

PLANNING COMMISSION MINUTES
SEPTEMBER 26, 1988

The special meeting of the Planning Commission was called to order on September 26, 1988, at 8:00 p.m.. in the Council Chamber by Chairman Hayes. Staff present: John Roberto, Planning Consultant, John Kottage, Director of Planning and Public Works, and Lisa Wight, Planner.

A. ROLL CALL

Commissioners present: Harle, Julin, Yarish, Kroot, Hayes
Commissioners absent: Sias, Manning

B. CONTINUED PUBLIC HEARINGS

1. General Plan - Town of San Anselmo, discussion of amendments to the Land Use, Circulation and Open Space Elements of the San Anselmo General Plan.

Mr. Roberto presented the revised, amended draft of the General Plan and Environmental clearance suggesting that a negative declaration be recommended to the Town Council for the proposed amendments.

COMMENTS ON THE LAND USE ELEMENTS

Commissioner Harle stated that on page 15, section b. last sentence, Single-Family Residential- Conservation - of the revised draft of the General Plan should say... "non-conforming"...

The concensus of the Planning Commission was to adopt this wording.

Commissioner Julin said that although a two story height limit was approved for the commercial district, she wondered if the Commission might consider a one story height limit for the following reasons: most buildings in the central commercial area are one story and the two stories would be a change in character. San Anselmo Avenue is quite narrow and the additional height might create a canyon affect. Considering the special nature and historic buildings in the area she was asking her fellow Commissioners to reconsider the two story limit.

Commissioner Harle was still in support of the two story limit, allowing expansion of office space and some residential area on the second floor.

Commissioner Kroot said the downtown is successful the way it is and feels the majority are two story buildings.

Commissioner Yarish agreed that the two story buildings give character to the downtown area but would be inclined to support a floor area ratio of 1.8.

Chairman Hayes was more concerned that the buildings stay in scale with the adjacent buildings.

Commissioner Julin felt the strong characteristics of the downtown area are the mix of 1 and 2 story buildings. However she does not want to advocate two story buildings, rather one story buildings should be the norm.

Chairman Hayes suggested keeping the two story height limit and adding the following statement "...that gets integrated visually with other buildings around it."

Commissioner Julin suggested wording "...encourage a mix of 2 story and one story building along San Anselmo Avenue in the Commercial District". She would also go along with the 1.8 floor ratio if the other Commissioner's would not agree with the one story height limit.

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M/S Harle, Julin, to approve wording change for section a. Central Commercial on page 22, from 2.0 floor ratio to 1.8 and that where a second story is added, the set back shall not be less than ten feet.

Commissioner Kroot thought the most successful buildings are right on the street and not set back.

Chairman Hayes was not comfortable with the setback portion of the motion.

Commissioner Yarish was not in favor of the set back.

Ayes: Julin
Noes: Yarish, Kroot, Harle, Hayes

Motion denied.

Chairman Hayes was not comfortable with the wording on page 9, policy 10.2, stating it looks like an open invitation that lots can be subdivided to less than an acre.

Mr. Roberto thought wording could be added to clarify that as a result of subdivisions the parcels can be no less than an acre in size.

Mr. Roberto suggested wording as follows for policy 10.2 on page 9. "Within a subdivision, single-family detached homes may be located on lots smaller than one acre, provided that said location of the single family detached homes attains a desired open space objective or reduces the visual impact of the proposed development, and provided the density does not exceed the maximum gross density allowed by the designated land use."

M/S Julin, Yarish, to approve wording as suggested by Mr. Roberto for policy 10.2 on page 9.

All ayes. Motion passed unanimously.

Mr. Kottage pointed out that when ever the text refers to elevation 150 it should be changed to read "150 mean sea level".

All the Commissioners were in agreement with Mr. Kottage's wording change.

COMMENTS ON THE CIRCULATION ELEMENT

Commissioner Harle questioned the wording of policy 14.1 on page 39, stating he was not sure it adequately covered the issues.

M/S Harle, Julin, approve wording change on policy 14.1, page 39 to read as follows: "The Town will prohibit the extension of any roads north of Sir Francis Drake Blvd or Red Hill Road into the City of San Rafael. The Town will oppose the extension of any through road north of Sir Francis Drake Blvd or Red Hill road to the City of San Rafael is said road is outside the Town's jurisdiction."

All ayes. Motion unanimously passed.

COMMENTS ON OPEN SPACE

John Roberto noted that Johnathan Braun has provided an appendix of Open space parcels.

