

**TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES FOR JULY 10, 1995**

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

A. CALL TO ORDER

Commissioners' present: Harle Julin, Israel, Sargent, Mihaly
Commissioners' absent: Hayes, Ollinger

B. CONSENT

1. Minutes - June 19, 1995

2. **V-9518 - Laurie Mott and Marc Reisner, 154 Pine Street, A/P 7-251-30**, a variance to demolish an existing garage and construct a new detached garage 5' from the rear property line (20' required) and 1' from the side property line (8' required) on property located within the R-1 Zoning District.

3. **V-9521 - Mary Catherine Dwyer, 418 Scenic, A/P 7-031-07**, a variance to construct a new concrete retaining wall that will have a maximum height of 13'6" and located within 0' from the front property line (20' required). A portion of the wall will be located in the Town right-of-way.

M/S Mihaly, Julin to approve consent.

Conditions of approval 418 Scenic: 1. A copy of the application for a revocable encroachment permit, to allow a structure in the right of way, shall be forwarded to the property owner of 418 Scenic Avenue prior to the issuance of a building permit.

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

C. OPEN TIME FOR PUBLIC DISCUSSION

Commissioner Julin asked about the application withdrawal at 5 Santa Barbara. Ms. Chaney said that the applicants received a letter from the Fire Department requiring the access driveway be 14 feet wide. This is physically impossible on this site and the 14 feet cannot be waived. However, no formal letter has been received from the applicant.

D. PUBLIC HEARINGS - WITHDRAWN

1. **Environmental Review/Z-9502/PS-9502/DR-9508; U-9505 - Charles Kurtz, 5 Santa Barbara, A/P 5-211-30**, 1) Environmental Review; 2) amendment to an existing Special Planned Development Zone (SPD); 3) amendment to a Use Permit; 4) Tentative Parcel Map ; and 5) design review to split an existing developed parcel of land in order to construct a new single family residence, on property located within the SPD Zoning District.

E. PUBLIC HEARINGS - CONTINUED

1. **Shelagh Kew Barker, for 1100, 1104, 1108, 1112, 1116, 1120 and 1124 Sir Francis Drake Boulevard**, APN's 6-031-07, 6-031-08, 6-031-09, 6-031-10, 6-031-11, 6-031-12, and 6-031-13, 1) Environmental review; 2) General Plan Map Amendment: to change the classification for these properties from Single Family: 1-6 units per acre to Medium Density: 6-12 units per acre; 3) Rezoning to change the classification from R-1 (Single Family Residential) to R-2 (Two Family Residential); and 4) Zoning Ordinance Amendment to Table 4A, Footnote 4: to delete the reference to R-2 as follows: "The minimum lot area for all newly created R-2 (strike R-2 out), R-3, and P lots shall be as described in this table. No allowance for rounding up shall be granted for the last lot in a subdivision, which only partially meets the lot area requirement." **CONTINUED TO THE MEETING OF JULY 24, 1995**

2. **U-9504/Environmental Review - Tom and Lilka Areton, 104-106 Butterfield Road**, APN's 5-072-17 and 5-072-18, A use permit to allow Cultural Homestay

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International, a non-profit social service institution, to operate on property located within the R-1 Zoning District. **CONTINUED TO THE MEETING OF AUGUST 21, 1995**

F. PUBLIC HEARINGS

1. Town of San Anselmo - General Plan Amendment to Incorporate the Bald Hill Area Plan. The purpose of the Bald Hill Plan is to establish development standards and policies which focus on the unique conditions of this hillside area such as the steep, heavily wooded terrain; narrow, winding roadways; highly visible hillside and ridgeline properties; and connection with public open space lands. Plan contents include policies on land use/density, circulation/parking, water/sewer, drainage, visual, trail access, and fire protection.

Ms. Chaney presented her staff report. To speed review, staff resubmitted the same version presented on June 19 with handwritten changes based on the Commission's discussion. At the last meeting there was a question on how the Oak Avenue access should be shown or not shown on maps. There was also discussion on the issue of "shall" versus "should."

The Commissioner's went through staff's changes and had the following comments.

On pages 9 and 10, under item 5.5 Tree Protection, Commissioner Sargent asked what would be covered in the shrub area. He asked about poison oak. Ms. Chaney said the intent is to keep the area as natural as possible.

Commissioner Mihaly questioned the tree protection language, which has been controversial and may be unenforceable. He asked if the last sentence in 5.5.2 shouldn't be included under 5.5.1. 5.5.2 refers to the area outside the building envelope.

