

**TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES OF AUGUST 18, 1997**

CALL TO ORDER

Commissioners Present: Harle, Israel, Dowd, Wittenkeller, and Zwick
Commissioners absent: Cronk

Staff present: Planning Director Ann Chaney, Senior Planner Lisa Wight, and Associate Planner Chip Griffin

B. OPEN TIME FOR PUBLIC DISCUSSION

No one spoke during this time.

C. CONSENT AGENDA

1. MINUTES: July 21 and August 4, 1997
2. TM-9704-Edward Tarrant - 1312/1314 Sir Francis Drake Blvd., A/P 5-311-21, environmental review and two living units will continue to be for the following persons: Lot 1: Physically disabled persons; and Lot 2: Below market rate unit) on property located within the SPD R-3 Zoning District.
3. V-9733/DR-9725 - Dan Hilken, 11 Terrace, A/P 6-213-17, Design Review of a 918 square foot second story addition to an existing 800 square foot single story house. A variance to raise the building height 3' from its existing height, within 4' of the northerly side property line (8' required), on property located within the r-1 Zoning District.
4. UP-9711 - Robert Mitchell for Burritoville, 902 Sir Francis Drake Boulevard, A/P 6-061-23, Use permit for the on-sale and off-sale of beer and wine, on property located within the SPD Zoning District
5. Master Plan Amendment/DR-9727/U-9712 - San Francisco Theological Seminary, 25 Kensington Road, A/P 00 7-291-01, Design Review and Use Permit request for conversion of a single family residence to an academic office, on property located within SPD (Special Planned Development) Zoning District.

M/s, Harle/Israel, to approve the consent agenda, with the exception of consent item 1, which is to be continued to September 2, 1997. Ayes: All. Absent: Cronk.

Conditions of Approval:

Item 2: [1] Approval is based on: 1) the tentative map date stamped received by the Town on August 13, 1997; 2) the CC&R's date stamped received by the Town on August 12, 1997; and 3) a statement regarding the use of the two units dated July 12, 1997, and date stamped received by the Town on August 12, 1997; [2] Within two years, which will be August 18, 1999, a final map shall be recorded by the County Recorder's Office and a copy of such delivered to the Town.

Item 3: [1] That the request for Design Review be granted to construct second story addition in accordance with plans date stamped June 17, 1997, received by the Town of San Anselmo Planning Department; [2] Applicant shall apply for and pay all appropriate fees for building permits, plan checks and inspections. [3] This permit and each condition contained herein shall be binding upon applicant and any transferor, or successor in interest; [4] If construction is not commenced within one year from the date of final action, the permit becomes null and void. However, this discretionary action may be renewed by the Planning Director for a maximum period of one (1) year provided the applicant places such a request in writing to the Planning Director showing good cause prior to the expiration of the discretionary action.

Item 4: That the applicant erect a legible sign in the interior of the restaurant to alert customers that no opened containers of alcoholic beverages may be removed from the premises and that no alcoholic beverages purchased can be consumed in the common outdoor patio.

Item 5: [1] That the construction be in accordance with plans date stamped received by the Town of San Anselmo on June 17, 1997; [2] Applicant shall apply for and pay all appropriate fees for building permits, plans checks and inspections; [3] This permit and each condition contained herein shall be binding upon the applicant and any transferor, or successor in interest; [4] If construction is not commenced within one year from the date of final action, the permit becomes null and void. However, this discretionary action may be renewed by the Planning Director for a maximum period of one (1) year provided the applicant places such a request in writing to the Planning Director showing good cause prior to the expiration of the discretionary action.

D. PUBLIC HEARINGS

1. V-9727/DR-9713 - Mr. And Mrs. Edward Heavey, 405 Sequoia Drive, A/P 6-117-08, 1) a rear yard variance and a north side yard variance to construct a parking deck for a third parking space within 3' of the rear property line (20' required) and within 0' of the north side property line (12' required); 2) a rear yard variance and a south side yard variance to construct a dwelling within 12'

of the rear property line (20' required) and within 10' of the south side property line (12' required); 3) a south side yard variance for an uncovered deck to be within 5' of the south side property line (10' required); 4) north side yard variances to construct a dwelling and bridge within 2.5' and 0' of the north side property line, respectively; and 5) design review of a new single family dwelling on property located within the R-1 Zoning District. (Above 150' mean sea level)

Ms. Wight presented her staff report. A number of changes have been made to the project since the last time this item was heard. On page 1 of the draft resolution, item 4, there are two item (3)'s; the first one should be deleted. On the second page of the resolution, item #7, the landscaping specifications need to be fine-tuned. She addressed a number of questions submitted by a neighbor's attorney.