Johnathan Braun wanted clarification as to whether or not the Commission has adopted Map #3 - Marin Countrywide Trails Plan?

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Mr. Roberto said it can be included with the transmittal of recommended amendments to the General Plan, being submitted to the Town Council.

The Commissioners were able to support the Map in principal however since they have not studied it in detail, they did not feel comfortable recommending full approval at this time.

County wide

M/S Julin, Harle, to approve in principal the Marin ~~Countryside~~ Trails Plan as it applies to the San Anselmo Sphere of Influence.

All ayes. Motion passed unanimously.

Commissioner Yarish noted that the trails map does not include all bicycle paths.

Johnathan Braun said the Open Space Committee would like to see bicycling on fire trails only.

DISCUSSION ON NEGATIVE DECLARATION

Commissioner Kroot noted that the wording on page 1 and 6 of "The statement of no significant environmental effects" attached to the Staff Report dated September 26, 1988, needs to say "150 feet mean sea level."

With regards to item 13 on the Environmental Document, Commissioner Yarish asked if a traffic study was necessary because of the letter from Neil Sorensen.

Mr Roth said there is no need for there to be a quantification of traffic until it gets below level "D"

Mr. Roberto said that Mr. Sorensen's contention that no traffic studies were used is incorrect. DKS Associates has done a detailed traffic study prior to the expansion of traffic carrying capacity of Sir Francis Drake and the study is available for review at Town Hall. In addition, in the summer and fall of 1987, the Town conducted traffic counts of over 50 intersections in the community.

Chairman Hayes wanted to add the words "as amended" to the end of the first sentence under page 3, item 8. of the "Statement of No Significant Environmental Effects".

By concensus, the Planning Commission approved Chairman Hayes' proposed change.

M/S Yarish, Julin to recommend adoption of the negative declaration to the Town Council as presented to the Planning Commission on September 26, 1988 and September 12, 1988 and as amended by today's action.

All ayes. Motion passed unanimously.

M/S Julin, Harle, to recommend adoption to the Town Council of the Amendments to the General Plan for the Land Use, Circulation and Open Space Elements as submitted on September 12, 1988, revised September 23, 1988 and with the further revisions made at the meeting of September 26, 1988.

All ayes. Motion unanimously passed.

Hadden Roth asked the Commission about setting a special meeting for Yeakey, adding that the Town Council's desire was to have only one meeting to discuss the application. The Commission decided that October 10, 1988 would be the meeting date.

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2. Nancy L. Thurmond, Oak Springs Drive, A/P 5-291-60, review of tentative map, after the fact. CONTINUED TO OCTOBER 3, 1988.

C. PUBLIC HEARINGS

1. V-2249 - Antone F. Sousa, 51 Tamalpais Avenue, A/P No. 7-212-11, two foot east and west sideyard variances to construct a two-unit apartment building within 6 feet of the east and west side property lines, with a 2 foot roof overhand, in an R3 District, and a variance to permit the rear of the existing dwelling to abut the street (front door to be relocated to the south end of the dwelling).

Dan Goltz, Architect, and the applicant were present.

Lisa Wight presented the staff report.

Mr. Goltz presented an overview of why the variances were necessary. He added that they were keeping the original dwelling because of the historic quality and it fits into the neighborhood. He said the parcel was zoned for 5 units but the applicants only wish to add 3. Mr. Goltz presented a design review stating the siding would be warm grey with white trim and the roof shingles would be slate grey.

Klaus Warner, 57 Tamalpais, was concerned on behalf of his tenants because of the east and west side property setbacks. He thought the building would affect the light of his building and would not like to see the entrance for the main building on the west side.

Mr. Goltz noted that the building was placed as far to the rear as possible to allow sufficient light for the adjacent building.

Commissioner Yarish felt this was a vast improvement and the amount of shadow on the adjacent property would be minimal.

Commissioner Kroot did not think the building would be improved by decreasing it by 2 feet to conform to the side setbacks.

Commissioner's Harle and Julin agreed with their colleagues.

Chairman Hayes was in favor of the application and noted that the second story of the second unit falls within the set backs.