Commissioner Israel said that once you've developed in the envelope you can do what you want. It is outside the envelope that you must get permission.

Commissioner Sargent said it needs to be clear that within the envelope there is a process. He feels this should be written, with 5.5.1 titled "Pre-development", and 5.5.2 titled "Development Standards" for inside and outside the envelope.

Commissioner Israel suggested that it would be clearer to entitle 5.5 "Tree and Habitat Protection."

Commissioner Harle asked if there is a specific definition of building envelope. He asked if it means just the building perimeter, or is it the private living area for the residents.

Ms. Chaney said the private living area for residents could be more appropriately called the "site development envelope," with the building envelope being the perimeter of the home.

Commissioner Harle asked if you can ask for a variance from the General Plan. For example, what if someone wants to plant something that is disallowed. Commissioner Mihaly said you can't get a variance from a General Plan.

Commissioner Sargent said the Commission should be careful of letting the site development envelopes become too big.

Commissioner Israel said the General Plan doesn't seem to be the place to decide the size of the site development envelope.

Ms. Chaney said that the envelopes will all be decided on a case by case basis.

Commissioner Mihaly said the site development envelope will be decided by Design Review, but a definition is needed.

Commissioner Sargent said he feels we are risking getting much bigger envelopes than wanted or intended.

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The meeting was opened for public discussion.

Michael Gill, Oak Avenue, said inside the site development envelope is covered by the landscape plan. Outside the envelope you cannot cut trees over 6" in diameter. He feels this is clearly distinguished procedurally. Regarding 5.5.2 on pruning of non-heritage trees and shrubs, he said the Fire Department wants all that low shrubbery removed for fire hazard protection. This was discussed at their meetings and is a conflict between the Planning and Fire Departments.

Commissioner Israel said the softened language in this version makes sense as we are trying to provide direction.

Ms. Chaney said she can make the changes discussed and bring this back for review, and changes can be made at the Council level.

M/S Milhaly/Sargent, to move adoption of an Amendment to the General Plan incorporating the Bald Hill Area Plan, with the changes discussed, with the understanding that staff will write up a final plan for Commissioners review. Changes discussed include making the language in 5.6.7 to conform with the language in 5.4.1; in Section 5.5 Tree Protection, the sections should be reordered for clarity, to clarify terms of predevelopment and during development regarding landscaping; language in 5.5.2 should be softened to the "may or should" range, not shall; Section 5.3.1, language should be modified to say " Buildings should be designed to break up the massing of structures, with appropriate techniques including but not limited to pitched roofs of varying height and direction of pitch.

Commissioner Harle objected to the document containing too many details that are unenforceable, such as the language in the story pole section and regarding trees.

Commissioner Mihaly said that in the real world these details really don't matter all that much. He doesn't feel this document is too specific.

Commissioner Julin said her position is to abstain. She cannot support it because it is excessively restrictive. She feels it exerts too much control over other people's lives.

Ayes: Sargent, Israel, Mihaly

Noes: Harle

Abstain: Julin

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

2. DR-9509/SR-9501/V-9519 Mike Joe LoBlanco for JACK IN THE BOX, 830 Sir Francis Drake Boulevard, A/P 6-061-71 and 21, 1) A design review (approved 6/19/95) and sign review to change the exterior color of an existing JACK IN THE BOX, and to add architectural embellishments such as a neon band at the top and change the face of all existing signs; and 2) A sign variance to maintain all of the existing sign cabinets and change the sign faces. These signs presently exceed the size and height requirements, for property located within the C-3 Zoning District.

Ms. Chaney presented her staff report, noting that the design of the building was approved at the last meeting, but the request for neon tubes and variance to the sign ordinance was continued. The applicant wants to keep the 20 foot pole sign; staff recommends it be 8 feet. Staff does not support the neon tubing. The combined signage on the site should be no more than 76.5 square feet.

Joe LoBlanco, Construction Manager for Jack in the Box, said this is an image enhancement project for the building. He asked how the square footage on the signs was calculated. As the building faces two street, he feels the calculations should be different. This is just a facelift for the building. This is a franchise, and the corporate office would like them to update. Some of these requirements, however, are cost prohibitive for the franchise operator. The pole sign is the biggest issue. It has been there for many years and is shielded by trees. If they could keep that, they could reduce the size of the wall sign and eliminate the neon tubing.

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Commissioner Julin asked if he has a site plan showing the locations of the signs. She asked if lowering the present sign will present a safety hazard to vehicles .

