

**TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES FOR THE MEETING OF JULY 19, 1993**

The regular meeting of the San Anselmo Planning Commission was convened at 8:00 p.m. by Chairman Mihaly in the Council Chamber. Staff present was Director Ann Chaney and Associate Planner Lisa Wight.

A. CALL TO ORDER

Commissioners present: Harle, Israel, Julln, Kroot, Mihaly
Commissioners absent: Hayes, Sias

B. CONSENT

1. Minutes - June 21, 1993

Commissioner Kroot requested that the minutes be amended to reflect the vote on 44 Redwood as follows: M/S Sias, Israel. Unanimously approved.

M/S Harles/Julln, to approve the Minutes of June 21, 1993.

Ayes: Harles, Israel, Julln, Mihaly

Abstain: Kroot

Motion carried.

2. DR-9312 - Albert and Bessie Jung, 41 Hillcrest Court, A/P 5-092-32, design review of a 656 square foot lower level uncovered deck at the rear of the building; and 2) design review of a 511 square foot upper level uncovered deck at the rear of the building with two circular stairs connecting the upper level deck to the ground, on property located within the R-1 Zoning District (Above 150' mean sea level).

The applicant's architect advised that the plans indicate two circular stairs and the applicant has decided that one is enough.

Staff and the Commission had no objection to the change.

M/S Kroot/Harle, to approve DR-9312 - Albert and Bessie Jung, 41 Hillcrest Court, A/P 5-092-32, design review of a 656 square foot lower level uncovered deck at the rear of the building; and 2) design review of a 511 square foot upper level uncovered deck at the rear of the building with two circular stairs connecting the upper level deck to the ground, on property located within the R-1 Zoning District (Above 150' mean sea level). Required findings for approval are as follows: *1. Is functionally and aesthetically compatible with the existing improvements and the natural elements in the surrounding area.* There are a significant number of large, native trees between the applicants' property and the adjacent neighboring properties below. The deck design softens the rear elevation of the existing dwelling and will be functionally and aesthetically compatible with the existing improvements and the natural elements in the surrounding area. *2. Provides for protection against noise, odors, and other factors which may make the environment less desirable.* The decks will have no impact on noise, odors, and other factors which may make the environment less desirable. The shortest distance between the proposed decks and a neighboring rear property line is 19', and 11' from the side neighboring property. *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 decks 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.* The decks will not be visible from nearby roads. *5. Will not adversely affect the health or safety of persons using the improvement or endanger property located in the surrounding area.* The decks will not adversely affect the health or safety of persons using the improvement or endanger property located in the surrounding area. Approval is based on the following conditions: *1. Approval of the design of the two decks as shown on the plans dated May 24, 1993.* *2. All present and future property owners of subject property be responsible for maintaining a line of trees along the rear of the property to provide screening of the dwelling from Rosemont Avenue.*

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

C. PUBLIC HEARINGS WITHDRAWN

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1. **PS-9201 - Tony Richards for Viking Leon, Between Forest Avenue and Vista Lane**, south of Lansdale Station Park, A/P Nos. 7-021-07, 7-021-23, and 7-021-24, 1) environmental review; 2) parcel split to legalize the 1954 creation of three separate building sites, each of which is currently undeveloped.
2. **V-9240/DR-9218 - Tony Richards for Viking Leon, 5 Vista Lane**, A/P 7-021-24, 1) design review of a single family dwelling; 2) a 17' frontyard variance to construct a dwelling within 3' of the front property line; 3) a 3' rear yard variance to construct bay windows within 17' of the rear property line; 4) a 20' frontyard variance for driveway retaining walls to be within 0' of the front property line; and 5) a 13' frontyard variance to construct an uncovered deck within 1' of the front property line.

D. PUBLIC HEARINGS - CONTINUED

1. **NU-9302/DR-9120 - Th.E. Posthuma, 379 Oak Avenue**, A/P 7-241-61, 1) a use permit to establish a second unit; and 2) an amendment to an existing design review approval to allow the construction of a new detached structure to accommodate the second unit, on property located within the R-1 Zoning District. **CONTINUED TO THE MEETING OF AUGUST 2, 1993.**
2. **V-9321/U-9304 - LaMonte Cochran/Jean Brunswick, 22 Magnolia**, A/P 7-212-34, 1) a use permit to allow two attached residential units to locate in the P Zone; and 2) a variance to allow parking spaces to be located within 0' of the front property line where 20' setback is required, on property located within the Professional (P) Zoning District. **CONTINUED TO THE MEETING OF AUGUST 2, 1993.**

E. PUBLIC HEARINGS

1. **V-9320/DR-9310 - John Schreck, 137 Humboldt Avenue**, A/P Nos. 7-033-20 and 7-033-21, 1) a rear yard variance to construct a new dwelling within 0' of the rear property line (Humboldt frontage) (20' setback is required by Code); 2) a rear yard variance to construct uncovered stairs within 0' of the rear property line (Humboldt frontage) (14' is required by Code); and 3) design review of a new dwelling, on property located within the R-1 Zoning District.

