

TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES OF JANUARY 28, 1991

The special meeting of the Planning Commission was convened at 7:10 p.m. in the Council Chamber by Chairperson Julin. Commissioners present were Harle, Mihaly, Hayes and Kroot, with Commissioners Sias and Yarish absent. Staff present: Town Attorney Roth, Public Works Director Kottage and Interim Planning Director Wight.

PUBLIC HEARING: 1991 ZONING ORDINANCE REVISION AND 1991 GENERAL PLAN AMENDMENTS

Chair Julin stated that Town Attorney Roth would be doing a comparison of the current Zoning Ordinance with the proposed Zoning Ordinance.

1. GENERAL PLAN AMENDMENTS

Item 6

Mr. Roth stated the wording in R-1 that states that the wording "...parks, schools, playgrounds and other public uses..." was ambiguous and suggested clarification. Mr. Kottage stated that it was all public entities such as public parks, playgrounds and schools. Mr. Roth suggested that the wording be changed to "...other similar public uses..." Mr. Kottage stated that Tamalpais Day Treatment Center is a public use but is not intended to fall into this category.

Mr. Roth stated that he prepared a memorandum to Staff and the Commission, dated January 24, 1991, that addresses the legal issues of Family Day Care Homes. He said the State law permits three ways to handle Family Day Care Facilities. They are: 1. No permit is required; 2) require a use permit; or 3) require a building type permit. He felt that he would rather not require a permit and if, in the future there are complaints, then proceed with a use permit.

Commissioner Hayes was concerned that it would be coming to the Commission after the problem had already occurred. He wondered if it would be handled similar to a nuisance abatement. Mr. Roth said it would be a kin to that. Commissioner Hayes felt that it would be easier to satisfy the concerns of the neighborhood if they were worked out prior to a problem arising.

Ms. Wight felt she would rather have the use permit in place instead of handling it after the fact.

Commissioner Mihaly thought that parking could be impacted and wanted a Administrative Use Permit required for eight (8) or more children. Commisisoner Hayes was uncomfortable with it being handled administratively. He would rather see it at the Planning Commission to allow for public input.

Ms. Wight stated that there was no way outside of a conditional use permit of requiring that they provide increased on-site parking. In light of staff's comments, Mr. Roth said he would like to reconsider his opinion about no use permit to begin with.

Mr. Kottage reminded the Commission that the Administrative actions will also have public noticing and any dissention from the public will bring the matter to the Planning Commission.

There was no consensus on this item.

Items 6, 9, and 10

Commissioner Kroot wondered why the word "windmill" was included. Why not include satellite dishes. Also, they are permitted by use permit in High Density Residential and Downtown Mixed Residential and for consistency, should also be included by use permit for Single Family Residential. Commisisoner Hayes wanted to continue to leave in to require a use permit to be able to have some discussion because it could be a large structure. Ms. Wight stated that wording in the General Plan should be changed to reflect a that Conditional Use Permit is required.

Item 17

Commissioner Hayes was against removing restaurants from the Limited Commercial District. He would like to have it allowed with a Use Permit. There are restaurants along Sir Francis Drake Blvd that have been there for many years. Ms. Wight stated the reasoning behind staff removing restaurants was because restaurants generate approximately 100 trip ends and we want to preserve the integrity of 50 trip ends. Mr. Kottage added that although restaurants have existed on Sir Francis Drake in the Limited Commercial District, they have not been very successful. Also, the widening of Sir Francis Drake in this vicinity will not create additional parking. Chair Julin said she supported staff recommendations. Commissioner Hayes wanted to see it flagged for the Town Council as a non consensus item.

Item 18

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Chair Julin suggested clarification by adding "...shall be given to avoiding problems...".

Item 26

Chair Julin asked for staff's rationale for rezoning these parcels. Ms. Wight stated that they are not being rezoned, rather, they are only being changed to reflect the actual zoning.

