscal decisions regarding this matter.

Chairman Hayes asked what Alternate Map 1 was.

John Roberto said the main difference between "Alternate Map 1" and "Alternative Map 2" was the breakdown of residential land use in the downtown area. After receiving Planning Commission guidance at the previous meeting he and John Kottage did a field check to more accurately determine existing land use. From that field check and from the existing zoning map Alternative Map 2 emerged.

Alternative Map 2 now shows a new area (light brown color) that places a variety of residential uses in and around the downtown area in a single downtown mixed residential designation. There will be a second, subsidiary map developed that further defines the details of actual downtown mixed residential use.

Mr. Roberto noted that "Alternative Map 2" shows that the R-3 zone area on Hazel has been reduced to reflect current R-1 use. This map does call for some expansion of R-2 area, although this expansion is limited. It also addresses the small islands that can be grandfathered. It shows both the R-1H parcels and the larger R-1 parcels that are less than an acre as very low density residential but it does not extend this designation to all the parcels above the 150' elevation. This very low density designation could be the new limits of the expanded design review process that is being discussed. The criteria for inclusion in the very low density designation was based on the existing pattern of land in the hillside areas, the size of the lot and the vacant land use survey map.

Chairman Hayes said that the current General Plan indicates there can not be more than one unit per acre in the conservation zone area (i.e. above 150 foot elevation) so that would cause all existing parcels in the conservation Zone to be one unit maximum even if they were less than one acre in size. The larger blue parcels would have the same number of units as the smallest. There is inconsistency because the R-1 parcels under an acre in size only have to have a lot size of 7,500 square feet in order to qualify for a unit. This is inconsistent with the General Plan. If we went with the "Alternative Map 2" the only cap on existing R-1 lot size would be the 7,500 square feet minimum. However the Town could place a statement in the Land Use Element of the General Plan to only allow one unit per acre.

Johnathan Braun emphasized that the importance of regulating the lots above 150' elevation level involves environmental impact as well as density. He noted that there are some very small lots in this area which are controversial and he advocated requiring design review for all lots above the 150' elevation.

John Roberto said that density controls as described by Chairman Hayes would change in the hillside conservation

zone, in that the 1/2 acre parcels not picked up in the Alternate Map 2 would be governed by R-1 requirements. Therefore establishing the 150' elevation requirement would be best.

Chairman Hayes stated that he felt special protection is needed for all hillside areas. He wondered if a specific policy was necessary. Perhaps a general statement was all that was needed at this time with implementation details to follow at a later step.

John Kottage noted that the Commission made a proposal at the first General Plan meeting which said that "Hillside and ridge policies in this plan may be applied to other hillside lands when appropriate to meet the goals of the hillside protection as set forth in this plan". The Commission may choose to adopt a policy that spells out the 150' contour, set the tone, but leave the details to a later time.

Commissioner Yarish thought that this general language leaves a lot of uncertainty as to what the extent of the restrictions are. He wondered what the impact on staff and the Commission would be with so much uncertainty.

Commissioner Yarish asked at what time in the process must the details of any new design review process take form. Mr. Roberto said it will have to take place in the upcoming zoning ordinance revision.

Mr. Kottage said that Mr. Roberto has an existing contract with the Town to revise the zoning ordinances once the General Plan is complete. These revision are to be complete within one year.

Commissioner Yarish felt that this time table allows for closure within a realistic time frame.

Commissioner Kroot would prefer a more specific plan now to reduce uncertainty, although perhaps it could be done at a later date.

Commissioner Sias felt that he would like clarity now, and did not feel the Town could wait a year.

Commissioner Harle felt that the hillside conservation zone should be defined as 150' above mean sea level and that the R-1H zone should be defined separately within it, retaining the definition of one unit per acre or less for R-1H, and setting a separate design review criteria for the other lots within its boundary. However, he would like to find a way to carefully define design review so that is equitable to all applicants. Further, he strongly objects to infringing on the rights of the property owners to the extent that individuality is lost, he does not feel the Commission should become involved in the small details of design and the Commission should not be involved in color selection.

Commissioner Julin would like to see a simplified design review process for those houses which are in the hillside conservation zone but not in the R-1H zone.

Commissioner Manning would like to have clarity on the hillside policy now, stating that there will be a risk of not having uniform enforcement if the policy is not clearly defined at the General Plan stage.

