

**TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES FOR MAY 2, 1994**

The regular meeting of the San Anselmo Planning Commission meeting was convened at 7:45 p.m. by Chairman Mihaly in the Council Chambers. Staff present was Planning Director Ann Chaney and Environmental Consultant John Roberto.

A. CALL TO ORDER

Present: Harle, Israel, Julin, Mihaly,
Absent: Sias, Hayes, Sargent7

B. CONSENT

1. Minutes - April 18, 1994

M/S Julin/Israel, to approve minutes with an amendment by Commissioner Julin regarding the open space area adjacent to Lot A be included as part of the packet. Julin/Israel. Motion unanimously passed. Audience advised of the ten day appeal period.

C. PUBLIC HEARINGS-CONTINUED

1. **V-9411 - Nick Kaeonil, 727 Sir Francis Drake Boulevard, A/P 6-083-07, a design review and parking variance (6 required, 5 provided) to establish a new restaurant on property located within the C-L Zoning District. CONTINUED TO THE MEETING OF MAY 16, 1994.**
2. **V-9406 - Michelle Chouinnard, 208 Sequoia, A/P 6-114-01, a variance request to: 1) allow the applicant to relocate a spa within 1' of the rear property line (8' is required); 2) a trellis and arbor to remain with 0' of the rear property line (8' is required); and 3) to allow portions of a fence to be 8' in height where 6' is permitted; on property located within the R-1 Zoning District. (After-the-Fact) Note: The spa and portions of the fence and trellis currently encroach into the adjoining property. CONTINUED TO THE MEETING OF MAY 16, 1994.**

D. OPEN TIME FOR PUBLIC DISCUSSION

Commissioner Sargent arrived at 8:00 p.m.

Interim Town Administrator Beth Pollard gave a status report on the Town Council's decision to hire a consulting firm to do a random sampling throughout the Town to gather the public input on the important issues. Such items could be in the form of bond measures, mello roos, and assessment districts for roadway and drainage repair. Questions also include, design review in the low line areas, fence heights, Downtown revitalization as well as a question regarding the breakdown of tax dollars and how it can benefit the Town.

Commissioner Israel was hopeful that the questions are well worded so that the public really understood the planning issues. Ms. Pollard distributed a draft copy of the questions that would be asked to the Planning Commission.

Commissioner Israel spoke about his recent information regarding companies that are able to save and replant oak trees that have to be uprooted for various reasons. He became aware of the possibility of uprooting and replanting them when he discovered that an old oak tree had died on his property. He suggested that the Commission consider recommending this for future projects when trees that are to be removed. Perhaps these trees could be made available to the public, at no cost to the applicant, or even move them elsewhere on the site.

Commissioner Hayes arrived at 8:10 p.m.

E. PUBLIC HEARINGS

Chairman Mihaly stated that the first item will be heard until 9:30 p.m. to allow adequate time for the second hearing.

1. **Oak Avenue Master Plan and Development Agreement - David Hansen APN's 7-154-02, 7-154-05, (possible applicants Michael and Linda Gill APN's 7-154-08, 09 and 11), William Broderick APN's 7-154-10, 7-201-02 and 12, the project site is located on the northeastern slope of Bald Mountain. It is bordered by Oak Avenue and scattered residential housing to the north and east, and by open space to the south and west. The subject property is comprised of 8 parcels of land totaling an estimated 16.2+ acres. The proposed project, which includes a master plan and development agreement, focuses on buildout of some, but not all, of the properties at the end of Oak Avenue. The proposed master plan and development agreement**

seek entitlement to construct four (4) new homes, appurtenant structures, and infrastructure improvements. The documents do not include the design level information required by the Town to approve specific homes or any of the other entitlements needed before construction can begin. The property is located in the R-1 H Zoning District.

Applicant Michael Gill, Attorney Neil Sorensen and Consultant Scott Hochstrasser were present.

Dietrich Stroeh and Steve Araga from DKS were also present on behalf of the Town..

Ann Chaney introduced the project. She stated that this application is before the Commission because of an interlocutory agreement. The applicants are seeking an entitlement to build 4 homes.

The masterplan has been submitted. The applicants are only proposing to construct 4 homes, when in fact the General Plan allows for up to 5 homes. She then presented a description of the project.