M/S Harle, Yarish to approve V-2249 - Antone Sousa, 51 Tamalpais Avenue, a/P 7-212-11, 2 foot east and west sideyard variance to construct a two-unit apartment building within 6 feet of the east and west side property lines, with a 2 foot roof overhang, in an R-3 district; and a variance for the rear of the existing building to abut upon Tamalpais avenue on the grounds that: due to special circumstances applicable to the property, specifically the placement of the existing residence, which is not to be moved and parking, this placement is most logical and is sensitive to the neighboring properties. The strict application of the controlling zoning ordinance or regulation deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification; and the granting of a variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated. The granting of the variance is necessary for the preservation and enjoyment of substantial property rights of the petitioner, specifically the property is zoned R-3 and the applicant is taking relatively modest advantage of the privilege; and The granting of such variance, under the circumstances of the particular case,

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will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not be materially detrimental to the public welfare or injurious to property or improvements in such neighborhood, specifically as stated before, placement of the addition has taken maximum consideration of the neighbors. This is in reference to building drawings dated July 7, 1988, landscaping drawings dated August 1988 and with architectural drawings as amended and presented by the architect at the meeting of September 26, 1988.

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

2. V-2250 - Robert and Nancy Scarola, 67 Tamalpais Avenue, A/P No. 7-212-08, a 3 foot east sideyard variance to construct a second story addition within 5 feet of the east side property line, with a 2 foot roof overhang; a 1 foot east sideyard variance to construct a second story open deck within 5 feet of the east side property line; a 1'6" west sideyard variance to construct a first and second story addition within 6'6" of the west side property line, with a 2 foot roof overhang; as 3 foot west sideyard variance to construct an open stairway within 3 feet of the west side property line; and a 4 foot height variance for an existing fence structure to be 10 feet in height on the east side property line.

The applicant was present.

Lisa Wight presented the staff report.

Nancy Scarola said that her lot is narrow and the most logical expansion was to go up. This would have the least amount of impact on the neighbors. All neighbors have been contacted and are in agreement with the proposed addition of the applicant. They also did an informal shade study with no adverse impact on the neighbors. Regarding the office space, they do not expect to work out of the house, they have an office downtown to conduct their business. Regarding the fence, it was erected because there was no screening between the two neighbors and the windows faced each other. The fence was mutually agreed upon, including the fans. She was not under the impression a variance was needed for them otherwise she would have gone through the proper channels.

Commissioner Kroot's only concern would be for the neighbor's privacy and that does not seem to be an issue.

Commissioner Harle felt the addition is a logical way to get extra space and does not oppose to the deck.

Commissioner's Julin and Yarish were in support of the addition.

M/S Kroot, Julin to approve V-2250 - Robert and Nancy Scarola, 67 Tamalpais Avenue, A/P 7-212-08, a 3 foot east sideyard variance to construct a second story addition within 5 feet of the east side property line, with a 2 foot roof overhang; a 1 foot east sideyard variance to construct a second story open deck within 5 feet of the east side property line; a 1'6" west sideyard variance to construct a first and second story addition within 6'6" of the west side property line, with a 2 foot roof overhang; a 3 foot west sideyard variance to construct an open stairway within 3 feet of the west side property line; and a 4 foot height variance for an existing fence structure to be 10 feet in height on the east side property line on the grounds that:

1. Due to special circumstances applicable to the property, specifically it is a narrow site and the logical place for

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an addition is a second story addition; the strict application of the controlling zoning ordinance or regulation deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification; and the granting of a variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated, specifically that the majority of the existing dwelling encroaches into the setbacks, as do neighboring dwellings. 2. The granting of the variance is necessary for the preservation and enjoyment of substantial property rights of the petitioner, and 3. The granting of such variance, under the circumstances of the particular case, will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not be materially detrimental to the public welfare or injurious to property or improvements in such neighborhood, specifically that the applicants have consulted with the neighbors and there were no objections. This is based on the drawings submitted July 15, 1988.

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

3. V-2251 - Cyrus Ansari, 94 Berkeley Avenue, A/P 6-165-35, an 18 foot frontyard variance, 3 foot southwest sideyard variance and 1 foot northeast sideyard variance to construct a retaining wall within 2 feet of the front property line, within 5 feet of the southwest side property line, and within 7 feet of the northeast side property line; an 18 foot frontyard variance to construct a first story hallway structure within 2 feet of the front property line; a 15.5 foot rearyard variance to construct a retaining wall within 4.5 feet of the rear property line; a 15.5 foot frontyard variance to construct a first and second story addition below a carport (carport variance previously approved) within 4.5 feet of the front property line; and a 2 foot height variance for an entrance gate and a fence surrounding the property to be 8 feet in height.

The applicant was present.

Lisa Wight presented the staff report.

Mr. Ansari stated he wants to make these improvements as suggested by the soils and structural engineers. With regards to the fence he feels it would improve his property.