Luis Huerto-Rojo, Architect, was present to represent his client.

Ms. Wight presented the staff report.

Mr. Huerto Royo stated that he made changes as requested by for Planning Commission and the neighbors. The the building has been pulled back by 8 1/2 feet and the deck has been pulled back. Because of the steep slope of the lot when the building is moved back 8 feet it really is moved more. There is not much difference in the square footage from the original proposal because they excavated on the ground to bring walls within the inside of the house. One carport has been eliminated to reduce the mass of the building from street view. Landscaping has been increased and the building has been lowered.

Dr. Donald Hart, 135 Humboldt, stated that at the last meeting neighborhood spoke strongly about changes. He heard the Commission speak in the same direction as the neighbors and recommendations were made to downsize the house, address the parking problem, tree conservation and the house should be more rustic. The purpose of these proceedings and all these conditions is a matter of respect for the neighbors. In summary, he felt only small insignificant changes were done. He stated that a lot of very mature Bay trees would be wiped out to accommodate this house and shrubs will be planted in place of the trees. The land will look diluted. The geological report will say it's unstable. There are underground streams. There have been small landslides in this property already. and any development to the neighborhood could cause a danger to his house and family. He stated that if this house is approved and harm comes to his property, he will hold the Town responsible.

When asked what size he felt would be acceptable in the neighborhood, Dr. Hart stated it should be a size that is significantly smaller so it conforms with the size of the other houses in the neighborhood. Provision has to be made to keep all or most of the trees and the exterior should be shingled.

When asked by Commissioner Israel what the best location would be on the lot Dr. Hart responded by stating that placing the house on Foothill would be a good location, but placing it mid-lot would be the worst.

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Veronica Basker, 106 Humboldt, stated that cutting down trees is against the wishes of the neighborhood. She was not sure that if Bay trees were planted they would survive and the Oak trees might take 50-60 years to grow. In summary, her main concerns were the color of the house and the loss of trees and vegetation.

Julie Cook, 8 Deer Park Lane stated that parking was an issue with her

Ron Basker, 106 Humboldt felt that the proposed colors are still seem a little light. As to the location of the house, he felt it would be a detriment to the owners of 135 Humboldt. The house is too massive and he would like to see the lines broken up more. Most of the other houses are lower to the ground and less visible. The house at 121 Humboldt set a bad precedent. As far as cutting back the garage, he said that it does help because it reduce the mass. He stated that parking will be impacted and would like to see the applicant come up with more than one parking space next to the garage area. He felt that any house being built should have 2 or 3 parking places. With regard to the house size, he felt it should be an average of the houses in the neighborhood.

Karen Meadows, 132 Humboldt, stated that there are approximately 6 houses in a one block area that have no parking at all. She suggested that parking be considered on Foothill besides the residents all have off-street parking and it is a dead end street.

Bill Herrich, 42 Humboldt, stated that he has 3 parking spaces on his property as well as an egress with his neighbor. Some neighbors actually became physically violent over parking a few months ago. Also, Humboldt is a heavily used road and the potential access from Foothill is a very good idea. I think access through Foothill would be a much improved arrangement if people want to live in a house in this area and they have to walk up a flight of stairs to get there, so be it. He was also opposed to the color.

Ann Brown, 147 Humboldt, had concerns about the noise and disruption during construction as well as the workers taking the already precious parking spaces.

