

TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES OF APRIL 6, 1992

The San Anselmo Planning Commission was convened at 8:15 p.m. in the Council Chamber by Chairman Kroot. Commissioners present were Hayes, Mihaly and Julin. Commissioners absent were Harle, Sias and Yarish. Staff present were Planner Lisa Wight, Planning Consultant Delvin Washington, and Planning Director Ann Chaney

B. CONSENT ITEMS

1. Minutes - March 16, 1992

2. **V-9148/ - Paul Eveloff, 48 Alta Vista, A/P 6-231-19, 1)** a 20' front yard variance and a 4.5' side yard variance to within 0' of the front property line and 3.5' of the side property line on property located within the R-1 Zoning District (above 150 mean sea level).

3. **U-9105 - Red Hill Shopping Center, 836 Sir Francis Drake Boulevard, A/P 6-061-06,** Use Permit amendment to Specific Planned Development of a new building to accommodate a nursery, and an outdoor goring area, on property located within the SPD Zoning District.

M/S Mihaly, Hayes, to approve consent agenda for the following reasons:

48 Alta Vista: For reasons as stated within the March 16, 1992 Planning Commission Staff Report.

836 Sir Francis Drake Blvd: 1. Is functionally and aesthetically compatible WITH the existing improvements and the natural elements in the surrounding area; The design changes will be functionally and aesthetically compatible with the existing improvements and the natural elements in the surrounding area, provided that planting beds and/or single plants are displayed on both the front asphalt area and the rear asphalt area. 2. Provides for protection against noise, odors, and other factors which may make the environment less desirable; The design changes will have no effect on noise, odors, nor other factors which may make the environment less desirable. 3. Will not tend to cause the surrounding area to depreciate materially in appearance or value or otherwise discourage occupancy, investment, or orderly development in such area. The property improvements will not tend to cause the surrounding area to depreciate materially in appearance or value or otherwise discourage occupancy, investment, or orderly development in the area. 4. 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; and The design changes will have no effect on traffic. 5. The establishment, maintenance, or operation of the use will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of the proposed use, or be detrimental or injurious to property or improvements in the neighborhood or the general welfare of the Town. There are no views of the project from neighboring residential properties. The design changes will not be detrimental nor injurious to persons nor improvements in the area. **Conditions of approval are: 1. Planting beds and/or single plants shall be displayed on both the front asphalt area and the rear asphalt area; 2. Approval is based on the drawings dated March 6, 1992.**

Motion unanimously passed. Audience advised of the ten day appeal period.

C. PUBLIC HEARINGS CONTINUED TO THE MEETING OF APRIL 20, 1992

Planning Director Chaney requested that 1 Hilldale be continued tentatively to the meeting of April 20, 1992 because of additional information that was provided. This will also have to be renoticed because the scope of the project has changed. She also stated that 6-42 Red Hill will have to be continued until May 4, 1992 because of new information provided by the applicant as well as the renoticing of the Negative Declaration.

M/S Hayes/Julin, to continue V-9207 - Gene and Barbara Stockwell, 1 Hilldale Drive, A/P 6-166-07, a 2' side yard variance to construct a second floor addition on property located within the R-1 Zoning District to the meeting of 4/20/92 with the understanding that this project will be renoticed.

Motion carried. Kroot to abstain.

M/S Hayes/Julin, to continue PS-9201 - Geoffrey Koblick et al, 6-042 Red Hill Avenue, A/P 6-201-02, amendment to a land division approval to delete a mutual access easement condition, on property located within the C-3 Zoning District. This is continued to the meeting of 5/4/92.

Motion carried with Kroot to abstain.

D. PUBLIC HEARINGS

TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES OF APRIL 6, 1992

1. AR-9006/V-9039 - Luis Herto-Rojo, 16 Ivy Lane, A/P 7-064-55, 1) a 20' front yard variance and a 16'6" rear yard variance; and removal of two trees (36" Bay, 12" Madrone); and 3) Design Review Amendment to construct a new single family residence, on property located within the R-1 Zoning District (above 150 feet mean sea level).