2. ENVIRONMENTAL DOCUMENTS

Ms. Wight stated that staff referred to the environmental documents for the 1988 General Plan in preparing these documents. Mr. Kottage further added that there was no increase in traffic with the 1988 General Plan update. The attempt of the Town was to remain status quo and therefore there was no adverse environmental impact. Staff feels these current amendments are only a refinement to the 1988 General Plan.

Commissioner Mihaly asked how many lots are still buildable in Town. Mr. Kottage stated approximately 200 but those are in the hillside. Commissioner Mihaly said that if there is not much more housing available and if design review is required, then it can be mitigated by design review restrictions and would be subject to subsequent environmental review.

Dan Thomas, Fernwood, asked how design review could be mitigated on the hillside lots when many of the roads are narrow and windy and the increased traffic could have a negatively impact.

Cathy Sanders, 310 Redwood Road, wondered if the commutative impact of growth would be taken into consideration.

M/S Mihaly, Kroot, to approve Negative Declaration, on the basis that there are not very many additional units, that are capable of development in Town and as to those units the impacts are as indicated on the check list, primarily visual. And that those impacts will be mitigated by design review. Therefore the environmental effects, such as they are, to the best that we know them, now can be mitigated by the design review restrictions which will include both visual and traffic analysis when those projects and their location are known.

Chair Julin to make word change on the Statement of No Significant Environmental Effects, page 1, last paragraph, from "...those parcels of one acre in size or less,..." to "...those parcels of one acre in size or more,..."

All ayes. Motion unanimously passed.

M/S Mihaly, Harle, to recommend adoption of the entire General Plan Amendment text dated 1/25/91, including the wording changes discussed at tonight's meeting, with the proviso that the Commission is also transmitting a list of concerns entitled Summary Report, to the Council, even if only a single Commissioner voiced those concerns. Those concerns are: 1) Large Family Day Care - whether or not to require a use permit prior to operation. State Law does not require it. 2) Limited Commercial - the recommendation is not to allow restaurants in this zone. Concern as to whether to include restaurants by use permit because they have operated in this location.

All ayes. Motion unanimously passed.

3. DEVELOPMENT STANDARDS

Page 16

Ms. Wight stated that R-1H and R-1C have been changed from 40% lot coverage to reflect the calculations in Table E that was taken from Mill Valley. Also, R-1 and R-2 should be changed to 35% from 40% to be consistent with the General Plan. Also (9) should be removed from R-2.

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Footnote (6)

Jonathan Braun, Scenic stated that very few homes will fall into this category and therefore he wondered why they aren't just R-1H.

Footnote (7)

Cathy Sanders, 310 Redwood Road, commented that 800 square feet is quite large and would like to have the Commission reconsider the square footage. Mr. Kottage stated that originally the additions were at 1,000 square feet and the Commission agreed it should be 800 square feet. That has been in effect since the Interim Ordinance was past over a year ago. Staff feels that this has proven to work.

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Jonathan Braun, Scenic, stated that the intent was that R-1C lots were to have scrutiny, and now they will only require design review. He would also like to see the 800 square foot reduced.

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Dan Thomas, Fernwood, thought that 800 square feet should be reduced and suggested that perhaps a design review should be placed on homes over a certain height because of the visual impact.

Commissioner Kroot stated that the line has to be drawn somewhere and it seems that 800 square feet is reasonable to him. Also, if it is substantially lowered it would add to staff time.

Commissioner Hayes felt that 800 square feet was a lot but was not sure what it should be. The major concern is the visual impact. He thought that this should be flagged as a non consensus item.

Commissioner Harle stated he would agree on design review for all additions as long as there is flexibility.

Commissioner Mihaly thought that 800 square feet was too large and that an appropriate size would be 500 square feet. Commisisoner Hayes concurred with Mihaly.

Mr. Kottage noted that it was a cumulative total of 800 square feet and it includes decks. The emphasis on the impact is from across the valley.

