

**TOWN OF SAN ANSELMO  
PLANNING COMMISSION MEETING OF NOVEMBER 19, 1990**

The regular Planning Commission meeting of November 19, 1990 was convened at 8:00 p.m. in the Council Chamber by Chairman Yarish. Commissioners present were Julin, Sias, Harle, Mihaly, Kroot, with Hayes absent. Staff present: Lisa Wight.

**B. CONSENT AGENDA**

1. Approval of Minutes - November 5, 1990

M/S Sias/Julin, to approve consent agenda. Motion unanimously passed.

**C. PUBLIC HEARINGS CONTINUED TO DECEMBER 3, 1990**

1. **V-9023/U-901/DR-9005 - Jean Brunswick, 22 Magnolia Avenue, A/P 7-212-34,** 1) a 5' east sideyard variance to construct a column and beam structure over a driveway within 0' of the east side property line; 2) a variance to exceed the maximum lot coverage; 3) use permit for one residential living unit; and 4) design review of a two story parking, residential, and office structure, on property located within the P zoning district.

2. **V-9036 - Jay and Linda Weill, 2 Raymond Avenue, A/P 7-172-16,** a 5' south sideyard variance to reconstruct a garage and construct a second story addition within 3' of the south side property line with an 18" roof overhang, located on property within the R-1 zoning district.

**D. PUBLIC HEARINGS**

1. **AR-9001/V-9033 - Steven Hoertkorn, 9 Summit Avenue, A/P 7-031-43,** 1) architectural review of a 1,388 square foot living addition; 2) a parking variance for parking to encroach into the public right of way; and 3) an 18" frontyard variance and a 7' east sideyard variance to construct a living addition within 16.5' of the front property line, on property located within the R-1C zoning district.

The applicant and his designer, were present.

Planner Wight presented the staff report.

The applicant's designer stated that approximately one-third of the houses in the neighborhood are grey with the others being a mixture of white and various other colors. They chose grey because the house will be in the shadows most of the day and they want to brighten up the house.

Commissioner Kroot had no objection with the proposal, including the choice of color.

Commissioner Julin supported the addition and the roof change however, she concurred with staff's findings that the exterior color be medium brown.

Commissioner Harle supported the application and had a mild preference for brown as the exterior color but did not feel they grey as proposed by the applicant was obtrusive.

commissioner Sias supported all phases of the proposal with exception to the exterior color. He preferred the medium brown as proposed by staff.

Commissioner Mihaly supported the application, adding he had no strong opinion on the color.

Chairman Yarish echoed Commissioner Mihaly.

M/S Harle/Kroot to approve AR-9001/V-9033 - Steven Hoertkorn, 9 Summit Avenue, A/P 7-031-43, 1) architectural review of a 1,388 square foot living addition; 2) a parking variance for parking to encroach into the public right of way; and 3) an 18" frontyard variance and a 7' east sideyard variance to construct a living addition within 16.5' of the front property line, on property located within the R-1C zoning district on the basis:

**Architectural Review:**

That the application is in conformance to the approved preliminary and precise development plans. That the screening is adequate considering the slope of the lot and the status of the road. the lack of neighbors in the near proximity makes the visual problems minimal and with the adjustment made to the roof line the architectural features will blend with the location and well grown with landscaping. also, adequate provisions have been made for noise. The approved exterior color will be Transparent Olympic stain No. 911 cape cod Gray (light gray), with horizontal shiplap siding, and the roof will be celotex Class A "Shingles Driftwood", as

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proposed by the applicant. Further, that the applicant be instructed to place plants similar to rosemary to trail over the walls of the parking pad to soften the impact of a concrete structure.

Variance:

1. Due to special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the controlling zoning ordinance or regulation deprives such property of privileges enjoyed by other property in the vicinity and under an 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. Special circumstances are the location of the building and steepness of the lot which render the design nice to satisfactorily enjoy the privilege of a larger house. Also, off-street parking is a benefit to the community and the arrangement is the best available.