The applicant and the owner were present.

Mr. Washington presented the staff report.

Mr. Huerto-Rojo stated that this current design has been slightly modified since the last meeting to provide a break between the house and the retaining wall thereby creating a buffer zone. The height has been reduced by two feet by cutting into the ground. Four off-site parking spaces have been created in addition to the two on-site required parking spaces. This has been achieved without disturbing the turn-around that was required by the Fire Department. They met with Mr. Magid and Mr. Freeberg since the last meeting and Mr. Freeberg requested additional landscaping to screen his house while Mr. Magid was concerned about seeing the retaining wall facing north east. The landscaping proposed will screen the wall and they have no objections to increasing the landscaping between Mr. Freeberg and the proposed house.

Mr. Petersen provided a brief history of the project. He stated that he met with the neighbors prior to the Town Council meeting. Mr. Freeberg wanted a site line to his deck and that was one of the reasons the house was pushed up the hill. He stated he was unable to accommodate Mr. Magid because Mr. Magid just does not want a house built in close proximity to his property.

Clay Freeberg, 10 Ivy Lane, requested a modification to the landscape plan. He stated that at the last meeting he did request additional redwood trees but he now felt that Myoporum would be preferable. Therefore he was requesting 3 additional Myoporum. He would like the Commission to consider the planting of additional trees in front of the house which will screen the garage. He would like the off-site mitigation details to be clearly stated on plans so there will be no confusion in the future. At a previous meeting he said he was guaranteed that the street width fronting his property would be 15' wide. He requires that to be able to get in and out of his driveway.

Sandy Magid, 49 Canyon, stated that there were meetings in his home with Mr. Petersen and the Planning Consultant, Lisa Newman. The main difference between the original approval of the Planning Commission and the Council was that the house was moved up the hill by the Council to hide the unsightly house. He stated that this was also addressed this with the current applicant. His concerns were that 1) the house size was larger than any other house in the neighborhood. The median house size is approximately 1,600 and this house exceeds that. 2) The Town Council wants to maintain a small town atmosphere and the paving of Ivy Lane is going against that goal of the General Plan as stated in Section 10.1. He felt the Planning Commission could over-ride the Ross Valley Fire Department requirements to pave the road. 4) He felt an environmental study should be done on the site and stated that his attorney is still looking into this matter. He stated that a legal lot of record was approved several years ago between 37 and 21 Canyon and how would 16 Ivy Lane be viewed from that lot if and when a house is built? In conclusion, he stated that prior to the Council decision on the project, the applicant met with two Councilmembers but the neighbors were not included.

Director Chaney stated that it was her understanding that the Town Council never wavered about the Fire Department's decision on paving Ivy but she will verify that. She also explained that there have been cases where single family dwellings are considered not categorically exempt but those are for very sensitive areas and she did not, nor did the Town Attorney, consider this property one of those sensitive areas.

Mr. Huerto-Rojo said that he had no problem accommodating additional landscaping as suggested by Mr. Freeberg. With respect to the house size, he noted that the original approval by the Council was 1,934 square feet for the house and 400 square feet for the garage. This proposal is a reduction to 1,798 square feet for the house with an increase in the garage area to 441 square feet. The additional area in the garage is to allow for storage. He stated that the size of Mr. Magid's house was approximately 1,749 square feet and therefore his proposal is certainly within the size of the homes in the neighborhood.

Ms. Chaney noted that because of the complexity of the project, and because the Town Council previously adopted approval of this project by Resolution, she felt that the final decision should come back to the Commission in a form of a Resolution for the next meeting on April 20, 1992.

Commissioner Mihaly supported the project. He felt that this design was superior to the previous designs and that by turning the house to an angle the visual impact to the house at 10 Ivy will be reduced. He stated that staff should condition this approval with reference to the previous off-site improvements that had been approved. He wanted to have the applicant prepare a final landscape plan, incorporating the current changes, to be reviewed with staff. He did not see the need for an environmental review but felt it should be stated in the Resolution

TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES OF APRIL 6, 1992

why it was categorically exempt. He was not uncomfortable with the size of the house because of the topography and shape of the lot. With regard to the paving of the road, he felt the Ross Valley Fire Service should be contacted to the reasoning of the paving. If the General Plan and the Fire Department are not in agreement, that should be ironed out. He was sympathetic for the rural land owners.