Footnote (11(c))

Commissioner Mihaly suggested wording change from "...will not result in the substantial obstruction..." to "...will not result in any substantial obstruction...". There was consensus on this from the Commission and staff.

Cathy Sanders, Redwood Road, stated that the words "substantial obstruction" should be changed because it implies major when the General Plan states "no obstruction". Mr. Kottage felt the wording was adequate because it is a finding that has to be made by the Planning Commission.

Footnote (12)

Cathy Sanders, Redwood Road, stated that this implies a positive statement rather than a negative one. She would like to see that changed to state "No construction within the ridge zone shall be permitted unless the applicant.....". Mr. Kottage said that staff agreed on the wording change.

Commissioner Kroot wanted to see the lot width, minimum average and street frontage changed from 35 feet to 40 or 45 feet to allow enough room for parking. Mr. Kottage agreed with 45 feet because he felt it would be impossible to provide parking in a lot as narrow as 35 feet.

Footnote (13)

Commissioner Kroot stated that this Footnote should also be added to Table 4A for R-1C and R-1H. Staff concurred.

Page 21 - Table 4B - Intrusions Into required development Standards for Residential properties

Commissioner Hayes said he was not comfortable with the exceptions and Administrative Variances that were listed in Table 4B. Specifically: 1) Swimming pools and hot tubs should be design reviews, not an exception. 2) Accessory structures and similar in type to gazebo or tool shed, 60 square feet or less should be included as a design review, not an exception. 3) Parking decks, driveways and supporting structures, on both downslope and upslope lots having a minimum average lot slope of 25% should be handled as a variance at the Planning Commission, not as an administrative variance. 4) All items listed as intrusions into the required setback areas to be no closer than 3' to all property lines should be design reviews issues, not exceptions. His reasoning is that an exception will automatically grant the petitioner the right to build these structures and there should be some mechanism to allow the public the right to an opinion because it could cause an adverse impact on the neighbors. Also, he would prefer design review in some cases because it eliminates the need for the finding of special circumstances.

Commisisoner Harle stated he was satisfied with the exceptions as they are but would agree to design review and was opposed to administrative variances.

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Commissioner Mihaly prefers these to be design review but will concur at this time with staff recommendations. His long range plan is to work with staff to devise a system where every 2nd story addition in a certain large neighborhood is covered by either a minimum under which they are exempt or administrative up to a certain size and then everything after that would be subject to a kind of design review and eliminate the variance process.

Commissioner Julin was inclined to go along with the staff recommendations.

Page 26a - Table 4C - Slope Density/lot size

Commissioner Hayes stated he has not had time to look at this Table yet. He said that his intent is to preserve the existing character of the neighborhoods. He thought that by perhaps looking at each neighborhood individually, obtaining an average of the house sizes and then adding a percentage to that could be the basis for future development. He added that although he has not looked at the Table he would be willing to forward it to the Council, with the understanding that it receive attention and modification if necessary.

Commissioner Mihaly concurred with Hayes.

Commissioner Harle disagreed on a square foot maximum. The intent is to reduce bulk and it would be defeating an applicant before they began the process to limit the house size. As far as keeping the size uniform with existing homes in the neighborhood, he was against that also because the beauty of San Anselmo is that there is no uniformity. He added that he also does not have adequate information about the Table at this time.

Page 28 - Table 4E - Table of Maximum Sizes of Dwellings

Dan Thomas, Fernwood, said that Table E on page 28 refers to those lots of 150 feet and above. How would those under 150 feet be handled. He also wondered if two hearings are required on this information because this was not introduced at the beginning of the hearings. Mr. Kottage stated that two public hearings are required at the Town Council level.

Commissioner Mihaly stated that at first he was worried that design review allows the Planning Commission to decide what is too big but the reference to the Table is such that it makes it very clear that the house size shall be further limited by the requirements to meet all aspects of design review. Therefore, he stated he was willing to support the Table to see if it is workable.