John Roberto explained that he looked at the effects of the build out. DKS was retained to do a traffic analysis. Each document was reviewed by his office to ensure that all the work was complete. In addition, an archaeological survey was performed. Story poles were erected and visual affects were done by an architectural firm under his direction.

Mr. Roberto explained that a negative declaration was prepared but mitigation measures have been developed to minimize the impacts. These were presented to both the applicants and Town staff. The applicant has agreed to implement the measures and has signed this agreement. In a sense, the recommendations have already been implemented into the project, and Hansen, he has prepared a mitigated negative declaration. He discussed each mitigation measure that is being proposed. Photographs of the site were distributed to the Commission.

Commissioner Sargent asked about the turnaround suggested by the Fire Department. Mr. Roberto indicated that the Fire Chief is willing to look at an area, similar to that shown on the master plan but the final decision will be decided during the actual plan.

Commissioner Sargent wondered what the diameter of the turn around would be. Staff said they will research this and get back to him at a subsequent hearing.

Commissioner Israel asked about the proposed turn outs. Staff confirmed that they are just for turnouts, not for on-street parking.

Chairman Mihaly stated that under the development agreement staff is prohibited from placing more stringent conditions on the project than that which already exists. He stated that staff should be looking at the ordinances. Roberto stated that they will be part of the final document.

Chairman Mihaly was curious as to why the intersection of Redwood Road and Center Blvd is not included in the DKs study. This project is insignificant, however, if it is cumulative with all the developments on Bald Hill, as well as the traffic from the HUB, he wondered why it was not included. Mr. Roberto explained that the DKS report only looked at this four house project, not cumulative, therefore this project will not have a significant impact on any of the intersections in town.

Commissioner Israel asked for clarification on the mitigations for Light and Air. He wondered if roadway lighting is proposed. Roberto stated that it is not proposed and not expected to be offered.

Scott Hochstrasser spoke on behalf of the applicants. He explained that this project has three legal lots of record, the General Plan allows for up to 5 homes; this proposal is for 4 homes. This proposal before the Commission is just a comprehensive plan for infrastructure plans for the project. This has an immense benefits for the Town, and brings improvements for public improvements. With respect to public benefits, public access, hicking trail, bicycle trails, provides for development consistent with the General Plan.

Patrick Ritter, Bald Hill, encouraged the Commissioners to understand the public has just been given alot of information regarding this project that they have not been able to digest and would therefore not make any final decisions tonight. He was present during a presentation by DKS during the Bald Hill meetings where they discussed the capacity of Oak Avenue. Roadway conditions should be looked at, specifically, grade, number of curves, width of roadway, vertical shoulders, lack of line of sight. Also he felt the cumulative affect should be looked at. The entire build out should be considered. He did not think the Fire Department upgrades would be a public benefit to the neighborhood, but would only improve the immediate area. He wondered what that means in terms of roadway access and what the response time will be when there is total build out? He also asked about access when construction vehicles are on the roadway. (Emergency Response time). When the applicants are required to provide a video survey of the roadway, he hoped it would include a detail of current roadway conditions so the Town will be able to establish a good base line.

Chairman Mihaly explained that this project will then have no impact on the Ball Hill project if it is

approved prior to the Bald Hill Project. .

Bill Abright, 190 Oak Avenue, was somewhat surprised that this project is being discussed tonight because he has considered this part of the Bald Hill project. He said that there is legal access to the Warn springs through a public easement for fire safety. He was not sure that widening the roadway would be a great benefit because he has a 15'-18' roadway width fronting his property and it is a hazard because people seem to speed up. He was aghast about the liberal time allowed for construction and suggests that such an extended amount of time will create a significant negative impact on the neighborhood.

Regarding mitigation measures on page 24, he questions the driveway cuts. He has walked the property, and was shown the driveway for lot 2. He would like to address the possibility of altering the home site or altering the cut because it is not in keeping with the Hansen property. Regarding traffic, DKS did not pole the people who use Redwood Road and he suggests that actual data be obtained from the people who actively use Redwood Road.

Barbara Schmidt Austin Avenue, did not believe the general public was getting sufficient public input on this project of the Fraser project. She wondered how much these projects are costing the Town. She wondered if the Town has considered how water will be brought to the lots during the drought. She looked into having all the projects closed down. She does not believe any homes should be built on Bald Hill. Austin Avenue has become a parking lot and she would like to consider this during the traffic study.