Edward Heavey, Applicant, said he is open to more specific landscaping plans. Regarding lowering the house, the maximum amount it can be lowered is 4 1/2" because of the driveway slope. They hired a landscape architect to maximize shielding for neighbors.

Steve Murch, 9 Golf Lane, asked about the story poles that are on the site. He doesn't see a big difference between these plans and the previous one. He feels the house still seems very large and tall.

Vicky Barth, 543 Sequoia, said she appreciates the changes made, but she still has an issue with the scale of the home and fitting in with the neighborhood. She would like to know about road closure notification, whether the applicant would contribute toward paving and if he will acquire a bond.

George Silvestri, representing owner of 409 Sequoia, said he would like to hear the Town Attorney's answers to questions on road liability questions. They feel this is not the home for this site and it is not in conformance with the Town's standards. The story poles on site now are misleading, as they don't reflect changes. A professional landscaping plan should better address the privacy issue. Maintenance of landscaping should be addressed. They feel a guardrail and gutter should be required on the road. Regarding the fire department turnout space, he feels retaining walls are required to make the turnout work. This structure will have a significant impact on the neighborhood.

Linda Hoch, 250 Sequoia, said her main objection is the size of the house in comparison to the size of the lot.

Dick Childs, 255 Sequoia, asked if there would be a bond for road damages. Ms. Wight said it would be a requirement.

The public hearing was closed.

Commissioner Dowd said he is inclined to reiterate that the structure is too large for the lot.

Commissioner Harle agreed and said the reduction of the deck is more cosmetic than actually reducing the size of the house. He feels the roof could be lowered. He would like to hear the answer to the question on the fire department turnout. The berm is a good idea. He'd like to see a condition included regarding a contribution to road improvements.

Commissioner Zwick asked how San Anselmo treats the floor area ratio (FAR). Ms Chaney said it is treated as a maximum and not a given and may be reduced by other factors. Commissioner Zwick said his understanding is that the FAR is a maximum only when all other conditions are ideal.

Commissioner Israel said daily and weekly checks on drainage seem unrealistic. The system should be more self-sustaining. He feels the mass of the structure needs to be broken up. The large singular roof contributes to the massive look.

Mr. Silvestri, attorney for the neighbors, said his question for the attorney is this: If the developer is required to place and maintain a mirror at the blind section of the road, does this not make the property owner assume liability for the road, which is inherently dangerous. Perhaps the solution is to move the driveway to the other side of the property.

Hadden Roth, Town Attorney, said there is immunity for improvements so liability is not a problem.

Chair Wittenkeller said there is a lot of mass and bulk on the small site. A smaller structure would be much more acceptable. He is bothered that variances are required to make this work. The landscape plan could be improved.

Commissioner Zwick said this site does not deserve 100% FAR. Moving the house away from the neighbor's lot is key. This is a difficult site and can be made palatable with a good landscaping plan.

Commissioner Israel said this lot should qualify for variances because of its unusual nature.

Commissioner Harle feels that stretching out the house would be an improvement and would reduce the bulk.

Ms Chaney said the Commission must act this evening unless the applicant is willing to grant an extension. The item could be continued for redesign (with the applicant's concurrence), the application could be denied to allow for an appeal, or the Commission could deny the application without prejudice.

Edward Heavey, Applicant, said the house is already into the drip line of the trees and can't be moved any closer in that direction. Neighbors would be notified of all road closures. The bond would be as required by the Public Works Director. He does not believe that the house would block the neighbor that was worried about his view at all. The FAR number includes the unusable area under the house.

Town Attorney Roth said findings are needed for either a denial or approval and they are not available tonight. He would recommend this be brought back at the next meeting with findings.

M/s, Israel/Dowd to deny DR-9713 without prejudice, with the findings that the design is inconsistent with the scale and character of the neighborhood; the massiveness of the house should be reduced to a more appropriate scale. Ayes by roll call: Harle, Dowd, Zwick, Israel, Wittenkeller. Absent: Cronk. Applicant was advised of the ten-day appeal period.

2. Environmental Review/TM-9703/PDP-9704/Density - Paul Nave/Andrew Bachich, near 555 Oak Avenue, A/P 7-201-08, Request for Density Determination, Vesting Tentative Map, and Precise Development Plan to create two lots (home sites) on a 5.47 acre site, on property located within the R-1 H Zoning District.