Commissioner Kroot thought the Table should start with 7,000, not 6,000 square foot lots. Staff concurred.

Mr. Kottage noted that this standard is more restrictive than the current standard for lot coverage.

Gay Kagy, Redwood Road, said that we are incorporating Mill Valley's Table but San Anselmo is quite different from Mill Valley. She felt the Town was more in line with Fairfax.

Jonathan Braun noted that 500 square feet should be added to each to take into consideration the garage. He did not favor implementing this Table.

Commissioner Hayes hoped the Town Council would look carefully at the house size and whether or not size should be a requirement.

Commissioner Harle felt that the control could be obtained by design review rather than size.

4. PRE PLAN REVIEW - PAGE 42

Mr. Roth wanted to get a sense of how the Planning Commission felt about this item. He stated he checked with San Rafael and they have a process by which they can get an idea of what their Commission wants without worrying about the time limits. However, Mr. Roth felt that there should be a written agreement by the applicant that the time clock does not start until the application is formally submitted.

Mr. Kottage suggested calling the review a Preliminary Development Plan Consensual Pre Application. This will call out to the applicant the intent of the review. This would be a non-binding review of the Planning Commission to allow the applicant to get an idea of the direction of the Commission prior to spending several thousand dollars. This review is not mandatory.

Commissioner Mihaly suggested calling it a Public Workshop rather than a Public Hearing.

Commissioner Harle stated that if the applicant elected to do this, fees would be mandatory and page 42(b) should be changed.

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Commissioner Hayes is not sure that this process would help those developers where geological information was needed, such as the Helfrich project on The Alameda. Most of the proposal that will now come for review will be for hillsides and difficult lots. He therefore did not see that the applicant would benefit from this.

Mr. Kottage stated that if this process was in place, there would be communication with the neighbors prior to a formal submittal and many of the problems could be worked out. Also, it would allow the applicant to become aware of the extent of the neighborhood involvement. Lastly, he felt it would help staff with the environmental process.

Commissioner Hayes said that if this process was adopted he would want to make sure there was adequate wording that specifies that the time clock does not start ticking at this point.

Commissioner Kroot wondered if somehow the Commission would be linked into their comments from the workshop and obliged to approve the project at a later stage.

Commissioner Mihaly suggested wording change on page 42 under Purpose and Intent as follows from : "The Preliminary Development Plan is a non-discretionary review..." to "The Preliminary Development Plan is a non-binding, voluntary pre application review...". There was consensus on the wording.

Commissioner Kroot was willing to go along with the pre application review but had reservations. He was afraid that he will have to be somewhat obliged to go with some of the information that was provided to the applicant during this process even though it was non-binding.

Commissioner Hayes was inclined to go with the pre application review. He noted that on page 43, wording change should be from "...after one public meeting on the Preliminary Development Plan." to "...after one **or more public workshops** on the Preliminary Development Plan." There was a consensus on the wording.

5. ZONING ORDINANCE - DESIGN REVIEW - PAGE 51

Ms. Wight stated this encompasses all the design review under one heading but none of the text has changed.

Ms. Wight suggested deleting wording in (d) "...on steep down-sloping lots, and facilities permanently affixed to real property and appurtenances thereto." This was agreed by the Commission.

Commissioner Hayes suggested deleting a portion of (d) on page 52 as follows: **"The Intent of Design Review is to ensure the above adverse effects are eliminated or minimized through the imposition if necessary of conditions that cause the improvements to comply with the Intent of this Ordinance."** Staff concurred.

Commissioner Hayes stated he believed it was better to air on the side of more design review coming before the Commission rather than too few. He said that changes to the neighborhood should be voiced by the neighborhood at a public meeting. Mr. Kottage noted that all of the administrative design reviews will have a public notice and therefore the public will be aware of all the proposals. If there are any objections staff will send it to the Planning Commission for a public hearing.

