

**TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES OF SEPTEMBER 23, 1996**

The special meeting of the San Anselmo Planning Commission meeting was convened at 7:30 p.m. in the Council Chamber by Vice Chair Sargent. Staff present was Planning Director Ann Chaney, Associate Planner Lisa Wight and Assistant Planner Chip Griffin.

A. CALL TO ORDER

Commissioners present: Harle, Cronk, Wittenkeller, Sargent
Commissioners absent: Mihaly, Duys, Israel

**B. OPEN TIME FOR PUBLIC DISCUSSION
C. CONSENT AGENDA**

1. MINUTES: August 19, 1996 - continued
September 9, 1996

2. V-9633 - Mo Nazari, 431 San Anselmo Avenue, A/P 7-251-18. Parking Variance to reduce required parking from 6 spaces to 0 spaces. Variance is needed to as the new office use is consider an intensification of the existing storage use. The property is located in the C-2 Zoning District.

Commissioner Wittenkeller asked if the previous use for the upstairs area of 431 San Anselmo Avenue was residential. Mr. Griffin affirmed that it was approximately 10 years ago. That being the case, Commissioner Wittenkeller asked to remove the item off of consent.

M/s Wittenkeller/Cronk, and passed, to approve Item C1 and remove C2 from consent. All ayes.

D. CONTINUED ITEMS

1. 40 Tomahawk Drive, A/P 177-250-63, Request by Laurence Bartone to amend or interpret the Quarry Mountain subdivision CC&Rs and Map to permit a driveway access across the private open space easement on 40 Tomahawk Drive. This property is located within the R-1-H Zoning District. The purpose of the driveway would be to access a single family lot located in the County jurisdiction (A/P 177-171-05) directly from Tomahawk Drive. CONTINUED TO OCTOBER 7, 1996.

2. V-9631/DR-9618/U-9607 Duane Hines, 208 Greenfield Avenue, A/P 6-173-11, Proposal for: 1) Use Permit to allow a 565 unit mini-storage facility within an existing structure; ; 2) Design Review to modify the exterior color, window treatments and landscaping; 3) Variance to required on-site parking from 73 spaces to 0 spaces; and 4) Sign Review for proposed 150 square foot sign, "San Anselmo Mini Storage", on property located within the C-3 Zoning District. CONTINUED TO OCTOBER 7, 1996.

3. Town of San Anselmo - Ordinance Amendment - Approve ordinance language modifying the review process and standards regarding the current 8' side yard. Proposed language could allow additions to existing structures in residential zoning districts which do not meet current set back requirements through the Design Review process instead of the Variance process for new development within the 5' to 8' side yard set back area. CONTINUED TO OCTOBER 7, 1996.

E. PUBLIC HEARINGS

1. Amend PDP-9401 and VTM-9402, Appeal Administrative Design Review, Peter and Pamela Fraser, Redwood Hills Subdivision near 390 Redwood Road, A/P 7-071-03, 7-101-02 and 7-154-04; 1) Amendment to a previously approved Precise Development Plan and Vesting Tentative Map to create seven lots; and 2) appeal of an Administrative Design Review decision regarding a water tank on property located within the R-1-H Zoning District.

Ms. Chaney presented the staff report. She noted that when the geo grid system was approved by the Council as an alternative for the retaining walls, it was determined by the soils engineer that the replacement trees would not be safe to plant in that area.

Commissioner Wittenkeller stated that sinensis should not necessarily be the primary plant used.

Commissioner Sargent was opposed to the roadway is being changed from a wildland to a suburban setting and wondered what the reasoning was. Ms. Chaney responded that it was to provide a change of colors during the entire year.

Mr. Fraser responded to some of the questions. The geo grid was suggested as an alternative - from a geotechnical point of view; it would be considerably stronger and long term in protecting the bank and have less change of failing; no roots can grow through it. The engineer stated that no trees should be planted because it would create roots and potentially damage the system. Orange mesh around the drip line is unreasonable and gets in the way of construction. Any trees nicked or scratched have been tree sealed. He noted that fewer trees than originally envisioned have been removed. With regards to the conditions of approval, he questioned the use of jute mesh, stating that the landscape architect is not sure it would work. Because of the time of year, it would be better to just hydroseed and water; jute mesh would not add to the stability. Regarding condition number 5, the soils engineer does not want any trees planted in that area. No trees are to be planted in the slide repair area because it will cause instability.

