

PLANNING COMMISSION MINUTES OF MAY 31, 1988 1

The special meeting of the San Anselmo Planning Commission was called to order on Tuesday, May 31, 1988, at the Council Chamber by Commissioner Sias. Staff present, John Roberto. John Kottage, Director of Public Works, Planning.

A. ROLL CALL

Commissioners present: Yarish, Julin, Harle, Manning,
Sias

Commissioners absent: Hayes

B. PUBLIC HEARINGS

1. AR-6 - Quarry Mountain, Incorporated, Tomohawk Drive, Units 4, 5, 9 and 10, A/P Nos. 177-220-50, 177-250-40 and 177-250-41, review of siding and roof colors.

John Roberto presented staff report dated May 31, 1988.

Johnathan Braun, 479 Scenic, said the Commission was opposed to off white colors and has requested earth colors to be used. He is wondering why the applicant is suggesting such light colors. Also, the applicant has started shingling the roof without approval from the Commission.

John Kottage stated that Elliott and Burman acknowledged that the roof was done prior to approval from the Commission at the risk they may have to reroof.

Commissioner Yarish, thought 9, 4 and 10 on the color palate are fall colors and would work well. He thought number 5 with the blue trim would be inconsistent and too visible. Regarding siding, he was glad to see some variation and given the design and location are fine.

Commissioner Julin thought number 5 was far too light, 9,4 and 10 were more acceptable but monochromatic. She felt the shingles were acceptable.

Commissioner Harle felt all the colors seemed reasonable with the exception of number 5 with is far from earth tone. The roofing was not objectionable.

Commissioner Manning echoed Commissioner Harle.

Commissioner Sias felt number 5 was too light and it would stand out on the hillside. He would like to see darker, more earth tone colors. He felt the trim on number 9 was too light but had no objection to the siding.

Mr. Elliott apologized for having to proceed on the roofing without prior approval but felt they had no recourse and would be willing to reroof if the Commission found objection to their choice. He would like to have some latitude on the colors used.

Johnathan Braun, 479 Scenic, said this project is more visible than he originally thought and the colors proposed will just make the homes stand out more.

Commissioner Yarish felt he could be lenient in the colors Mr. Elliott uses as long as they did not get lighter.

There was discussion about Mr. Elliott experimenting with colors and then the Commission going to the site to make a decision but because of time constraints it was not feasible.

Commissioner Julin would approve 9, 4 and 10 and allow latitude in color range on these.

Commissioner Manning echoed Commissioner Julin.

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Commissioner Harle said that considering the time constraints he would like to see all the colors a little darker and warmer.

M/S Yarish, Julin to approve design review as submitted for Quarry Mountain lots, 4, 9, 10 as submitted as the siding choices; 4, 5, 9, 10 with the instructions that this color palate may be used to some discretion with the developer given that any other minor alterations to darker or more earth tones on the six approved colors. The roof materials as displayed are acceptable.

Ayes: Harle, Manning, Julin, Yarish
Noes: Sias

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

2. AR-6 - Quarry Mountain, Incorporated, Tomohawk Drive, Unit 7, A/P Nos. 177-220-50, 177-250-40 and 177-250-41, review of siting change for garage. WITHDRAWN.

3. PP-10\V-2209 - Lee Cole Properties, The Alameda, South of 443 The Alameda, A/P 177-250-54, proposed Resolution for Action as directed by Planning Commission for construction of a driveway within the existing easement to provide access to a property located in the County of Marin jurisdiction (required by SAMC Section 10-3.1906(a)); and review of the mitigated Negative Declaration (referred back to Planning Commission by Town Council).

Michael Carradine, applicant, present.