Carol Hart, 135 Humboldt, felt the design has remained unchanged since the original proposal and she is still opposed to the colors. She stated her view from her front door will be decks and that she will need to hang shades on her windows for privacy. One of the reasons she bought her property was to have privacy and with this construction she will see decks, a wall, and the trees will be gone. A person has the right to build, but respect should also be given to the neighborhood and the environment. She wanted to see the house made narrower and reduced in size. She was not against parking on Foothill, but a house on Foothill would overlook her entire house. She envisioned the approximate size to be between 1,800 and 2,000 square feet at the very most. The south wall of the house is not intrusive to the 139 Humboldt property but very close to her. She felt that the proposed vegetation plan should be reevaluated because the bushes that have been chosen only have a life expectancy of 5 to 10 years. If a barrier is to be achieved, a hardier species should be planted, such as pines. She wanted to see more vegetation on her side and was still concerned about the number of trees being cut down. She was still concerned about the parking problems on Humboldt.

Commissioner Israel felt there were two ways to approach the design, either turn its back on the owner of 135 Humboldt which will afford her more privacy vs. more windows that provide scale but invade your privacy. He asked Mrs. Hart if she preferred scaling elements on her side vs. having a more severe facade facing her property with more privacy? Mrs. Hart responded that the house needs to be moved over to the 139 Humboldt side more. Her first priority is privacy. She also doesn't want to look at a lot of windows looking down at her house.

Mr. Huerto-Rojo stated that the bulk of the building has nothing to do with the size of the square footage. If you take the same square footage and put it underground you have more. It costs more to go underground. He would be willing to add more trees to the landscape plan but the neighbors have complained that those trees would interfere with their view so we agreed to take out the tree. He said that the Harts are concerned about their view but they bought their house knowing their front door was 8 feet from the property line. Mr. Huerto-Rojo gave an overview of the trees to be planted. Those trees are located almost in front of all the openings so it would provide the most privacy. At most, three trees are being removed for construction of the house and are being replaced with Bays. He said that additional trees will be removed for parking which will benefit the neighbors. He added that they would not build a structure that was unsafe. One of the biggest problems the neighborhood has is the parking and that is being provided. If additional parking is put in as suggested by the neighbors it will become an additional problem for the neighborhood. He stated that they have tried very hard to mitigate most of the concerns of the neighbors. With regard to the exterior color, the majority of houses in the neighborhood are not dark in color. With regard to using the road during construction, he stated that deliveries could be made at such a time when most residents are out of neighborhood or not using the

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road. He felt that he has tried every way to mitigate conditions in the neighborhood. Turning the house around will not solve the problem. The property line is not straight, it goes in a weird shape, the lot is steeper in one area than the other; 65% slope vs. 84% on other side.

Commissioner Kroot asked if the applicant would consider natural siding such as shingle siding. Mr. Huerto-Rojo responded that most people are going away from shingles because they are a fire hazard, however, if it would satisfy the neighbors he would be happy to put shingles on.

Commissioner Julin asked staff about their opinion of access from Foothill. Ms. Wight responded stating that construction at the top would be less obtrusive than on Foothill. Parking on Foothill requires stairs and an optimum situation would be to have the parking close to the house. She concurred with the Architects opinion, that if parking is provided on Foothill people will still park on Humboldt.

Commissioner Kroot felt that the bulk of the house has been decreased. It looks like the floor plan has been moved up the hill and rooms have been put more under the garage. Although there is only a 26 sq. ft. decrease in the actual floor area it has been moved back 8 feet. From downhill the north side deck has been decreased and integrated into the house; it has been pulled away from the house on the north. The Bay still caused him some problems. He could see how well it works from inside of the house but was worried about the bay as being viewed from the Hart's yard. It is not real high but there may be a bit of a privacy problem. Even though the nook has been moved back it would still affect the usable yard space. Regarding the exterior siding, he liked the brown color but would like to see it darker or better yet, with a shingle siding. He did not think it would be a fire problem. Shingle siding would be his preference, or at least a much darker color as proposed on the samples. With regard to the planting on the north side. He said it is important to have planting that will grow high to screen between the Hart's house and the applicants. Regarding parking, several people made comments about restrictive parking on Humboldt. It appears that this house will provide 5 parking spaces. Of all the houses in the neighborhood, this will be the least likely to contribute to parking problems and in fact they will be giving additional parking to the neighborhood. He wondered if there was a way that space could be connected to the driveway apron and move closer to the driveway and possibly some of the Bay Trees can be saved.