Mr. Fraser discussed the proposed water tank. The tank was originally approved for a concrete tank. He stated that there is a statement in the agreement with the Town that there is no restriction on its use and there is no distinction between potable water or irrigation water. There was no conditions placed on the contract or the map that states there can be a design review placed on the use of the tank. Page 12 of the agreement indicates that he does not have to pay any fees. He does not feel it is fair or legal to impose restrictions on water rights on the water tank.

Commissioner Harle asked why it was so important to discuss the design review of the tank now especially if it will be built at some time in the future when the houses are built. He would prefer to see the design review question wait.

Mr. Fraser stated that the purchase agreement specified this. He felt it was important to have everything in place for future owners. He also felt it was important for disclosure to future owners.

Jonathan Braun, 479 Scenic, stated that the condition is really very general and does provide an out for the neighbors. It would be bad if the trees were adversely affected. Any future owners should be aware of the impact on the water. He was also very concerned about the tree protection on this project. Because the tree protection was ignored, there has been damage to trees. The recommendation to apply tree seal is not a good protection based on other arborists, and in fact, should be removed. Also, regarding condition 18 of the original condition of the purchase agreement indicated that a \$10,000 bond be placed on the project for tree protection. He would like some of that money used to replace the damaged trees.

Barbara Geisler, 405 Redwood, was concerned about the water and the protection of the redwood trees from the spring water. She was opposed to the water tank.

Kathy Sanders, 310 Redwood Road, said that Ordinance 9-20.07 (12) which requires "Water from a spring used either for irrigation or potable purposes shall provide a continuous flow of water sufficient to ensure that downstream vegetation is not adversely affected." She would also like the condition removed that shows a direct correlation. She did not think it was a good idea to plant oak trees because they do not do well in a moist area and that is why she suggested redwood trees. (read her letter into the record). The vegetation planted should be caged, deer proofed, and there should be a variation in height. She is also concerned that the trees were not protected prior to construction.

Commissioner Wittenkeller stated that in a site this difficult it is hard to determine what specific plantings will work; he suggested that the Town provide a performance plan, noting that many things can change during construction. The retaining wall has been changed and he was not aware that trees could not be planted, although he has to go along with the geotechnical engineer's decision that trees should not be planted. He would like to see a condition that states some ground cover be established, either shrubs or hydroseed, or something that will work, and have the condition bonded. With regard to the tank, there should be some wording to protect the downstream flow and the long term protection and would like to leave the wording in.

Commissioner Harle supported the staff recommendations and the comments of Commissioner Wittenkeller.

Commissioner Cronk concurred with Commissioner Wittenkeller with the exception of the water tank.

Commissioner Sargent stated that Mr. Fraser agreed to the conditions of the original development agreement and asked that the contract be adhered to on the tank; however, there is a contradiction because if there is no agreement with tree protection and the amount of trees to be replaced, then he is not so sympathetic. For that reason he concurs with Staff on the water tank. He feels there is a big difference between a well and a spring and each should be treated differently. He would like clarification from an expert.

Commissioner Cronk stated that the tree bond could still be in place even for those trees that do not survive the tree sealing, and suggested an extension on the performance bond.

Ms. Chaney suggested condition #5 in the draft resolution be modified to state: "...if no trees are permitted, than an alternative plant material be substituted by a landscape architect..."

M/s Wittenkeller/Cronk, and passed, to approve staff recommendation to revise conditions regarding tree protection and landscaping associated with Precise Development and Vesting Tentative Map for the Redwood Hills Subdivision. It is recommended that Condition No. 16 (d) and (e) of Resolution No. 3263 be extended for one year for non-compliance of the tree protection plan. At the end of one year, the Town Arborist shall inspect the site per Condition No. 18 and recommend tree replacement or enhancement where necessary. In addition, that within one year of hydroseeding the slope areas, any bare spots over two square feet shall be reseeded by the contractor to ensure slope protection

Ayes: Harle, Wittenkeller, Sargent, Cronk
Absent: Mihaly, Israel, Duys

M/s Wittenkeller, Harle, and passed, to uphold Staff recommendation for administrative design review approval regarding the water tank associated with this project and its potential impact on the downstream Redwood grove.