2. The granting of the variance is necessary for the preservation and enjoyment of substantial property rights of the petitioner. 3. The granting of the 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 detrimental to the public welfare or injurious to property or improvements in such neighborhood.

This is based on drawings dated October 25, 1990.

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

2. **V-9037 - George Lucas, Jr., 52 Ancho Vista Avenue, A/P Nos. 6-163-24 and 6-163-36, a 16' frontyard variance to construct a masonry wall up to 13' in height within 4' of the front property line, on property located within the R-1 zoning district.**

The applicant and his architect, Les Baronian, were present.

Planner Wight presented the staff report.

Mr. Baronian presented a demonstration of the impacts of the site, both with the house and with the current proposal to demolish the house and erect a retaining wall. He stated the lesser impact on the neighbors would be the retaining wall which will also be softened with vegetation. He felt the retaining walls were necessary to help stabilize the site and the applicant wishes to use this area as a garden.

All the Commissioners were in agreement with this application, complimenting the applicant on the quality of this project. Commissioner Sias added that the applicant is removing a structure that has failing walls and will erect a structure that is less imposing to the neighbors.

M/S Kroot/Julin, to approve V-9037 - George Lucas, Jr., 52 Ancho Vista Avenue, A/P Nos. 6-163-24 and 6-163-36, a 16' frontyard variance to construct a masonry wall up to 13' in height within 4' of the front property line, on property located within the R-1 zoning district on the basis that:

1. Due to special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the controlling zoning ordinance or regulation deprives such property of privileges enjoyed by other property in the vicinity and under an 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 the steep slope needs to be retained and this will retain the slope, the property line is set back 20' from the street and the taller and more looming structure will be removed; and 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, there are no houses across the street from the location of the retaining wall and any neighbors affected by the wall are in agreement with the proposal. This approval is based on drawings dated June 29, 1990.

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

3. **U-9014/V-9038/DR-9007/ER - Jack H. Olive, 2 Bridge Street, A/P 6-083-09, 1) use permit for a self storage and storage workshop facility; 2) parking variance; 3) design review of a first story addition and exterior changes; and 4) environmental review.**

The applicant was present.

Planner Wight presented the staff report.

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Mr. Olive stated he spoke to his immediate neighbor, Mr. Diamond, about the project and he did not have any objection. Mr. Olive stated that the proposed use will be less intense than that currently approved and therefore traffic will be reduced.

Commissioner Harle did not feel this would have a negative impact on the neighborhood.

Commissioner Sias felt the Town currently has such a parking problem in the downtown area and before he could support the application he would like to see statistics addressing the traffic of such a use.

Commissioner Mihaly was inclined to support the application.

Commissioner Kroot supported the application, adding that the use was a low traffic generator and the use will be less intense, therefore the need for parking will be decreased.

Commissioner Julin supported the application because it was less of a traffic generator than the current use as well as a less intense use of the property.

Chairman Yarish had nothing further to add.

M/S Julin/Kroot, to accept the Negative Declaration for Jack H. Olive, 2 Bridge Street, A/P 6-083-09, for self storage and storage workshop facility.

Motion unanimously passed.

M/S Kroot/Harle, to approve U-9014, for 2 Bridge Street for a use permit for self storage and storage workshop facility on the grounds that: 1. The establishment, maintenance, or operation of the use or building applied for will not, under the circumstances of the particular case, be detrimental to the 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, specifically, that the use as a locker storage area will be a low traffic and noise generator; and 2. The granting of the application is necessary for the preservation and enjoyment of substantial property rights of the petitioner, specifically, this is commercial use in a commercial area.

Ayes: Julin, Mihaly, Harle, Kroot, Yarish  
Noes: Sias

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

M/S Harle/Mihaly, to amend use permit.

Ayes: Julin, Kroot, Harle, Mihaly, Yarish  
Noes: Sias

Motion carried.

M/S Yarish/Harle, to condition the use with the agreement that the exterior of the building be maintenance free from trash and debris at all times.