Cathy Sanders, Redwood Road, questioned the construction traffic time and thought the General Plan could impose stricter regulations. Regarding the story pole for the Hansen property, she stated that one of the story pole should be moved because it is right behind a tree. Regarding water runoff; a house slid off the hill at 350 Redwood Road in 1982 and there was partial damage to the house next to it. Partial damage was done to two houses on Allyn Avenue. This all took place after the Redwood Hill Subdivision was previously discussed. She passed this information out to the Commission.

Louis Epstein, Oak Avenue, is in favor of the project. He indicated that the typical family lives on 3 acres in the hillside. and that this is very large in comparison to San Francisco. The fire safety is greater here in Marin County than in San Francisco with the old Victorian homes. He felt that a paper wall is being erected on Bald Hill not to allow people to live on the property they own.

Peter Fraser, said he would benefit with improvements on this road however it should be noted that 12 years ago the density was set for Bald Hill. They were set with the reasonability that people could live with. This development is only proposing to live by that agreement, with the reduction of one house. On top of that, they are voluntarily imposing drainage, roadway and fire improvements to the Town.

Michael Gill stated that the fire protection plan has been developed specifically because of the comments the Fire Chief has made regarding fire safety in the hillside. He said they are trying to set a good example and he felt very strongly that this will be a benefit to the town.

Ann Chaney said that because of the time line with the courts, she recommend additional meetings on Monday May 23, and June 6th. In terns of Bald Hill, there is a meeting next Monday, May 9th.

Mihaly would like the Bald Hill meeting continued from May 9th to the 16th to allow staff time to prepare staff report.

Mr. Abright questioned why staff was rushing the meetings when July 26th is the deadline. Ms. Chaney stated that she will be out of the office from June 18 through July 9th and will not be present for .

Commissioner Israel suggested a site visit and asked if the applicants could have the building envelopes staked.

There was a consensus that this item be continued to May 23, 1994.

M/S Mihaly, Julin, to continue the Bald Hill meeting to May 16, 1994 at 5:30 p.m. Motion unanimously passed.

Commissioner Sargent asked if the two plans (Fraser and Hansen/Gill) could be seen as a master plan and incorporated into one plan. Staff agreed to provide that information for the next meeting. It will also include the new roads.

M/S israel/Julin to continue Oak Avenue Master Plan and Development Agreement - David Hansen APN's 7-154-02, 7-154-05, (possible applicants Michael and Linda Gill APN's 7-154-08, 09 and 11), William Broderick APN's 7-154-10, 7-201-02 and 12, the project site is located on the northeastern slope of Bald Mountain. It is bordered by Oak Avenue and scattered residential housing to the north and east, and by open space to the south and west. The subject property is comprised of

8 parcels of land totaling an estimated 16.2+ acres. The proposed project, which includes a master plan and development agreement, focuses on buildout of some, but not all, of the properties at the end of Oak Avenue. The proposed master plan and development agreement seek entitlement to construct four (4) new homes, appurtenant structures, and infrastructure improvements. The documents do not include the design level information required by the Town to approve specific homes or any of the other entitlements needed before construction can begin. The property is located in the R-1 H Zoning District. This is continued to May 23, 1994.

Motion unanimously passed.

2. PDP-9401/VTM-9402/ER and Density Determination, Peter and Pamela Fraser, near 390 Redwood Road, APN's 7-071-03, 7-101-02, 7-154-04, Environmental Review, Density Determination, Precise Development Plan, and Vesting Tentative Map applications for a 25.65 acre site located off Redwood Road near 390 Redwood Road. The subdivision map would create seven (7) homesites on about 5.7 acres and a Public Open Space parcel totaling 19.95 acres. No homes are being proposed at this time and such homes would require Design Review approval prior to construction. A Density Determination of 12 units is requested although 7 units are proposed. This property is located within the R-1-H Zoning District. CONTINUED TO MAY 3, 1994 (if necessary).

Chairman Mihaly stated that the Fraser Sub-Committee has not had an opportunity to discuss the actions of the last Planning Commission meeting therefore the Fraser application will not be acted upon tonight. Ms. Chaney suggested that the Commission subcommittee meet on May 9, 1994 and that a definite time and date should be decided prior to close of the Planning Commission meeting tonight.

Ms. Chaney discussed the changes on the resolution with the exception of the roadway improvements. Those items will be discussed at a subsequent meeting after the subcommittee has had time to meet and confer on those items.