Commissioner Julin said she supports the staff recommendation for conditional approval. She did not want to lose sight of the primary reason for design review for homes in this particular district, that the 150' level was chosen primarily because of potential visibility to a greater numbers of people. She felt that it is primary that color and bulk and design at the higher elevations would affect parts of the community that go beyond the immediate neighborhood. In this particular case most of the house is below the 150 foot contour looking down on it. It probably is not a high visible site from the rest of the community. She concurred with Commissioner Kroot's comments on color. The reasons for not having primary access from Foothill are good ones. Variances do affect immediate neighbors. In this case she thought the variance was good from the standpoint of the immediate neighbors because it actually impacts them less than if this would go forward without the variance. The parking problem is not something that can be solved by any one lot, it is something that evolved. This is a legal building site created before slope stability and parking problems. It is almost not reasonable to try to design the structures so that it could mitigate the parking problem. The idea that it's a spec house is not really a planning issue. Spec houses are permitted. Perhaps the Fire Department should review the plans regarding building, siding, and vegetation.

Commissioner Harle supported the staff report. He would have liked to see the house smaller but the applicants are allowed to have a house this size on their lot. He was happy to hear that the applicant would not object to using shingle siding.

Commissioner Israel felt that the house appears big to a great extent because of the stylistic approach that has been taken on the house but he does not have a problem with the size of the house. He would prefer a more natural siding to a painted scheme. He said he was wrestling with the 3 car garage vs 2 car garage. He stated that he would have no objection to the garage against garage or carport. He was unhappy to see Bay trees proposed to be removed and was not really in support of that off street space. He wished there was a way for neighborhoods to take care of parking problems in a different way. He was not sure he supported the garage being shifted to the south; car spaces could be slid north and the Bay Trees could be saved. If parking is brought together because they are compatible uses, it frees up some of the street and retains the Bay trees. He advocated removing a minimum number of trees. He concurred with Commissioner Kroot's concern about the nook. He thought that a very simple solution would be to recraft this house into a craftsman's style house ie: bracketry and other detail with a little friendlier, less suburban quality.

Chairman Mihaly focused on three issues that he felt were important to the project: 1) shingles should be required; 2) make sure there is landscaping on the Hart side - there are pros and cons

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to having mature landscaping and that should be worked out with staff although he would not mind imposing a requirement of somewhat larger to begin with if that is appropriate. 3) very concerned about the construction issue.

Ms. Wight stated that the Commission could impose a construction schedule as a condition and staff could work out the details with the Public Works Department.

Chairman Mihaly would go along with exploring the parking point if it saves Bay trees and saves the parking stall so it reduces the net loss to people.

Mr. Huerto-Rojo stated that if the garage is moved the trees will still be lost; even 8 or 10 feet would not save those trees. He said that there is a 19% slope. That is the maximum to have from slope to a dead level. We have to be careful hat this transition doesn't become a problem with the parking.

Commissioner Israel really wanted to save the Bay trees, at least the two southern most trees and maybe the third one.

Commissioner Kroot stated that his concern with the nook was not so much the projection but the windows look into the yard of the neighbors; the windows are tall and the sill is low. He would prefer that the sill be brought up so it doesn't look into neighbor's yard. He was a little uncomfortable asking the applicant to move the garage back since we suggested he move it this way.

M/Kroot/Julin to approve V-9320/DR-9310 - John Schreck, 137 Humboldt Avenue, A/P Nos. 7-033-20 and 7-033-21, 1) a rear yard variance to construct a new dwelling within 0' of the rear property line (Humboldt frontage) (20' setback is required by Code); 2) a rear yard variance to construct uncovered stairs within 0' of the rear property line (Humboldt frontage) (14' is required by Code); and 3) design review of a new dwelling, on property located within the R-1 Zoning District.

Variance:

1. Due to special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the controlling zoning ordinance deprives the property of privileges enjoyed by other property in the vicinity and under an identical zoning classification, and the granting of the variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated. The special circumstances are the steep topography, the location of the rear property line to the road pavement, and the surrounding neighborhood development in relation to this property. The dwelling falls within the maximum dwelling size permitted. Were this house to be placed further down the slope, it would result in a longer driveway, and a taller structure. As designed, the rear wall of the dwelling ends near the front wall of the neighboring house at No. 135, which provides that neighbor with a view of open area. It is unlikely that Humboldt Avenue will be widened in the future, so the front setback appears to actually be 21' at the closest point. *2. The granting of the variance, under the circumstances of the particular case will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the property or improvements in such neighborhood.* The architect has been sensitive to neighboring properties in the area; specifically, that there are no windows on the room nearest the neighbor's deck at No. 139; additional trees are proposed on the front, north and south sides of the property. The rear wall of the dwelling ends where the front wall begins on the house at No. 135. The dwelling will not be visible from surrounding hillside properties and will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the property or improvements in the neighborhood.