Planning Director Chaney presented her staff report. At the last meeting the Commission wanted the building envelopes reduced in size. The site is now staked which is very helpful. She also noted several other Commission concerns and the status of those concerns. She feels that site #3 is preferable over site #2 and the applicant seems agreeable to that because of the access problems on site #3. Site #2 seems well screened from the nearby neighbor.

Commissioner Harle asked about the location of the story poles. He asked what the Commission is asked to approve, particularly since the applicant's can't know exactly what the future house might look like.

Ms. Chaney said the Precise Development Plan is to get an idea of what the site is going to look like when plans get underway.

Commissioner Israel asked if the driveways, once approved, could be built by right. He asked about approving the map with just stub outs so the driveway design can be developed when the houses are designed. Future owners might not want to use those long driveways.

Ms Chaney said the driveways were originally shown as stubouts, but some Commissioners wanted to see an actual plan. She would advocate two building sites. Landscaping is a requirement of the PDP, and Mr. Hochstrasser will have that at the next meeting. On site #2 the driveway could be stubbed out.

Commissioner Israel asked why it is necessary to approve the driveways now that we've seen how it could be done. He asked if this is an appropriate neighborhood for a second unit.

Ms Chaney said perhaps the site #3 driveway could be approved, but with the alternatives attached as an option. This property could accommodate up to two units. The improvements to the roads in the last three years have allowed the proposal of two units.

Paul Nave, Applicant, said all the driveways shown wouldn't be used as only two buildings are proposed. He clarified where the story poles are currently placed.

Andy Bachich, Applicant, gave a brief history of this project and the process they've been through, which has been extensive. They have been assessed for sewer district participation, \$6,000 a year for 15 years. The process has been long and very involved and has been expensive.

Carl Euphrat, Engineer, said his first action on the road was to consult the Fire Department on

their requirements. They put the road on the drawings because they were requested to do so.

Commissioner Zwick asked how high the retaining walls are.

Mr. Euphrat said the maximum retaining wall would be 10 feet. He was aware that the slope of the driveways should increase gradually.

Commissioner Israel expressed concern that the driveway is going perpendicular to the contours of the land.

Brian Oliva, resident, said he would like to see this project approved. The applicants have done a lot of work to make this happen.

Harold Knocktree, 555 Oak Avenue, said his concern is the lack of specificity on what they are dealing with. He's concerned that the Planning Commission will lock into a situation that may not be appropriate when all the facts are known. The applicants just want a lot split and they have qualified for that.

Stewart Jacobson, Oak Avenue, said he agrees with Mr. Knocktree. He doesn't feel the Town should lock into specifics at this time. Fire access is a very serious question. There are a lot of unanswered questions.

Kathy Sanders, 310 Redwood Road, said it doesn't make sense to build the driveways before planning the final building sites. The fire danger is an issue for all residents. She would like the buildings to be screened and minimize grading, as required in the Town's Municipal Code.

Paul Nave, Applicant, said he is willing to go with site #3 and eliminate the extra driveway to get the split approved.

The public hearing was closed.

Ms. Chaney said this item was continued to this meeting to get more answers. In approving this, the commission should feel comfortable approving two lots. If that happens, she would return at the next meeting with a draft resolution, etc.

Commissioner Zwick asked why this project has taken so much time. Ms Chaney explained what happened during the 1980's with this project. Because of extensive road requirements, an Environmental Impact Report was required. He is unsure if there is room for two homes.

Commissioner Israel said he is uncomfortable with the density because of the fire issue. But all the studies have been based on having two homes on this site. He can support the negative declaration and the lot split, but he cannot support the specific roadway plans. The resolution should clearly state that the envelope is there only for that person, and there is no leeway in the larger envelope, but rather within the smaller envelope, to be determined at the point of design review. He is concerned about leaving the concrete driveway in place, but he would support staff's concept of removing a portion to screen it and deal with the drainage problem. He would like to ensure in the future that we have an accurate topographical map. He would recommend that Nave's two envelopes remain for choice later on, as long as it is clear that only one house is allowed. The boulder outcropping shouldn't be included in the building envelope.

Commissioner Dowd urged the Commission and staff to get applicants clear instructions so time and money are not wasted. He has no problem with the lot split, and would encourage Mr. Nave to leave in both building envelopes. He wondered if for emergency access it would be appropriate to leave the concrete driveway in place.