Ayes: Harle, Wittenkeller, Sargent
Absent: Israel, Duys, Mihaly
Noes: Cronk.

The audience was advised of the ten day appeal period.

2A. Environmental Review/GPA-9601/Z-9601 Russ Johnson, 12 Loma Robles and 750 Sir Francis Drake Boulevard, A/P 6-091-41, 770 and 760 Sir Francis Drake Boulevard, A/P 6-091-38, 754 Sir Francis Drake Boulevard, A/P 6-091-39, and 700 Sir Francis Drake Boulevard, A/P 6-091-40: environmental review; General Plan amendment to amend the land use designation from Limited Commercial to General Commercial; Zoning Ordinance amendment to amend the zoning from C-L (Limited Commercial) to C-3 (General Commercial) or to revise the list of allowed uses (Table 3A) in the C-L zone to permit a mini-mart food store. This request is being initiated by the Chevron Service Station owner in order to permit a mini-mart at that service station.

9:50

Ms. Wight presented the staff report.

Russ Johnson, applicant, stated that his business is changing and he has just purchased the property after being a tenant for over twenty years. With regard to the environmental checklist: there will be no earth movement; the air odors will be decreased because there will be no car maintenance. He is not proposing any new exterior lighting so light or glare should not be a factor. He will be eliminating the change of explosion because he is removing the solvents. He does not feel that his business will increase or that there will be an increase in traffic. He would like to get the statistics on the traffic accidents for the six months he was closed. He has never seen traffic stopped in front of his business; people have to wait for traffic to go by, but it is not difficult. He has agreed to a traffic study although he would like to keep the expenses down.

Commissioner Harle wondered how extensive the stock would be on the premises. Mr. Johnson stated that it really depends on what the demand is; probably similar

to UNOCAL. He has not made a decision about applying for a beer and wine license. The mini mart will be roughly 1,500 - 1,600 square feet.

Commissioner Harle could support the staff recommendation about the traffic study although he is not sure how successful it will be. He tends to agree with the applicant that the store will not gain much more traffic than the gasoline business he now has. He does not think this kind of store will draw traffic. He does wonder why the applicant wants to rezone rather than grant an exception. His impulse is to just grant a use permit for the C-L zoning.

Commissioners' Cronk and Wittenkeller agreed with Commissioner Harle about granting a use permit under the C-L zone. Commissioner Wittenkeller would go with staff recommendation about a traffic study.

Commissioner Sargent encouraged a use permit rather than a zoning change.

Commissioner Harle was concerned that the local gas station is a disappearing species and that some reasonable concession should be made.

M/s Wittenkeller/Cronk, and passed, to direct the applicant to pay for a professional consultant to conduct a traffic study. The applicant may provide staff with consultant names; however, the final selection will be by Town staff.

Ayes: Cronk, Wittenkeller, Harle, Sargent
Absent: Israel, Mihaly, Duys

2B. U-9608/SR-9601/DR-9619 - Russ Johnson, 700 Sir Francis Drake Boulevard, A/P 6-091-40, Use Permit for a mini-mart, Design Review, and Sign Review of spanner signs for Chevron Service Station.

Ms. Wight stated that this item will be continued to October 7, 1996, because staff did not have adequate time to prepare the staff report.

3. U-9620 - Tarrant-Bell Properties, Sir Francis Drake Boulevard (adjacent to the Willow Glen development), A/P 5-311-21, Use Permit/Design Review for two living units: one to be available for developmentally disabled persons, and one to be available as a below market rate unit, on property located in the SPD R-3 Zoning District.

Ms. Wight presented the staff report.