Russell Kawahata, 84 Berkeley, stated that the applicant was previously denied additional living space for a second unit and feels that this application should also be denied. He read the minutes from the Town Council meeting of March 8, 1988, stating the denial was based on it be detrimental to the neighborhood, looming in nature and would create additional noise to the neighborhood. He felt the fence should be denied because no one else in the neighborhood has a fence, and that there should be a current engineers report on file with regard to the stability of the structure with the additions. He was in favor of the retaining walls but is unclear as to the height.

Greg Smith, 97 Berkeley, would like to see the additional living space denied and was opposed to the 8 foot height limit.

Marie Hoch, 51 Sunview, was opposed to the addition, noting that it would increase his living space by 50%, was opposed to additional noise in the neighborhood, and feels the fence would limit the visibility to the south. She was in favor of an updated survey of the property.

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Marlene Kawahata, 84 Berkeley, presented pictures of the site and stated that a petition has been signed by twenty one homeowners in the immediate area that are opposed to the variance requests. She was in support of any height retaining wall in the rear that the engineers feel is adequate and questioned where the fence posts should be.

Mr. Ansari stated he has approval from the building department for an encroachment permit for the fence, the issue before the Commission is the height limit exceeding 6 feet.

Commissioner Harle was opposed to the 8 foot fence and said the most significant problems are the addition and the dispute with the neighbors. The odd shape of the lot necessitates the variances. Most of the variances are towards the street and rear, noting it would not be close to the adjacent house however he felt this would be overbuilding of this property.

Commissioner Julin agreed that the lot should be stabilized as quickly as possible but would like to see a plan designed by a structural engineer including the height limits. She felt the eight foot height for the fence was excessive.

Commissioner Yarish supported the retaining walls in concept although he would like to see a topo map although was not in support of the additional living space. He did not feel the fence was adding to the privacy or character of the neighborhood

Commissioner Kroot would support the rear retaining walls if they are required by an engineer however he would like to see a topo map and wanted clarification on the height limit. He was in support of the front retaining wall but thought the addition would cause a looming affect on the neighbors and was opposed to the fence height.

Chairman Hayes opposed the addition for the same reasons as in the past, needed more information on the rear retaining wall with perhaps a landscaping plan to screen the wall and had no objection to the front retaining wall.

Mr. Ansari stated that soils, structural and architectural engineers have already reviewed his plans and they feel the rear wall will be between 5 and 9 feet.

Chairman Hayes said it would be difficult to make a decision without knowing the exact height of the retaining walls.

Commissioner Yarish suggested that staff insure the rear retaining wall to be built to the minimum elevation and include landscaping to screen.

Mr. Ansari did not understand why the Commission was concerned about the height requirements on the rear wall, stating that although the soils report indicates his hill is stabilized he wants to increase the stability. His intent is to use fill from his property and compact it to increase the stability. He feels it is not necessary to provide additional information. It should be noted that the neighbors will benefit from this retaining wall.

Commissioner Yarish thought the need was self created if the intent was just to store dirt on the property.

Commissioner Kroot felt it would be best to continue this application to get a topo, cross section and elevations and height of the retaining walls.

Chairman Hayes wanted to see a textured treatment for the walls or landscaping.

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Mr. Ansari presented a new set of drawings to the Commission that provided more details about the retaining walls.

M/S Julin, Kroot, to continue V-2251, Cyrus Ansari, 94 Berkeley, A/P 5-165-35, a 3 foot southwest sideyard variance and 1 foot northeast sideyard variance to construct a retaining wall within 2 feet of the front property line, within 5 feet of the southwest side property line, and within 7 feet of the northeast side property line; a 15.5 foot rearyard variance to construct a retaining wall within 4.5 feet of the rear property line to the meeting of October 3, 1988 to allow staff additional time to review the new plans presented by the applicant at tonight's meeting.

Mr. Ansari wondered why the front retaining wall couldn't be approved tonight if there was no problem. He is concerned about the area being exposed to creepage and by delaying this portion would be hazardous. He said he has already received approval from the Building Department and has scheduled people in tomorrow to drill.

Commissioner Yarish noted that the drawings received tonight differ from those included in the planning packets. One drawing shows the wall approximately 4 1/2 feet away from the property line and the other at the property line.

Commissioner Julin thought perhaps staff would need additional time to review the information that has just been presented.

M/ Julin, to amend the motion for continuance from October 3, 1988 to October 17, 1988 to allow staff additional time to review additional information.

Commissioner Kroot would like to know the height of the rear retaining wall, a topo map, and cross section elevations on the lower retaining wall.