Commissioner Julin supported the project and had no objection to the size of the house for the reasons stated by Commissioner Mihaly. She preferred this new orientation for the house, with the length parallel to the contours. With regard to paving, she did not like impervious surfaces but because of the curve and slope she felt the Fire Department was correct in requiring the paving of Ivy Lane. With regard to the retaining wall being textured with lamp black, she felt that it might be overwhelming because of the expanse of the retaining wall and suggested that there could be some flexibility to change this if necessary at the staff level. With respect to the environmental review, she felt that she had all the information necessary and possible to make a decision on this project without an EIR.

Commissioner Hayes stated that a concern at the previous meeting was that the neighbors did not have adequate time to review the project. He wondered if that concern had been satisfied. Mr. Magid and Mr. Freeberg affirmed. Commissioner Hayes went on to say that this version of the project will have less of an impact on 10 Ivy Lane than the project approved by the Town Council although he still felt the house was very tall.

Mr. Huerto-Rojo stated that the driveway was at 216 elevation while the highest point of the house was a 263. He noted that he did reduce the height by 3 feet in some areas without cutting too much into the hill. He also said the ground cover will spill over the retaining wall and reduce the visual impact.

Ms. Chaney noted that staff could consult with an arborist in what ground cover would be most suitable in the area.

Commissioner Hayes agreed with staff's suggestion about consulting with an arborist about the type of vegetation that will screen the retaining wall. With regard to the paving of Ivy Lane, he would like to see Ross Valley Fire Service consulted as to whether or not the paving requirements was for safety reasons. He did feel that additional storage was required over the garage and therefore could be deleted to help reduce the visual bulk.

Chairman Kroot supported the project, stating that this proposal was going with the contours and was therefore more desirable than the previous projects. He had no objection to a gravel road as long as the Fire Department was amenable to that. He felt the project could be approved without an environmental study and did not object to the size of the project. He did not think the garage storage should be deleted because it is stepped back from the retaining wall and the house and helps visually soften the impacts. He did not feel that redwood trees were necessarily a preferred tree. Although they grew very tall they have a tendency to have huge branches which could become a hazard to the surrounding properties, by falling limbs. He preferred a more bushier tree instead. He suggested a softening of the retaining wall by the use of rock that can be glued on the wall or something else that can soften the lamp black, although the retaining wall will not be viewed until directly in front of the house.

M/S Julin/Mihaly, to direct staff to prepare a Resolution, encompassing all comments from tonight's meeting as well as those conditions agreed upon and approved in previous meetings. This is to be brought back to the Commission as a consent item on the April 20, 1992 meeting.

Motion unanimously passed.

2. Water Well Ordinance - Town of San Anselmo - Consideration of the adoption of a well ordinance relative to their construction, reconstruction, maintenance and monitoring.

Director Chaney presented the staff report. She noted that this application was for discussion purposes only tonight because she forgot to notice for the General Plan Amendment.

Chairman Kroot stated that he had trouble understanding the reasoning behind the need for fees to be paid to MMWD if the homeowners were going to be using well water, not MMWD water. Ms. Chaney stated that the intent is that all parcels be served by public water service but that a well for potable water was an alternative until such time MMWD had water available.

Commissioner Julin asked how this proposal compared to the model State Ordinance. Ms. Chaney responded that the State Ordinance was really very generic, while the San Anselmo proposal was more specific to the local needs. It was modeled after the Ross Well Ordinance which Attorney Roth is in agreement with.

Commissioner Julin questioned a statement on the negative declaration that states that the installation of wells for potable water were not growth inducing. She said that a number of

TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES OF APRIL 6, 1992

undeveloped parcels could be encouraged to develop if well water were available as a means for drinking water.

Commissioner Mihaly wondered why this was mandated by the State. Perhaps there was no need to go further than to use the general ordinance by the State.