Chairman Hayes suggested the following: 1. Define the hillside Conservation Zone as those lands above the 150' elevation 2. Place a density cap of 1 house per acre on the lots within the Conservation Zone. 3. Make a general statement of philosophy that those lands in the conservation

## THE PLANNING COMMISSION MINUTES OF AUGUST 8, 1988

zone warrant special protection in view of their visual and environmental sensitivity 4. Among the factors to be considered in providing this special protection should be design of property improvements. One implementation strategy would be to apply design review to every vacant parcel above 150'. That could create a large problem for staff and the Commission which may not be justified. Perhaps there could be a site check of each underdeveloped parcel and after the site check a determination made as to which lots need special protection.

Commissioner Yarish thought that the process should also include a review of drainage and street improvements.

Chairman Hayes thought that under the category of design review could be included a review of hydrology, slope stability, access and loss of vegetation.

Commissioner Yarish was not as concerned about the structural and soils aspect of the design because there are experts in these fields which are much more knowledgeable than the Planning Commission.

Commissioner Julin wanted to know what staff feels is the most time consuming part of the R1-H process. John Roberto explained the numerous steps involved. John Kottage said that the R-1H process places every aspect of development and design before Planning Commission, including the technical safety related question. The Planning Commission process is a very awkward and time consuming method of dealing with these type of issues.

Commissioner Sias thought the density issue can be solved by the establishment of the hillside Conservation Zone at 150' and by the adoption of the policy of limiting development to 1 unit per acre. He proposed that Design Review include a review of the following: 1. access to lot 2. bulk and height 3. retaining walls and visual impact. His major concern remains the design of the structure and there is no need for Planning Commission review of soils, hydrology or any other engineering matters.

John Roberto summarized the comments of the Commissioners as related to design review as follows: 1. Location of building 2. access to the building 3. visual impact 4. Design review of the structure with regard to bulk, height and mass 5. landscaping.

Commissioner Julin felt that the scale of the buildings should also be considered.

\*M/S Yarish, Manning, that there should be a new zone called the Conservation Zone that is defined as those lands above 150 feet mean sea level; that maximum density within this zone shall be 1 unit per acre; That this is a special area that requires extra protection due to its visibility, access and drainage problems. Accordingly, development in this area should be subjected to a design review process which will emphasize visual impact, access and drainage.

#### Discussion of proposed motion

John Kottage inquired about those homes in this zone which are already developed. He asked what controls, if any, will be required on expansion or modification of existing homes.

Chairman Hayes did not favor including the already developed homes.

Commissioner Harle said that too many requirements were being placed on homes in the design review process. The Commission has no expertise in hydrology or soils and

## THE PLANNING COMMISSION MINUTES OF AUGUST 8, 1988

therefore the Commission tends to require the maximum requirements. He thought soils and hydrology should be left up to staff expertise.

Commissioner Yarish did not want to get involved in all the hydrology issues for each parcel on a normal basis but wanted to have the option to become involved if necessary. He cited the review of 444 Scenic as an example of a project which had additional drainage requirements placed on it because of public input received during the Planning Commission review.

John Kottage stated that Public Works Department staff has the authority to impose drainage requirements on any new development within certain limits and said that the only additional condition associated with the 444 Scenic Planning commission review was the addition of the down drain on the opposite side of the road.

Johnathan Braun, 479 Scenic, noted that several years ago, the house at 500 Scenic was constructed without having to come before the Commission because it met all the set back requirements. It has had a number of drainage failures. If it had come before the Commission, perhaps those failures could have been eliminated.

John Kottage stated that the worst drainage problems in Town are located in the flat lands, not the hillsides.

Commissioner Kroot felt if the Commission was going to include drainage in design review then geology and soils requirements should also be added.

Chairman Hayes could not support the motion if it included all the parcels above 150 feet mean sea level elevation, i.e. both vacant and additions to existing homes. Also, he felt that design review should be primarily associated with visual impact and was not sure that the design review process needed to be defined in great detail at this stage.

Commissioner Harle asked if the R1-H requirements had to be altered or toned down because of this proposed expansion in the area subject to design review.

John Roberto said the Commission might want to continue to have a separate R-1H zone but expand the very low density designation to include all those parcels above 150 foot mean sea level and further to establish a separate design review process for this expanded zone, with this separate design review to include both health and safety issues.

\*M/S Yarish to amend previous motion to retain a separate R-1H zone and to restrict the design review on the expanded zone to vacant lands, with the new review to emphasize visual impact and health and safety issues.