M/S Julin, Kroot, to amend the continuance to add that the applicant shall include topographical information, elevations for height to be reviewed at the meeting of October 17, 1988.

Mr. Ansari stated that he wanted to withdraw the rearyard retaining wall application.

Chairman Hayes said that the motion has become moot.

M/S Julin, Kroot, to delete all references to the lower retaining wall and to continue the review on the upper retaining wall for the meeting of October 3, 1988.

There was a continued discussion between Mr. Ansari and the Commission as to the front retaining wall. At one point Mr. Ansari wanted to withdraw his application of the front retaining wall but after discussion with Chairman Hayes decided not to withdraw the front retaining wall. Mr. Ansari noted that the Town should have all the necessary information to make a decision in the Building Department.

Lisa Wight noted that the Building Department and Planning Department are separate and she based her report on the plans the applicant presented to the Planning Department.

Ayes: Yarish, Kroot, Julin, Hayes
Noes: Harle

M/S Julin, Kroot, to deny an 18 foot frontyard variance to construct a first story hallway structure within 2 feet of the front property line; a 15.5 foot frontyard variance to construct a first and second story addition below a carport

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within 4.5 feet of the front property line; and a 2 foot height variance for an entrance gate and a fence surrounding the property to be 8 feet in height on the basis that there are no special circumstances specifically that the size of the house is consistent with other homes in the neighborhood and an 8 foot fence is unnecessary and that the granting of the variance is not necessary for the preservation and enjoyment of substantial property rights of this petitioner for the same reasons as noted above and the variance will materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will be materially detrimental to the public welfare or injurious to property or improvements in such neighborhood. This is in reference to drawings received by the Town July 15, 1988.

4. U-630 - James A. Tomlinson, 408 Greenfield Avenue, A/P NO. 6-213-03, a use permit for additional independent living quarters in the main building which are necessary to house a family member who requires care. (Such living quarters are not considered a "second living unit" and, therefore, can be permitted in this neighborhood even though this neighborhood has reached its maximum density for second living units.)

The applicant was present.

Lisa Wight presented staff report.

Mr. Tomlinson stated that his mother is loosing her sight and would rather have her in the main dwelling in case she needs assistance. He is willing to sign whatever is required by the Commission to having the kitchen removed if his mother moves or if he sells.

Rich Melbostad, 205 Greenfield, has no objections for the reasons the applicant is applying for a use permit but is concerned about the 3rd unit on the property and the excessive amount of cars on Greenfield. He lives on the border of San Anselmo and San Rafael and many of the cars park on the San Rafael side. Also, how would the Commission monitor the use permit.

Commissioner Julin was in support of this application.

Commissioner Yarish felt that the plans were well laid out and can understand the reasons for the applicant asking for the use. He wondered if perhaps there could be a deed restriction on the property regarding the restrictions of the 2nd unit.

Commissioner Kroot did not feel a deed restriction was necessary, stating the Town has other means to monitor the use such as a Resale Inspection for a sale of the property.

Lisa Wight noted that a use permit could be revoked at anytime and be required to remove the kitchen facilities.

Commissioner Harle was in support of the application with the stipulation that if the use is discontinued the kitchen facilities are removed.

Chairman Hayes echoed Commissioner Harle and said by requiring a deed restrictions implies bad faith and he did not feel it was necessary, rather that the resale inspection was a sufficient monitor.

M/S Kroot, Yarish, to approve U-630 - James A. Tomlinson, 408 Greenfield Avenue, A/P 6-213-03, a use permit for additional independent living quarters in the main building which are necessary to house a family member who requires care on the grounds that the use will not, under the circumstances of the particular case, be detrimental to the

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health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the Town; and that the occupant of the space does not own or occupy a car; The granting of the use permit is necessary for the preservation and enjoyment of substantial property rights of the petitioner and there is reasonable space to house a family member who requires care. Approval is strictly for the use of the disabled mother and if she is to move or the house sold, the kitchen facilities are to be removed. This is based on drawings submitted September 22, 1988.

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

D. APPROVAL OF MINUTES - September 19, 1988

M/S Harle, Julin, to approve the minutes of September 19, 1988 as written.

Ayes: Yarish, Julin, Harle, Hayes
Abstain: Kroot

E. ADJOURNMENT

The special scheduled Planning Commission meeting was adjourned at 11:30 p.m. to the next regular meeting on October 3, 1988.

BARBARA CHAMBERS
ADMINISTRATIVE SECRETARY/TECHNICIAN