Jim McDonald, Architect, provided an overview of the original project. He would not object to the right turn on egress but would like to create an ingress on one side and egress on the other side, using the power pole as a designation. He noted that he submitted a landscape plan to staff for this project.

Commissioner Cronk stated that she did not receive a copy of the landscape plan and wondered what kind of landscaping or island will be proposed for the power pole. Mr. McDonald responded that he was not proposing anything other than the two curb cuts by the power poles.

Ms. Wight stated that staff has not seen the landscape proposal for this project.

Commissioner Wittenkeller suggested that PG&E be contacted regarding the power pole.

In response to Commissioner Cronk, Mr. McDonald stated that the curb cuts will not be widened

Maria Zaharoff, 1 Rivera Street, stated they are very familiar with the plans. The general concerns are that the site will be over built and that the design is wrong for the lot and it will create urbanization of Sir Francis Drake streetscape and is not in compliance with the original Willow Glen approval. She thought that there should be a 10% below market rate unit. As proposed, the 3,300 square foot building will take up the entire lot and other houses in the neighborhood are normally bungalows. She would suggest story poles to visualize the impact. She felt the building is a square, and creates an apex, and directly faces the neighbors rather than facing Sir Francis Drake Boulevard. The entire width of the lot is taken up with asphalt and a garage, whereas the rest of Sir Francis Drake Boulevard has a residential setting; Her personal concerns regarding her property because of the close proximity to her property are that she is opposed to the 80' wall that they will

view. A bay window will face her property and the most usable part of the homes will face her. She is concerned about the closeness to the creek and felt there should be at least a 15' setback required, noting that it would be setting precedent to building over the creek. She was also concerned that many of the native plantings be removed and wanted assurance that they would remain.

Maureen Higgins, 15 Aspen Court, was concerned that the construction plans were unknown to her when she purchased the property in 1993; was concerned about the increase in traffic; and was interested in the reasoning regarding the right hand turn for egress. It appears that with the six parking spaces for two dwellings, there is an increase from what the other owners of the first phase of Willow Glen have..

Leslie Harding, 14 Aspen Court, understood that the project has been scaled back but there seems to be the threat that it could be larger if the project is not approved. The view of all of Willow Glen and the Cordone house will be materially changed, if not destroyed. The lot is like a wedge of Swiss cheese and extremely restricted; the development will be hanging over the creek. There is a serious legal question as to whether the EIR that was used 16 years ago is still acceptable, especially since Sir Francis Drake was widened. There is also a question about the size of the driveway. The twenty foot wide driveway for Willow Glen is narrow, even with the bus lane.

Commissioner Sargent noted that the lot size is 13,000 square feet.

Richard Maxie, 8 Aspen Court, stated that his view will consist of the new project and he wanted to make sure the creek is stabilized if they are going to build. There has been a lot of erosion that has taken place in the creek.

Ted Wilson, 15 Rivera, was concerned about the creek set back of 15' and that the additions might negatively impact the neighborhood because of the size. He would request landscaping on the driveway easement and that story poles be erected to be able to visualize the impact.

Maria Zaharoff stated that this project would materially adversely affect the neighbors.

Mr. McDonald stated that the building is 20' wide as it projects towards the rear of the property. A recorded map is a development agreement and is part of the public record. All of the foundations have drilled casons and it will be very safe. The landscape plan should be reviewed by staff. The two story element is considerably further back from the Willow Glen and is complimentary to the existing development.

Richard Tarrant, owner, stated that the largest building is three stories, and the density is less than the density of Willow Glen and will not be closer to the creek than those units already built. The Cordone house at 1 Rivera will sit way back from the proposed construction and not block the view.

Commissioner Wittenkeller said he is not so sure he could elevate the neighbors concerns without eliminating the project. His general feeling is the decrease from four units to two units and based on the track record of the architect, he feels comfortable with the project. There were no suggests on how to make changes by the neighbors.

Commissioner Harle stated that the plans are in keeping with the original scope of the project, both architecturally and visually, and the below market housing is in keeping with the Town's General Plan, and therefore he recommends approval of the project.