Commissioner Israel stated that there may not be a need to require an arborist and a landscape architect when they are both licensed. Ms. Chaney stated that the arborist will have done the work on the tree protection plan. Steve Araga said that they find that arborists are hired to assist them and perhaps the wording should say "... reviewed by the arborist and approved by the Planning Director...."

Commissioner Israel explained that oaks need to be pruned to keep the trees healthy. Ms. Chaney stated that she was just responding to public testimony and perhaps the same wording should be used as in the tree removal condition.

Chairman Mihaly asked if Condition 16 and 18 contradict each other. Ms. Chaney said that there are many acres of open space that will not be touched. Chairman Mihaly asked for language on this for Condition 17 and 18.

Ms. Chaney asked the Commission to add the following wording at the end of Condition: "... as determined through the administrative design review process."

Ms. Chaney stated that item no 28 should be deleted.

Regarding the hours of construction time, Ms. Chaney did not specify more stringent hours of construction than what are within the current Municipal code.

Mr. Stroeh wondered what the definition of natural grade was. Mr. Araga stated that he had questions but he would discuss them with staff.

Mr. Fraser said he has entered into a legal contract with the Town and the legal obligation will prevail over any of the current conditions. He applied for a vested tentative map on Feb 4th and anything in study or proposed and not adopted by February 4th can not be adopted by this project. Regarding tree preservation and protection. He believes that a special emphasis should be placed on protecting the trees that are natural to the site, such as bays, oaks and madrones. He would like a management program to protect those trees. Prohibiting the pruning of trees will keep the natural forest from continuing to grow. Not enough sunlight can get through to the ground unless the trees are pruned therefore he would like to retain the flexibility in pruning the trees. Regarding using earth tones for the design review, he felt that there is nothing more bland than a brown house with a brown trim. He would like to see the design professionals make those suggestions and therefore would like to eliminate the words "earth tones" and bring the design professionals into the design concepts. Regarding the sewer he said they could do a private lateral to Redwood Road or a septic system but this is not what he wants to do. He does not think a final map should be held up for this, and in fact should be included as options. Regarding fences, he said that having holes in the fences will only provide problems with landscaping around the houses. Regarding density on condition 31, he felt

that this is in conflict with the contract with the Town. The assignment of the density must be accounted for and the public open space should be given 5 development rights and then should be retired and never be used. He objects to this wording because it is contrary to the contract.

Dee Ann Campbell, 107 Allyn Avenue, has adjacent land to Fraser. She discovered in 1985 that her bedroom was not on land she own. Her title search did not turn up this information. She decided to initiate legal action to the developer of the property (The Stewarts and Feldmans). In 1987 they paid Fraser \$10,000 to move the property lines. To day, this has not been recorded by Fraser. In addition there is a 12 inch drainage pipe that goes under her garage and deck and wonders who will pay for that.

Kathy Sanders, 390 Redwood Road, still has questions about parking by 349 Redwood. There are 5 houses that use the parking area and they do not want to see it eliminated. Also, lot B is visible and could be viewed from 200 - 296 Redwood Road and will be recognized at the 35 foot level. Regarding construction traffic, there were specific times set during the O'Hare project and perhaps those times could be incorporated into this application. Regarding the DKS report and widening the road, backing up for on coming cars can take one wheel off the road; rather than paving the side of the road, she would prefer some turn outs to let people pass.

Bill Abright, 190 Oak Avenue, stated that he would like clarification on Objective 10.4 of the General Plan that said he cannot find implementation No. 3. He also noted that Objective 11.3 of the General Plan states that 5 houses or more should be paid by the development creating the need for the improvements. Therefore, the applicant should be responsible for the improvements.

Barbara Geisler, 405 Redwood, was very concerned about fire safety.

Lewis Epstein said he was in favor of letting Fraser use his property.

Chairman Mihaly would like staff to report back on the lot line as questioned by the neighbor.

Commissioner Israel would like staff to check with the Town Attorney advise the Commission of Fraser's statement specifying that the Conditions in the resolution are moot because of the Vesting Tentative Map.

Chairman Mihaly stated that staff should check with the Attorney to see if there are any conflicts with the contract and the conditions.

Mr. Fraser said he is not asking to amend the police power, only asking the Commission to apply those things that are on the books by February 4th. Chairman Mihaly said that does not prohibit putting on additional conditions that pertain to health and safety. He would also like an opinion from the Town Attorney on those discrepancies.