Design Review:

1. Is functionally and aesthetically compatible with the existing improvements and the natural elements in the surrounding area; There are different architectural styles of development in this neighborhood. This development will be functionally and aesthetically compatible with the existing improvements and the natural elements in the area provided the exterior siding color be natural cedar shingles *2. Provides for protection against noise, odors, and other factors which may make the environment less desirable;* This development will not impact noise nor odors, and it will not 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;* This development will not 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 This development will not create

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unnecessary traffic hazards and will provide for satisfactory access by emergency vehicles and personnel; 5) *Will not adversely affect the health or safety of persons using the improvement or endanger property located in the surrounding area.* The development will not adversely affect the health or safety of persons using the improvement or endanger property located in the surrounding area. **Conditions of approval are:** 1) **The exterior siding shall be natural cedar shingles. These materials shall be reviewed by the Fire Department and should they not be permissible, then any alternative materials shall be reviewed by the Planning Commission;** 2) **The kitchen nook located on the north wall shall have window sill heights no less than 3'6" from the floor;** 3) **The Planning staff shall review and approve the landscaping plan. An alternative to the Ceonothus to be used;** 4) **A construction schedule shall be prepared by you and submitted to the Public Works Director for his review and approval. This schedule shall include limits on construction times and vehicular parking; and 5) The soils report shall address the site drainage and the removal of the trees. The applicant shall be responsible to make improvements as required by the Public Works Director.**

Commissioner Israel stated that some concerns were expressed about the supporting deck columns, but they are significantly shorter. He would like to see the lower deck enclosed with lattice or something softer for support structure. Do the lower deck with the same siding as the house or have a cantilevered deck.

Aye: Harle, Julin, Kroot, Mihaly

Abstain: Israel

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

2. **PS-9301/LLR-9301/ER (Environmental Review, Parcel Split, and Lot Line Relocation, - Andrea Sandvig and Stuart Jacobson, 500 Oak Avenue, A/P 7-191-06 and 07, 1) environmental review; 2) a parcel split to legalize the 1946 creation of two separate parcels, one which is currently developed; and 3) a lot line relocation for an approximately 5 acre piece of property located within the R-1-H Zoning District. No development is proposed as part of this request.**

Ms. Chaney noted that the applicant has formally withdrawn her application.

3. **U-9206/DR-9219 - David Hatch, Cellular One, 640 Sir Francis Drake Blvd, A/P 6-092-08, a design review and use permit to establish a cellular site facility and install between six (6) and nine (9) directional antennas on the parapet of the building, on property located within the C-3 Zoning District.**

The Applicant was present.

Ms. Chaney presented the staff report on behalf of Mr. Washington.

Upon questioning by Commissioner Mihaly, Ms. Chaney stated that this item never went to the Town Council because concerned parties met with the applicant and are satisfied with the antenna style changes proposed by Cellular One.

M/S Israel/Julin, to approve U-9206/DR-9219 - David Hatch, Cellular One, 640 Sir Francis Drake Blvd, A/P 6-092-08, a design review and use permit to establish a cellular site facility and install between six (6) and nine (9) directional antennas on the parapet of the building, on property located within the C-3 Zoning District. Required findings for approval are as follows:

(DR-9219) 1. Is functionally and aesthetically compatible with the existing improvements and the natural elements in the surrounding areas. The installation of this facility will not contrast with the existing improvements on this site nor with other activities in the area. 2. Provides for protection against noise, odors, and other factors which may make the environment less desirable. The mechanical equipment will primarily be housed inside the structure and the equipment installed outside will not cause any significant impacts on the surrounding environment. 3. Will not tend to cause the surrounding area to depreciate materially in appearance or value or otherwise discourage occupancy. The mechanical facility is of such a minor nature that it will not have any depreciatory affects on neighboring properties. 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. The traffic that will be generated by this activity will be miniscule (2 to 4 vehicular trips per month) and will not impact the existing traffic levels for this portion of town. 5. Will not adversely affect the health or safety of persons using the improvements or endanger property located in the surrounding area. The equipment will be isolated from surrounding uses. The applicant has taken initial steps to safeguard the operation of this facility to insure that no dangerous or hazardous conditions will be created by it. Such mitigations include a fire extinguishing system to be located inside of the building. 6. Conformance to the approved precise development plans. This property is in the CL zoning district and a precise development plan is not required. 7. Adequacy of screening. The