Commissioner Sargent was in agreement with his colleagues; the materials are in keeping with what was allowed and is a vast improvement of what could be built. The neighbors need to know the type of design used to articulate the building to decrease the massing. The use of a handicapped unit and below market building is in keeping with the Town policy. He wondered why there were so few windows on the west elevation.

Mr. McDonald explained that the area facing the neighbors is broken up to provide articulation.

Commissioner Sargent stated he would support staff's recommendation.

Commissioner Cronk was in agreement with his colleagues although she was troubled about the power poles and the ingress and egress.

In response to Commissioner Wittenkeller, Ms. Wight stated she has not discussed ingress or egress of vehicles with the Public Works Director.

Mr. McDonald stated he would not have a problem talking with PG&E about the power pole or with the Public Works Director.

M/s Harle/Cronk, and passed, to approve U-9620, Use Permit and Design review of the parcel on Sir Francis Drake Boulevard, known as A/P 5-311-21, based on the following conditions: 1) the site plan, floor plans, and elevations received by the Town on July 8, 1996; 2) the landscape plan previously approved by the Town on November 5, 1984, with modifications SFDB: North of curb cut: 2:15-gal Crataegus Cordata, 8:5-gal Pittosporum Tobira, SFDB: South of curb cut: 6:5-gal Pittosporum Tobira; North of parking deck and carport: 5:15-gal Salix Babylonica, 9"o.c.HederaHelix; South Side of Units: 4:15-gal Ceratonia Siliqua, 5:15-gal Pyrus Kawakamii; 25:5-gal Prunus Laurocerasus, 6:5-gallon Pittosporum Tobira; 1:5-gal Wisteria sinensis; and 3) the color board approved on November 4, 1984 and listed in the September 23, 1996 staff report; 2. That small trees be placed in the location of the fruit trees proposed to be removed near the handicapped parking space; 3. That buckeye trees be placed in the location of the dead buckeye trees by Unit 2; 4. That consideration be given to reducing the proposed 33' driveway width in order to provide more landscape screening. 5. That consideration be given to alternatives for the power pole being left in its existing location and how that relates to the proposed ingress and egress to the property; to be reviewed by staff. 6. That Unit 1 be available as a unit for physically disabled person(s); 7. That Unit 2 be available as a below market rate unit. Direct the applicant to record with the County Recorder's Office either: 1) As a sale of Unit 2: contract with the Housing Authority to have the Authority to prepare a developer agreement and a resale agreement (upon resale, the unit would come back through the Housing Authority). The Housing Authority has an eligibility list and potential homeowners would be included in a lottery; or 2) As a rental, to enter into a Rental Agreement with the Town of San Anselmo to rent the unit at the 65% of median in line with those rent and income figures provided by the Housing authority; and 8. That construction begin within one year of the approval date unless a written request is approved by the Planning Director for a one-time only, one-year extension, provided the request is received before the expiration of the first year.

Ayes: Cronk, Harle, Sargent, Wittenkeller
Absent: Mihaly, Israel, Duys

4. V-9632- Dirck Brinckerhoff, 228 Sir Francis Drake Boulevard, A/P 6-252-06. Parking Variance to reduce required on-site parking from 6 spaces to 0 spaces. Variance is needed because the applicant proposes to convert a residential apartment to an office use which is considered an intensification. The property is located in the C-2 Zoning District.

Because of the late hour the item was continued to the meeting of October 7, 1996.

5. Appeal of administrative approval to allow Walker Catering Service at San Francisco Theological Seminary, 2 Kensington Road, A/P 7-292-03. A business license was granted administratively to permit a catering service at Alexander Hall which serves the Seminary but also provides commercial catering. The appeal by J. Colteaux states that an amendment to the Seminary Specific Plan is necessary before a commercial use is permitted. The property is located within the S-P-D Zoning District.

Because of the late hour, this item was continued to the meeting of October 7, 1996.

F. GENERAL DISCUSSION

G. REPORT OF UPCOMING APPEALS TO TOWN COUNCIL

H. ADJOURNMENT TO Monday, October 7, 1996.

The Planning Commission meeting was adjourned at 11:15 p.m. to the next meeting on October 7, 1996.