John Roberto presented staff report and noted the staff report includes a draft resolution for denial as directed by the Commission in the previous meeting. The Commission should review the resolution and make any changes necessary. The adoption of this resolution will set forth all the findings the Commission has made for denial. He noted that the wording should be changed on page 2, paragraph 3, from "future proposal" to "new application"; add "located" before "over portions"; change "submit" to "contain". He added that the Commission has stated the maximum width for a driveway should be no more than 14' and the applicant has gone on record stating he would not provide plans for a 14' wide driveway. The Commission can not review a 14' wide driveway if the applicant does not submit such a plan. Chief Mollenkopf has said 14' is the minimum width required for a single family home. With regards to the issues of annexation, Mr. Roberto understood that in previous meetings the applicant stated he is not opposed to annexation but would not initiate it. Policy B224 page 5-22 of the Marin Countywide Plan states the unincorporated land must seek annexation which has not been done yet.

Hadden Roth asked that for easier identification the paragraphs be numbered starting from the 5th WHEREAS. He feels the paragraphs breakdown as follows: 1-4 on page 1 relates to a 14' driveway versus a 18' driveway; 5-7 deals with the parcel not being developed; 8-10 deal with the question of annexation; 11-12 are conclusions; 14 deals with the question of the negative declaration; 15 deals with future proposals.

From a legal standpoint on paragraph 1-4 there is a question of a landlocked parcel if this driveway is not approved. Mr. Roth said that in the past he has advised the Commission that the variance has to be approved to allow access to the parcel. The approval however only entitles sufficient access to the parcel. If the Commission has determined that a 14' access to the property was both environmentally and from the health and safety standpoint

the best solution versus something wider, and the applicant has not provided that information, the Commission can not act on the variance application. He wanted to correct the last paragraph in page one from Sections "10-3.1906 to "10-3.1206" and "San Anselmo Zoning Ordinance" to San Anselmo Municipal Code"...

Commissioner Julin said the 14' wide driveway represented the feelings of the Commission at the May 16 meeting. The applicant said the reason he is requesting the variance is to develop the parcel in the County and this development of the parcel very much ties into the variance request.

Mr. Roth said that this variance application is not tied into any particular project. And the proposed application shows a driveway that leads no where. The Commission could say annexation is one option or approve the driveway, but ask to see the concurrent application made to the County and have input into that at the time the variance application is ruled on. Because of the deadline in June it seems that the above can not be accomplished prior to that. Therefore the Commission might be better to deny without prejudice. He went on to say if the application is denied there is no need to address the EIR therefore paragraph number 14 is moot. He was unclear as to why the Commission was dealing with the future in number 15, items 1-5. Regarding the delinquent fees, Mr. Roth said they are a problem however he did not want this to be the basis for denial.

Commissioner Julin asked if it would be possible to prepare a separate resolution regarding the delinquent fees. Mr. Roth suggestion it be done in Small Claims Court.

Mr. Carradine said he did not receive the staff report prior to the meeting and is unable to respond adequately. He was disappointed that the Town Attorney and staff were not present at the previous meeting because alot of these issues could have been addressed then. Regarding number 1-4, he said there is some misunderstanding about the 14' driveway versus 18'. It was his impression that the Planning Commission was going to stipulate a 14' driveway and the owner of the property was going to comply with the request as stipulated. He strongly feels however, that a 14' driveway is not adequate for the reasons he indicated at the last meeting. It was his understanding that Chief Mollenkopf would prefer an 18' to 20' driveway. Mr. Roberto asked how much it could be reduced and the response was the minimum would be 14'. Mr. Carradine said there could be other parts of the fire code that could come into play which have not been addressed. For example a driveway width for passing vehicles or a turn out. With regard to number 5-7, they have said in good faith that the driveway is for one house. If the Commission feels the driveway should not be built until the house is built, they will agree to that as well. He said they came here three years ago to get a driveway and do not understand why it is now a problem. Again, if the Commission feels the driveway will serve no purpose without the house then they will stipulate they will not build a driveway until they have a valid building permit from the County although it is within our rights to do so. Regarding annexation, if it was a main concern then they would have done it long ago. It was our understanding that that annexation was not a requirement but they have stated that it would be ok to annex but did not want to go through the procedures to initiate it because they did not want to incur the fees. Mr. Carradine said they have talked to the County about LAFCO procedures and the County said there would be no affect on them at all. It is merely a suggestion and "should" does not mean "must". Regarding number 15 and future applications, he disagrees and feels that they have not gotten any direction from the Town and has tried to respond to all the requests within the last two years. He

feels that it is a good idea to give direction as to what the Commission wants. He thinks it is the intention of the Commission not to approve anything. He feels that the Commission has an approvable item before them.