Commissioner Kroot suggested including in the design review process, the expansion of existing homes which adds more than 30% to the floor space.

M/ Yarish to amend the previous motion to also apply to additions to existing homes in the very low density zone which add 30% or more to the existing floor area of the house.

Chairman Hayes was against using percentages without giving it further research.

John Roberto suggested the more general wording: "And design review may be applied to existing developed parcels".

## THE PLANNING COMMISSION MINUTES OF AUGUST 8, 1988

John Kottage stressed that under existing code requirements, the Town has a considerable backlog of work. Creating additional Planning review requirements, especially such a great expansion of the review process, given our already short staffed office, could only cause significant problems for all parties involved (applicant, Planning Commission, Town Council and staff).

John Roberto presented additional wording that the Commission might use: "Design review may also apply to existing developed properties above elevation 150 feet mean sea level if said review is necessary to protect the visual characteristics of the community".

\*M/S Yarish, Manning, to amend the previous motion with the wording as stated by John Roberto: "Design review may also apply to existing developed properties above elevation 150 feet mean sea level if said review is necessary to protect the visual characteristics of the community".

\*Ayes: Julin, Sias, Yarish, Manning, Hayes  
Noes: Harle

John Roberto presented an overview of the Alternate Map 2. This map reflects the guidelines of the Commission as stated in the last General Plan meeting, noting that as presented it is overlaid with the existing zoning map. He said the major changes were in the downtown area. Mr. Roberto also stated that there are three areas unique to San Anselmo that may want to be treated independently. They are the S.F. Theological Seminary, Sunny Hills School and St. Anselmo School.

All the Commissioners were in agreement that the new Alternate 2 map reflects their guidelines from the last meeting.

\*M/S Sias, Julin, to approve the Land Use Map labeled Alternate 2, providing that it is further modified to show the expansion of low density zone to include all land above 150 feet mean sea level.

All Ayes.

Item 8 - Land Use Element - "Reuse of Surplus Public School Lands"

Commissioner Kroot asked why policy 18.4 addresses potential commercial, and offices use of the school sites but not residential use. He feels that residential use should be included.

Commissioner Sias proposed that the future use of the sites stay similar to what the existing surrounding use is and this policy is already included in policy 18.3 on page 13 of the proposed General Plan amendment. Further, that a requirement be made that future use of the site not become a hazard to the neighborhood.

Commissioner Harle stated policy 18.3 on page 13 of the Proposed General Plan is appropriate wording. The intent of policy 18.2 is to protect the public interest in these lands by having the school district retain ownership.

John Roberto noted that if public schools are up for sale, public agencies get the first opportunity to purchase the land.

\*M/S Harle, Yarish, that a new policy 18.3 be created as follows: "that should the school district decide to sell surplus school sites, the Town shall seek means to ensure

that the property is retained in some form of public ownership." This policy should now become policy 18.3 and previous policies 18.3 and 18.4 should be come to 18.4 and 18.5 respectively.

All ayes.

Commissioner Julin felt that the worst case is to have the school property sold. She thought that all the use options should be left open but all proposals should be subject to a use permit.

Commissioner Manning Concurred with Commissioner Julin.

Johnathan Braun, 479 Scenic thought the wording in policy 18.4 speaks to leasing but not selling. How will this policy affect property that is surrounded by R-1 zoning?

John Roberto said policy 18.4 does not exclude residential use, it simply does not state it.

Chairman Hayes wanted to add the following: page 12, policy 18.2, add "public" before "ownership"; page 12, policy 18.4, delete "commercial".

Commissioner Kroot wanted to delete the following: page 13, policy 18.4, "commercial, office, or other".

\*M/S Hayes, Kroot, to approve wording of 18.4 to read: "To adopt an ordinance which would allow the School District to lease surplus school sites for possible educational, light commercial, office, or other use which can be found compatible with the existing use of land surrounding the surplus school site and the community as a whole.

all ayes.

\*M/S Hayes, Kroot to approve wording of policy 18.2 to read: "To encourage the School District to retain public ownership of surplus school site because of the physical and recreational assets that the site provides to the greater community."

All ayes.

#### Item 10 - "Annexation"

Commissioner's Sias, Harle and Kroot agreed with the proposed rewording found in the consultants memorandum.