Commissioner Israel was not clear on the design standards. Ms. Chaney stated that the design standards will be recorded. Staff was to fold into those any changes that they deemed appropriate. Staff will incorporate the guidelines as well as the changes.

Commissioner Israel said he would like more specifics with the design review requirements. Fraser thought that it was already clearly stated.

Commissioner Harle was curious about the easement over the open space. Ms. Chaney said there is a letter in the packets that states the Marin County Open Space does not like easements over open space. Mr. Stroeh said the point is moot now because there is water on lot 4.

Commissioner Julin strongly felt that there was value of lot A as part of the package to the Open Space District. The compelling reasons are that it has regional significance because it is along the trail, is the easiest to maintain because it is accessible by vehicle, and our Supervisor from the District supports what the Town is doing as a package. She feels it should come back as a resolution as part of the package and recommends that the Marin County Open Space take it over rather than the Town. Regarding reduction in height for lot 4, she felt that would be fine tuning it a bit much at this stage. The value of the story poles was to see where the lots were but it is a crude measure to reduce the height by 5 feet when in fact it can be done at the design review stage. Regarding roadways, she questioned the 15 foot standard and the possible conflict with the Circulation Policy. She also thought that they may not be categorically exempt for the environmental review for improvements. Also, she is questioned the off site mitigations on an ad hoc basis when it hasn't been done in the past. Perhaps staff should go to the Town Council to advise them that applicants will be more responsible when applying for a project prior to applying these standards to applications.

Commissioner Hayes supported the working on lot 4. With regard to design review, he has always been in support of earth tones, although this is not a very visible site, perhaps use wording that states "...that it blend with the environment unless there is no impact with the environment.." Regarding parking, he would like to see it discussed in front of 349 Redwood He would also like to see the hours of construction discussed.

Commissioner Sargent agreed with Commissioner Julin's comments. He was also hoping that staff will not forget the property at 405 Redwood Road regarding open space.

Owner, 405 Redwood Road, indicated that she has thought alot about giving a portion of her property to open space and wondered how she should go about it. chairman Mihaly said staff cannot handle anymore at this point but that it should be discussed at a future date.

Commissioner Israel questioned why the Gill project required turnouts for fire department passing and yet there are no turnouts for Fraser. Chaney said that DKS has suggested several places that can be used for turnouts.

Chairman Mihaly would like to see a compromise reached on the tree pruning.

Fraser wondered if he could meet with a sub committee to discuss design concepts. Chairman Mihaly said that they were very close. He supports wording that talks about color and visibility. In addition trim can be critical. Therefore he felt that staff should go with the visibility concept.

Ms. Chaney suggested that a date be set for the subcommittee and then another meeting should be scheduled Fraser, noting that the deadline is June 3 to have the project wrapped up.

Fraser said the final parcel map is June 4th and the Vesting Tentative Map has to be done first. To use June 4th as the final date will not allow sufficient time to record everything and would therefore be a breach of contract.

Mr. Stroeh said it will take a week to do the Tentative Map. Chairman Mihaly said he hopes that will allow the Town adequate time for appeal if necessary.

M/S Mihaly/Sargent to continue PDP-9401/VTM-9402/ER and Density Determination, Peter and Pamela Fraser, near 390 Redwood Road, APN's 7-071-03, 7-101-02, 7-154-04, Environmental Review, Density Determination, Precise Development Plan, and Vesting Tentative Map applications for a 25.65 acre site located off Redwood Road near 390 Redwood Road. The subdivision map would create seven (7) homesites on about 5.7 acres and a Public Open Space parcel totaling 19.95 acres. No homes are being proposed at this time and such homes would require Design Review approval prior to construction. A Density Determination of 12 units is requested although 7 units are proposed. This property is located within the R-1-H Zoning District. This is continued to a special meeting on May 9, with understanding that they may also continue to May 16th.

F. GENERAL DISCUSSION

Commissioner's Harle and Israel said they would not be able to attend the May 16, 1994 meeting.

G. REPORT OF UPCOMING APPEALS TO TOWN COUNCIL

There was no discussion.

H. ADJOURNMENT

The regular meeting of the San Anselmo Planning Commission was adjourned at 11:55 p.m. to the next special meeting on May 9, 1994.

BARBARA CHAMBERS