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mechanical portion of this installation will be located inside an enclosed building and will not be visible to the street. The exterior of the building will be slightly altered in order to accommodate the exterior mechanical equipment. These directional antenna can be painted so as to blend with the building. *8. Selection of architectural features that enable the structure to blend with its environment.* The antennas will be located on the buildings parapet and painted a color that will allow them to blend into the buildings color scheme. (U-9206) *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 or the proposed use or be detrimental or injurious to property or improvement in the neighborhood or to the general welfare of the Town.* The introduction of this activity will not have any detrimental impacts on the continued commercial use of this specific property. Nor will it detract from surrounding properties or the town at large. This use will not change the intensity of activity on this site and the applicants will include mitigations which will further reduce any potential negative impacts that could possibly result from the installation of this cell site. **Conditions of approval are:** 1. **The following project is approved subject to the plans date stamped received by the Planning Department May 20, 1993.** 2. **The applicant shall study possible solutions such as smoked glass or interior blinds for the cell site. The applicant must consult the Planning Staff, and any final solutions regarding treatment on the windows shall be approved by the Director of Planning.** 3. **The cellular facility shall be limited to 15 radios operating at 50 watts per radio and any request to increase the intensity of this facility shall be returned to the Planning Commission for a decision as an amendment to the Use Permit.** 4. **The antennas and all additional exterior attachments shall be painted to match the exterior colors of the building.**

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

4. **Town of San Anselmo - Draft Ordinance Revision for Maximum Development Size** to revise the floor area ratio (FAR) for residential properties above 150' mean sea level elevation thereby allowing deviation to the "Maximum Size of Dwellings" in Table 4E. (Note: 5,000 square feet maximum dwellings is the current threshold).

Staff presented a staff report on this topic.

Commissioner Harle questioned the language by asking what if the dwelling is not totally obscured but the change in size doesn't affect visibility.

Commissioner Mihaly stated that the language would have to be changed to make it clear that people couldn't piecemeal their way into an obnoxious house.

Kathleen Sanders, from the Open Space Committee, stated that General Plan Policy No. 11.1 talks about character and scale. She felt it was important to incorporate this language to take into account neighborhoods with smaller homes (e.g. 2,000 sq. ft.) where a new large house might be out of scale. The zoning ordinance table is a further interpretation of preserving character, scale or size of a neighborhood. The intent of 4E is to do that.

Commissioner Kroot commented that if all the neighboring houses are 2,000 sq. ft. then adding Policy 11.1 would mean that a new house can't exceed 2,000 sq. ft.

Ms. Sanders said that it's more important to look at the neighborhood before you look at the table. If a neighborhood's average house size is 6,000 sq. ft., then Policy 11.1 supersedes the table and you could have an argument for large neighborhoods with large scale houses. The same is true for neighborhoods with smaller houses.

Ms. Chaney stated that an example was the Posthuma property where a reduction in the house size was required to ensure a closer relationship with neighboring houses, even though the house size was reduced below what otherwise was allowed in Table 4E.

Commissioner Harle said, we call it compatibility, but we say it's conformity. That is segregationist. We segregate the little house neighborhood from the big house neighborhood. Part of the quality of the Town is that there is some variety too.

Commissioner Kroot also asked what if someone wants to build a 2,000 sq. ft. house in a 6,000 sq. ft. neighborhood. Is it less compatible?

Commissioner Israel said he could envision several circumstances where the relationship of a particular house in the neighborhood really has no relationship to its neighbors.

Commissioner Kroot said there are large houses in areas where there are smaller houses and the neighborhood is very successful. We already do design review on this.

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Ms. Chaney said that a statement is contained in this staff report that the general plan language dealing with scale and compatibility would still be considered in reviewing projects involving maximum house size.

Commissioner Mihaly asked why not put it in? He was thinking about the Posthuma project and the flip side of what we heard tonight. They are just policies but people read this new proposed language as if the lid is off Table 4E. Our intent was not to eliminate the size criteria, but to eliminate applying these size limitations in situations where it seemed absurd to stop someone from building a garage that is invisible. On the other hand, having a firm house size threshold for a highly visible site is important. A good middle ground is to encourage people to think that the table still means something but that we will allow some exceptions when it's invisible.