Mr. Roth said that since the applicant wants direction for future applications it would be appropriate to leave in number 15, items 1-5.

Frank Burger, 324 The Alameda, said that during November 1887 the Commission was asked to approve three homes and a driveway and now the issue before the Commission is entirely different. He feels it is time to make a decision and act on the resolution before the Commission tonight.

Commissioner Sias wondered if this could be continued on the meeting of June 6 to allow for corrections to the resolution. Mr. Roberto said there would be adequate time if the Commission wanted to continue to discuss this on the 6th. Mr. Roth noted that appeals do not fall under the time period.

Commissioner Julin felt the resolution captured her feelings and was prepared to vote tonight. She did feel that the 14' driveway issue is a planning issue. In paragraph 6 she wanted to strike "approved by the County of Marin" and changed to "to the County of Marin". By County policy he will be required to apply for annexation by LAFCO policy.

Commissioner Harle wondered if the driveway was approved would the Commission have to widen the driveway again when J. K. Naylor applies.

Commissioner Yarish said the applicant would prefer a 18' driveway but would accept a 14' driveway. Mr. Kottage said that there seems to be ongoing change to the application and there are deadlines that we have to abide by.

John Roberto suggested that the resolution should include the statement by the applicant that on May 16 the applicant refused to provide a 14' driveway but on May 31 agreed to provide a 14' driveway.

Commissioner Manning feels that the resolution embodies his comments but would like to have the Town Attorney review it before it the meeting of June 6.

Commissioner Yarish echoed Commissioner Manning's comments and questioned the legality of annexation.

Mr. Roth said he will verify with the County on the procedure for annexation.

Commissioner Julin wanted to leave in the paragraphs about annexation. Mr. Roth said he was not sure if that was a good idea to make it a requirement. He felt it would be better if the Commission says that the variance be connected to development of the parcel and he will do independent research with what the requirements are with the County.

Commissioner Julin wanted to consider development of the whole project.

John Kottage thought annexation of the one parcel may not solve the problem because there is also the bigger issue of the 22 acre parcel.

Commissioner Yarish felt another reason for annexation was to put the parcel on tour tax rolls. Regarding paragraphs 1-4 addressing the driveway width, he could see replacing it with acknowledgement that the applicant has agreed to use a

14' driveway if it becomes a resolution to approve. He will go along with the recommendation to have the Town Attorney review the resolution and felt he was getting closer to approval of this application with mitigations as outlined in the past.

Commissioner Sias felt the resolution embodies most of his feelings but would like to have the Town Attorney review, even though it has to go to another meeting on June 6. He felt this application has been ever changing. He would like to see the driveway approved concurrently with development of the parcel and would like to see annexation included if it is appropriate. He would like to keep driveway down to the minimum.

M/S Julin, Manning to continue PP-10/V2209 - Lee Cole Properties to the meeting of June 6, 1988 to review the resolution to insure that comments made tonight by the Commissioners are reflected.

Motion passed unanimously.

C. APPROVAL OF MINUTES - MAY 12, 1988 AND MAY 16, 1988

M/S Manning, Julin, to approve minutes of May 12, 1988 and May 16, 1988 as written.

Ayes: Manning, Julin, Yarish, Sias
Abstain: Harle

D. ADJOURNMENT

The special meeting of the Planning Commission was adjourned at 10:20 p.m. to the next regular scheduled meeting on June 6, 1988.

BARBARA CHAMBERS
ADMINISTRATIVE SECRETARY/TECHNICIAN