Ms. Chaney responded to Mr. LoBianco that she did count both sides of the lot in calculating the allowable sign square footage. She said the pole sign counts as one sign, but the square footage counts twice.

The public hearing was closed.

Commissioner Sargent said he supports the staff conclusion and would like to accept the applicant's compromise position to give up neon tubing, get in conformance with signage square footage, but what about the height of the pole sign?

Commissioner Harle said he would like to see the property spruced up. He doesn't object to 20' pole sign; we are all used to it. He wouldn't want to jeopardize the whole project

Commissioner Julin said the free-standing sign is tall, but we are all used to it. She said a monument sign could conceivably be a visual problem for traffic. She feels an 11' pole sign would be a good compromise. She doesn't feel it's fair to deny this neon tubing when Unocal got approval for theirs. Ms. Chaney said the Unocal tubes are florescent, not neon.

Commissioner Harle asked how tall the signs are at Guasco's and Red Hill. Ms. Chaney said they are taller, about 25'.

Commissioner Mihaly said he is against pole signs altogether, but they just want to spruce it up so it isn't fair to require major changes. He supports the staff position on the neon strip.

Commissioner Israel said he doesn't support the neon strip, but feels it is burdensome to ask them to change the size of the big sign. He feels an 11' pole sign is better than 8'. The total signage area should conform to the rules. He would like to see the building sign reduced to get the square footage of signage in conformance.

M/S Sargent/Mihaly to approve the applicant's request to keep the two on site signs with conditions of approval from the staff report changed as follows: Condition No. 1- add the sentence, "except that neon tubing shall be deleted." Condition No. 3 shall read "A revised sign plan shall be submitted reducing the height of the freestanding sign not to exceed 11 feet. Such a sign must be reviewed by the Director of Public Works so as not to create a site distance problem. The combined area of both sides of the freestanding sign and the wall mounted sign shall not exceed 76.5 square feet." |

All Ayes. Audience advised of the ten day appeal period.

3. PDP-9504/LLR-9501/V-9527 - Ben O'Hare, Redwood Road, APN Nos. 7-141-04,7-097-05, and 7-097-02, 1) and 2) Precise Development Plan and Lot Line Adjustment to create two residential lots on land totaling 2.6 acres near 269 Redwood Road; 3) Variance to construct a single driveway to serve up to 3 properties; and 4) a variance to construct retaining wall(s) up to 10' in height within 0' of the property line, on property located within the R-H Zoning District.

Ms. Chaney presented her staff report, recommending the Commissioners discuss the project and continue the matter to the meeting of July 24, 1995, to enable the applicant to revise the Tentative Map and Precise Development Plan per the comments in the report and any offered by the Planning Commission. She said there are three lots and two units are allowed. The applicant wants to change the lot line to create two lots from three existing lots. He also wants to extend an existing driveway to access the two homes. This would require the removal of five bay trees and one oak. Two big trees are very close to the proposed driveway and should be watched carefully. The applicant was willing to go with a dedicated private open space easement two years ago when this was first approved. The envelope approach has not been used. Drainage is addressed on the plan. There is landscaping to soft the retaining walls and shield Laurel Avenue residents. She has not had an opportunity to review the landscape plan. There are trails that cut through the

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property and they will be evaluated. Staff is supportive of a variance to allow a single driveway.

Commissioner Julin asked if neighbors were noticed about this meeting? Ms. Chaney answered affirmatively. She asked if a bridge alternative was discussed instead of cut and fill. This was a suggestion from neighbor David Bell. Ms. Chaney said the bridge concept has not been looked into. Commissioner Julin asked what easements exist and whether they have been verified. Ms. Chaney said the easements appear to be in order. Julin said this is an environmentally sensitive project and the relationship to the Burger house is critical as are the easements. She feels alternative access off Redwood should be explored. She noted that under "Water" on page 10 of the Draft Initial Study Report that the waiting list has been dispensed with. She said the "Redwood Road Improvement Plan" hasn't had public review and she doesn't feel its proper to base recommendations, or impose fees based on a document that has not had public review.

Commissioner Israel said he doesn't see how the big bay can be saved next to a ten foot retaining wall. What happens if we approve this plan, and changes are necessary down the line.

Commissioner Sargent said he feels the site development envelope approach should be used for consistency sake because the property is in the direct vicinity of Bald Hill.

Commissioner Julin said it isn't fair to put all these new requirements on the applicant, including the envelope and the \$2900 in road fees.