Commissioner Kroot stated that apparently the way it's now written some people feel we can't grant variances on maximum house sizes. Now it's coming back modified that it can be increased. If under certain circumstances variances can be granted, then we wouldn't have to modify it.

Ms. Sanders said people should have a table to look at. She felt the wording that Chaney has is acceptable. It sounds like a way to grant certain findings that you can't find otherwise.

Commissioner Israel approved of Mihaly's two recommendations. Changing the initial wording to say "the addition" in that case is not materially visible and then adding the language from the general plan.

Commissioner Harle disagreed because he did not think square footage addresses the issue at all. It's a clumsy way of approaching the problem of visibility. It would be better handled by design review.

Ms. Chaney stated that in terms of process, staff recommends that any exceedance of maximum dwelling size be through the design review process rather than the variance process. If it remains under the realm of a variance, we still have to look at physical factors of the lot. It is tough to making the variance findings in order the grant an exceedance to house size.

Commissioner Kroot asked why should we have a square footage table at all? Simply have no variance findings and go right into design review.

Ms. Chaney stated that a house size variance is somewhat similar to a variance for height which is really not legal. As an aside, Mill Valley added some language which allows a person to exceed size requirement by 100 square feet to allow for small room additions.

Commissioner Mihaly stated that the way it's proposed, the numbers on the table apply except they don't apply if you are invisible. What does apply when you are invisible? No standard except Policy 11.1. There's a hole in that table the way it is written. If you are invisible the size table doesn't apply as far as the zoning ordinance is concerned.

Commissioner Harle said if visual impact is the primary reason, that is the way it ought to be.

Commissioner Mihaly said an alternative might be to use the word "minor"; put a limit on square footage (e.g., 10%); repeat the language of the general plan in the zoning ordinance; and leave it at that.

Commissioner Kroot reaffirmed that exceptions were only in specific cases, then you can exceed it only if it's approved through design review. He said he still had a hard time understanding no variances for height.

Commissioner Mihaly asked whether the Council preferred to eliminate table 4E?

Ms. Chaney replied, no.

Commissioner Mihaly said if the project is visible the table applies; if it is invisible then it's back to design review.

Commissioner Israel said if a house is invisible an owner should be able to build what they want.

Commissioner Harle said when an exception to the size is requested then this automatically takes it out of a variance and into a special design review category that uses this rationale.

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Ms. Chaney stated that the Commission has the option of leaving it in the variance category but staff will likely prepare staff reports recommending denial because of the inability to justify a larger house based on physical lot characteristics.

Commissioner Harle said that in essence we would be adding a condition to the variance procedure which invalidates the size, shape, etc. We are not amending that finding.

Ms. Chaney said that under Design Review, you will be looking at findings that in essence repeat the "materially visible offsite" statement and repeat the size and character of neighborhood statement that comes from the General Plan.

Commissioner Kroot said he heard an implication that by "size" they all have to be the same size.

Commissioner Mihaly said he was withdrawing his recommendation that the General Plan language be incorporated. He felt it would make it more confusing.

Commissioner Israel agreed. If the General Plan says a house has to be in conformance with neighborhood in terms of size, the Commission must still consider that.

M/S Harle/Julin for adoption.

Commissioner Kroot said we should also look at 1) sub-story space; 2) attic space - 6 or 7 feet high. That shouldn't be considered floor area because we are telling people to build flat roofs. Floor area should be floor area.

Commissioner Israel said we use a different definition for floor area than the Uniform Building Code.

Commissioner Kroot said he was thinking of floor area and how people get around it with little expense and the Town gets a flat roof house. We are describing peaked roofs. The other one is requiring people to have 3 parking spaces and we should consider 600 sq. ft. garages.

Ms. Chaney said we may want a separate Planning Commission meeting just to discuss ordinance issues.

Commissioner Mihaly said he would support both. As soon as someone comes up with a good idea our tendency is to want to get into a hearing process and we never do anything. He authorized the scheduling of a separate meeting on planning issues.

It was decided that Commissioner Kroot should write the language and give it to Ms. Chaney who will draft it for the meeting.

E. GENERAL DISCUSSION

There was none.

F. OPEN TIME FOR PUBLIC DISCUSSION

There was none.

G. REPORT OF UPCOMING APPEALS TO TOWN COUNCIL

There was none.

H. ADJOURNMENT TO THE MEETING OF August 2, 1993

The regular meeting was adjourned at 11:20 p.m. to the next Planning Commission meeting on August 2, 1993.

VICTORIA ENGEL