Commissioner Harle said he is willing to approve the negative declaration and the lot split. He feels the stubs are the appropriate format for approval. He doesn't agree with leaving both envelopes in for lots #2 and #3.

Chair Wittenkeller said he feels two sites are possible. He doesn't feel site #2 is viable. Perhaps you could raise the lower portion of the original access. He would approve the negative declaration.

M/s, Israel/Harle, to approve the negative declaration based on the findings that two compatible homesites can be achieved and the density is consistent with the general plan and the Bald Hill Plan. Ayes: Dowd, Harle, Israel, Wittenkeller. Noes: Zwick. Absent: Cronk.

M/s, Israel/Harle, to continue the issues of the Vesting Tentative Map and the Precise Development Plan to the meeting of September 2, 1997. Ayes by roll call: All. Absent: Cronk.

3. V-9731/DR-9726 - Denice O'Neill, 18 Summit, A/P 7-026-03, Variance and Design Review to build a two-story office/recreation room (895 square feet) below existing parking deck within 8' of the front property line (20' required), on property located within the R-1 Zoning District.

Mr. Griffin presented his staff report. At issue is the possibility of a second unit in the accessory structure and the need for a parking variance due to the square footage of the addition. A parking variance would be needed, a variance for a substandard space or the construction of a new standard sized parking deck. Staff recommends the Commission discuss this request and give direction on the various options.

Commissioner Israel asked about a parking space built into the hill with a retaining wall. Mr. Griffin agreed that is a possibility.

Denice O'Neill, Applicant, said the addition is intended to be a recreation room with a pool table, but not intended to be a bedroom. The bathroom would be convenient, but they'll take it out if it's a problem. When the deck was built six years ago, it was built with the idea that a room could be constructed underneath.

Norman O'Neill, Applicant, said there are four or five parking places within 15 to 20 feet from the parking deck. He doesn't believe any kind of parking problem will be generated.

Commissioner Israel said he supports the idea of infill under structures like this. He supports having a bathroom in the addition. He would not support a parking variance. He would support a small wooden deck for adding the third parking place parallel to the street for guests.

Commissioner Dowd said he is inclined to grant the parking variance. Staff should define what a bedroom is more specifically so these kinds of problems don't occur.

Commissioner Harle agreed with Commissioner Dowd.

Chair Wittenkeller agreed but is concerned with parking in the hills. Putting the deck railing on the outside members might gain enough square footage for legal spaces.

Commissioner Zwick agreed with Mr. Wittenkeller.

M/s, Harle/Dowd, to approve the design review for the deck phase of the house structure with findings; and to approve the variance for the house deck and sunroom with findings; and to continue the issue of living space under the deck for additional noticing and further research on extra deck space parking. Ayes: All. Absent: Cronk.

Conditions of Approval:

1. That the request for Design Review be granted to construct 1000 square feet of exterior wood decking and a 96 square foot enclosed sunroom to the rear and westside of the existing house in accordance with the plans date stamped August 5, 1997, received by the Town of San Anselmo Planning Department. 2. Contractors and subcontractors shall be allowed one vehicle per company on site per day excluding materials delivery and special service providers dependent on truck mounted equipment. Laborers, workers, foreman, etc shall carpool from an accommodating site or find another allowable offstreet parking source. 3. Applicant shall apply for and pay all appropriate fees for building permits, plan checks and inspections. 4. This permit and each condition contained herein shall be binding upon applicant and any transferor, or successor in interest. 5. If construction is not commenced within one year from the date of final action, the permit becomes null and void. However, this discretionary action may be renewed by the Planning Director for a maximum period of one (1) year provided the applicant places such a request in writing to the Planning Director showing good cause prior to the expiration of the discretionary action.

Dowd would like to know what the costs of creating the additional parking deck space would be.

4. V-9732 - Hank Hallowell and Jane Cunningham, 15 Medway, A/P 5-154-15, a variance to build a 180 square foot addition within 11' of the rear yard setback (220' required), on property located within the R-1 Zoning District.

M/s, Israel/Dowd, to continue this item to the meeting of September 2, 1997. Ayes: All. Absent: Cronk.

E. GENERAL DISCUSSION

F. REPORT OF UPCOMING APPEALS TO TOWN COUNCIL

Ms Chaney said the Commission's approval for "Ted's" has been appealed by Roger Bettini.

G. ADJOURNMENT

The regular meeting of the San Anselmo Planning Commission was adjourned at 12:00 a.m. to the next meeting on September 2, 1997.

Debbie Stutsman