Commissioner Julin would like to see rezoning and annexation done on a case by case basis and thought page 8, policy 8.1 should be changed from "Sphere of Influence" to "Urban Service Area".

Commissioner Sias asked what would happen if the County changed their zoning policy. The Town would then be locked into following the new County policy.

\*M/S Yarish, Harle, to delete wording on page 3 of the Consultant's memorandum under item 10: "...consistent with the current County zoning." and insert the wording "...no less restrictive than the current County zoning".

STAFF NOTE: (May want to change this to read "no less restrictive than the County zoning that exists at the time of the adoption of this General Plan amendment).

All ayes.

\*M/S Harle, Manning, on page 8, policy 8.4 of the proposed General Plan amendment insert "...contiguous to the Town limits"..before the words "prezoned by the Town"...

all eyes.

Item 11 "Second Units"

Commissioner Sias wanted to get an accurate count of all the second units in Town, both illegal and legal. He wanted to identify the illegal units and put them on the tax role.

Commissioner Harle said there was an attempt made to identify all second units in the past but it did not prove to be realistic to think that the illegal second unit owners would come forward. He also noted that the primary discussion of "Second Units" is properly found in the Housing Element and that an extensive second unit discussion should not be part of the Land Use Element. (The Commission appeared to reach a concensus that the second unit issue was properly handled in the Housing Element.)

Item 13 - "Reuse of Private School and Church sites "

John Roberto thought the Town might want to treat the S.F. Theological Seminary, St. Anselms school and Sunny Hills school sites differently because of the uniqueness of these properties. He said he will draft wording for the next meeting.

Johnathan Braun stated the Open Space Committee has proposed that the ridge that now belongs to Sunny Hills School become open space.

Commissioner Manning asked if there were specific deed restrictions for each of the properties discussed above.

Chairman Hayes said that these are large sites and any change in use would have a great impact in the neighborhood and the community.

\*It was the consensus of the Commission to review the consultant's draft of a new policy addressing reuse of private school and church sites at the next General Plan hearing.

Item 14 - Encouraging Rental Units"

John Roberto stated that the Town already has a condominium conversion ordinance and the rental unit issue is already addressed in the Housing Element.

\*It was the consensus of the Planning Commission that the draft General Plan Amendment not be revised as it relates to the Rental Unit issue.

Item 15 - "Height Limit"

John Roberto noted that there was a two story height limit proposed for the downtown area.

Chairman Hayes stated there should also be a statement in the General Plan that preserves historic commercial buildings.

Commissioner Sias felt that there should be a two story maximum height limit.

Commissioner Harle wondered if a building would be considered three stories if there was a parking structure located on the ground level, would that be the first story of a two story building?

Commissioner Yarish said that by limiting the height to two stories the Town would be limiting development potential.



## THE PLANNING COMMISSION MINUTES OF AUGUST 8, 1988

Developers obviously want to get the most out of their property.

Commissioner Harle thought there should be a two story limit, unless in the public interest would be served by going higher.

\*M/S Hayes, Sias to direct staff to add an additional issue addressing preservation of historic buildings , particularly in the downtown and other commercial areas.

All ayes.

\*M/S Sias, Julin to adopt the two story height limit.

All ayes.

Commissioner Kroot noted that residential units currently exist in commercial buildings.

Commissioner Harle said that most of the people who live downtown are attracted to the area because they do not have cars and everything is centrally located.

Bob Epifanio, 83 The Alameda, thought that residential use of the first and second floors of commercial buildings should be transition in commercial use.

M/S Sias, Julin, that the Town adopt a policy specifying that the existing commercial space in downtown be preserved for commercial use, further that the upstairs residential use may continue but no additional residential space be permitted in the downtown area

Commissioner Manning suggest wording as follows: that the ground floor use in commercial zones remain commercial and that it is the policy of the Town of San Anselmo that the downtown commercial area be preserved.

Commissioner Sias dropped his motion and concurred with the wording of Commissioner Manning.

\*M/S Manning, Kroot, that the Town of San Anselmo adopt a policy that the ground floor use of buildings in the commercial zones remain commercial and that it is the policy of the Town that the downtown commercial area be preserved as commercial use.

All ayes.

The General Plan meeting was continued to August 29, 1988 at 7:00 p.m.

The special meeting of the Planning Commission was adjourned at 11:30 p.m. to the next regular scheduled meeting of August 15, 1988.

Barbara Chambers  
Administrative Secretary/Technician