Commissioner Mihaly said it is not uncommon to ask people to comply with pending legislation.

Ben O'Hare, Applicant, said the documentation on the easements was requested and submitted. Both easements are from the Burger property. The big tree near the road will definitely remain as it is five feet from the roadway. The other big bay will lose a limb for sure. Regarding the trail access, he doesn't think it even goes all the way to Laurel. He would like a better definition of envelope.

Kathy Sanders, 310 Redwood Road, asked if the roadway could meander a little to save a few trees. She also asked if the driveway could be less than 15 feet in some areas to save trees. The trail is used by neighbors to walk downtown by way of Laurel.

Commissioner Israel asked why we are burdening people with driveway widths that are wider than the streets that are accessing them. This roadway would have dramatically less impact if it were narrow.

Commissioner Mihaly said perhaps a Town Council Member would be interested in modifying the fire code. Ms. Chaney said she will speak with the Fire Chief and find out where the rule comes from.

M/S Julin/Mihaly to continue the matter to July 24, 1995.
All Ayes

Ms. Chaney was advised to discuss the private open space issue with the applicant to get the issue cleared up.

4. **V-9520 - Robert Sandler, 98 Florence Avenue, A/P 7-011-06**, a variance to construct a new deck 3' - 4" from the street side property line (10' required) on property located within the R-1 Zoning District.

M/S, Harle, Julin to continue this item to 7/24/95.
Ayes: All.

5. **V-9522 - Ben and Peggy Burt, 70 and 86 Park Drive, A/P Nos. 6-043-08 and 6-043-37**, 1) 0' side yard setbacks (8' required) between the two properties to construct a second story enclosed connecting corridor, which will provide an interior access between the two dwellings; and 2) 0' side yard setbacks (6'

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required) between the two properties to construct a first story connecting deck between the two dwellings, on property located within the R-1 Zoning District.

Ms. Wight presented the staff report and a letter signed by neighbors supporting the project. The applicants have purchased an adjacent home and want to connect them so the family can use both homes. The present home is difficult to add on to due to the creek and the topography of the site. They are proposing a bridge between the two dwellings which will not be visible from the street. The only struggled staff had with the project is that there are no special circumstances.

Commissioner Israel pointed out that the problem is maintaining the two lots, in order to keep the resale value.

Ben Burt, 70 Park Drive, said they cannot expand their home without destroying several large trees. To add a second story is intrusive on their neighbors and not in keeping with the flavor of the neighborhood. The rear of the property is the creek and that can be a flooding problem. They have checked with their neighbors who have no objections. The Fire Department requires the corridor must have fire doors, and it has looked at the deck as well.

Commissioner Israel said he recalls that no openings are allowed in a building next to a property line.

Ms. Wight said the Fire Department, Plan Checker, and Engineer have looked at the plans and said OK.

It was the consensus of the Planning Commission to support the application.

M/S, Mihaly/Julin, to approve V-9522 - Ben and Peggy Burt, 70 and 86 Park Drive, A/P. Nos. 6-043-08 and 6-043-37, 1) 0' side yard setbacks (8' required) between the two properties to construct a second story enclosed connecting corridor, which will provide an interior access between the two dwellings; and 2) 0' side yard setbacks (6' required) between the two properties to construct a first story connecting deck between the two dwellings, on property located within the R-1 Zoning District. Approval is based on the following special circumstances: 1) the irregular shape of the lot, 2) proximity to the creek and extreme proximity of the two houses which violate setback requirements, the merger of which relieves this problem and supports the policy behind setbacks, and 3) the overall environmental advantage of less trips on the street.

Ayes by roll call: Julin, Milhaly, Sargent, Harle. Abstain: Israel. Audience advised of the ten day appeal period.

G. GENERAL DISCUSSION

Ms. Chaney reported that the Town Council has asked the Planning Commission to look at its schedule and determine if they can make room soon for a hearing on a private open space encroachment request at Quarry Mountain. The applicant wants the encroachment in order to access his property on County land. He asked the Town Council to make the decision, but the Council felt it was more appropriately with the Planning Commission. The applicant has a time constraint of July 15 as the property is due to close escrow. It was the consensus of the Planning Commission that the issue cannot be heard before September due to the press of applications already scheduled for the summer.

H. REPORT OF UPCOMING APPEALS TO TOWN COUNCIL

I. ADJOURNMENT TO July 24, 1995

The special meeting of July 10 was adjourned at 11:25 p.m. to the regular meeting of July 24, 1995.

DEBBIE STUTSMAN