Cathy Sanders questioned the definition of "minor" on page 53(a). Commissioner Mihaly suggested wording change for page 53(a) from: "The Planning Director may approve or disapprove, minor modifications..." to "The Planning Director shall approve, disapprove **or refer to the Planning Commission any minor...**" The Commission and staff concurred with this wording.

6. OTHER ITEMS

3rd Parking Area (3rd being in tandem and located in the front setbacks)

Mr. Kottage asked if there was a need to further discuss this. Ms. Wight stated this has been included to be consistent with the General Plan.

Commissioner Hayes thought that this requirement might lead to a larger parking structure in the hillside area and therefore create more problems. He felt it was fine to encourage but not to make it mandatory. He suggested including this as a non-consensus item for the Council.

Ms. Wight noted that a parking deck on a hillside would require an administrative variance.

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Mr. Kottage suggested wording change from: "...in tandem and located within" to "...in tandem and may be located within...".

Page 2 - R-1C Single Family Residential - Conservation District

Commissioner Hayes requested that wording be added as follows: "The purpose of this District is: a) require design review for most improvements; B) limit the overall density within the district to a maximum of one (1) residential unit per acre; and c) to maintain and enhance..." The Commission agreed to this wording.

Page 45 - Application Requirements

Cathy Sanders, Redwood Road stated that some of the requirements were not carried forward from the last revision. Ms. Wight stated that staff will review the information to ensure that nothing is left out.

45(6)

Mr. Kottage noted that twenty-four was erroneously crossed out and should be included and that seventy-five should be deleted.

M/S Mihaly, Kroot, to approve Negative Declaration, on the basis that there are not very many additional units that are capable of development in Town and as to those units the impacts are as indicated on the check list, primarily visual and that those impacts will be mitigated by design review. Therefore the environmental effects, such as they are, to the best that we know them, now can be mitigated by the design review restrictions which will include both visual and traffic analysis when those projects and their location are known.

All ayes. Motion unanimously passed.

M/S Harle, Mihaly, to recommend approval of the text of the 1991 Zoning Ordinance Revision as modified tonight except that the non-consensus items entitled Summary Report, require further discussion. Those concerns are: 1) 3 on-site parking - Proposal to require 3 on site parking spaces for hillside lots. Currently the requirement is 2. 2) Exceptions, Administrative Variances vs. Planning Commission Variances. Concern are that the Town's standards will be relaxed by allowing the exceptions which could adversely impact the neighborhoods and that the public will have no opportunity to air their views at a public hearing. Also, concern about the administrative actions without allowing the neighborhood to be able to air their views at a public hearing. 3) House size - currently the maximum house size can not exceed 40% of lot coverage - proposal is to use a floor area ratio for those homes located above 150 feet mean sea level. This will increase the dwelling size for larger lots. 4) Design Review trigger - design review is required for certain additions to hillside properties above 150 feet mean sea level. Proposal is for an addition (including decks) of 800 square feet or larger to require design review. Some Commissioners feel 500 square feet should trigger the design review. 5) Design Review - concern has been raised that the Planning Director has authority to review minor items and it is unclear to some just what is considered minor.

Ayes: Kroot, Mihaly, Harle, Julin

Noes: Hayes

Motion carried.

Commissioner Hayes stated that he voted "no" on this because there are still many unresolved issues. Specifically, he felt there were too many exceptions and that the public should be able to have the mechanism in place to be able to voice their opinions. He also felt there is a line being drawn between the administrative variances and Planning Commission in the wrong place. He felt the Commission should air more on the side of public hearings.

Ms. Wight stated that although Commissioner Sias was unable to attend the meeting he wanted the Commission to know that he did not support the exceptions.

BARBARA CHAMBERS
ADMINISTRATIVE SERVICES ASSISTANT II