Commissioner Hayes was also curious about the growth potential. He thought it could establish criteria for lots that could access well water. He also questioned the 5' set back for the well. Director Chaney stated that was for the well source only. Chairman Kroot stated that it would have to be consistent with the Zoning Ordinance.

Chairman Kroot asked why the need for twice the amount of water requirement for a single family residence or commercial building. Director Chaney thought it was protection that there would be adequate water available to each residence. In talking with other cities, this seemed to be common practice.

Commissioner Julin did not think the fees were adequate to cover code enforcement. She also questioned the process of monitoring the properties when and if they could get water from MMWD.

Robert Anderson, Mill Valley, stated that he owns a lot on Oak Avenue and is an attorney who has been actively involved in the Water Ordinance in Sausalito and Belvedere. He stated that there has to be a provision in the General Plan that states the Town is in compliance with the State Ordinance. He felt that staff has done a good job in preparing the ordinance. He said that even though the Town does not have a Well Ordinance in place, the State Ordinance allows for well water for potable use in San Anselmo. The reason he and other property owners have not pursued their projects is that they feel it is better to work with the Town in arriving at the goals of the Town. He did not feel however that by allowing well water for domestic use would be a growth inducement factor. He cited an example of his lot on Oak Avenue. MMWD will not allow water service to his lot because of low water pressure. If a water tank were installed, it would create an assessment district for 17 other lots on Oak Avenue, and therefore would cause growth. With domestic wells now approved, each lot has to be looked at on a case-by-case basis. He also noted that properties not served by MMWD would not be allowed fire protection. He stated that if people could draw from an underground water system it would be better for the community not to tap from the municipal water sources.

William DeBisschop, 91 Elm Avenue, felt that MMWD was a cancer and felt that wells have been here for many years and will continue to be here in the future.

Scott Hochstrasser, Planning Consultant for several property owners on Oak Avenue, was curious about using well water for fire suppression. He thought that staff did an excellent job in the preparation of the well ordinance although he did not feel that property owners should be required to pay MMWD for some future time they may or may not use the service.

Staff explained that the Fire Department will allow well water for fire suppression under certain conditions which will be developed before the next meeting.

Director Chaney also stated that there was a "hold harmless" clause in the Ordinance to protect the Town in the event a well went dry.

Commissioner Mihaly had several questions. 1) Should there be a charge paid to MMWD if property owners use domestic wells? 2) What are the growth inducing impacts, if any? 3) Which lots would be affected? 4) If County of Marin Environmental Health handles the health aspect and leach fields, what controls does the Town need except to know where they exist? 5) The Town Ordinance does not speak about closures of wells. There should be some discussion on that. 6) What would the draw backs be in just using the State Ordinance? 7) Since the Town has already had two General Plan amendments this year, he suggested waiting to cluster this change with others.

Mr. Anderson stated that the County will not inspect any wells where there is no local ordinance.

Commissioner Hayes wanted to know why the Town Attorney felt that the adoption of a local ordinance, with its wording, is necessary.

Commissioner Mihaly suggested that a member of MMWD be present at the next meeting to discuss this issue.

M/S Hayes/Mihaly, to continue further discussion on Water Well Ordinance - Town of San Anselmo - Consideration of the adoption of a well ordinance relative to their construction, reconstruction, maintenance and monitoring. This was continued to the meeting of May 4, 1992.

Motion unanimously passed.

TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES OF APRIL 6, 1992

E. GENERAL DISCUSSION

Commissioner Julin stated that Marin County is about to adopt a Countywide General Plan. Ms. Chaney stated that a representative from the County would be available to speak on that subject at our June 1, 1992 Planning Commission and wondered if the Planning Commission was interested in a presentation. The Commissioners indicated their interest. Commissioner Julin offered to prepare a press release for both the Ross Valley Reporter and the Independent Journal.

F. ADJOURN

The regular meeting of the Planning Commission was adjourned at 11:10 p.m. to the next regular meeting of April 20, 1992.

BARBARA CHAMBERS