Ayes: Julin, Kroot, Mihaly, Harle, Yarish  
Noes: Sias

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

M/S Kroot/Julin, to approve V-9038 - 2 Bridge Street, A/P 6-083-09, parking variance for 8 on-site clear parking spaces and 6 tandem parking spaces based on the findings that: 1. Due to special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the controlling zoning ordinance or regulation deprives such property or privileges enjoyed by other property in the vicinity and under an 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, the new use will be a low traffic generator and 1/4 of the space of the building and therefore space is lessened; and 2. The granting of the variance is necessary for the preservation and enjoyment of substantial property rights of the petitioner, specifically it is a commercial use in a commercial space; 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 the use is a low traffic generator. This is based on plans dated October 22, 1990.

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Ayes: Harle, Mihaly, Julin, Kroot, Yarish  
Noes: Sias

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

Design Review:

M/S Kroot/Julin, to approve DR-9007 - Jack Olive, 2 Bridge Street, A/P 6-0-83-09, design review of first story addition and exterior changes on the basis: 1. the building is functionally and aesthetically compatible with the existing improvements and the natural elements in the surrounding area; 2. provides for protection against noise, odors, and other factors which may make the environment less desirable; 3. Will not tend to cause the surrounding area to depreciate materially in appearance or value or otherwise discourage occupancy, investment, or orderly development in such area; 4. Will not create unnecessary traffic hazards due to congestion, distraction of motorists, or other factors and provides for satisfactory access by emergency vehicles and personnel; and 5. Will not adversely affect the health or safety of persons using the improvement or endanger property located in the surrounding area. Specific to this approval is that the use will be a low traffic generator and will not create traffic hazards; it is a commercial use and will be compatible with the neighborhood; and the use is located in an area underneath and surrounded by retaining walls and virtually invisible. This is based on plans dated October 22, 1990.

Ayes: Harle, Mihaly, Julin, Kroot, Yarish  
Noes: Sias

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

4. **NU-65 - Tony Cassin, 76 Alder Avenue, A/P 7-041-25**, use permit for a second living unit to remain in an R-1 zoning district.

Tony and Karen Cassin were present.

Planner Wight presented the staff report.

Tony Cassin said the original intent was to have an au pair and the space to be used for her. The kitchen was intended for the au pair.

Sarah Nome, 77 Alder, stated that she was part of the original committee approximately 20 years ago that helped adopt the second units in San Anselmo. She said that there are no so many illegal 2nd units and the Town does nothing to make them conform. She stated that she had no objection when the owners originally asked for an exception to have an au pair unit but they have been using the space for a second unit and getting additional income, not for an au pair.

Chairman Yarish wondered if there should be a survey of the neighborhood to determine how many illegal units there are.

Planner Wight stated that staff has intentions of pursuing this issue at the time of the Housing Element update.

Ann Bergstrom, 90 Alder, stated there was adequate parking to accommodate the second unit and she had no objection to this proposal. She said that the applicants' family will probably eventually use this space for their children as they grow and need additional space. Also, second units are a good way of addressing care for elderly or children who want to stay with the family.

Karen Cassin, stated they have strong family ties and this is a family situation. They originally asked for the au pair room because she was working and needed someone to care for her small children. Her family is still growing and she has now decided to stay at home. Also, her mother-in-law is elderly and there will be a possibility in the near future to have her use the 2nd unit.

Commissioner Julin noted that the discussion about illegal second units is one of the issues to be addressed as part of the Goals and Objectives of the Planning Commission to the Town Council. With regard to this particular unit, she felt it was acceptable. She felt it would be difficult to take into consideration those illegal units until they apply.

Commissioner's Mihaly and Harle were in support of the second unit.

Commissioner Kroot supported the use and added that there is a hedge along the west side property line that separates the properties and allows for privacy.

Commissioner Sias was able to make the findings for the second units but agrees that there is a need to address the illegal units.

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Chairman Yarish had nothing further to add.

M/S Sias/Kroot, to approve NU-65 - Tony Cassin, 76 Alder Avenue, A/P 7-041-25, use permit to legalize a second living unit located on the property within the R-1 zoning district on the basis the Unit: 1. The second unit Falls within the maximum number of second residential units authorized by resolution of the Council for the Yolanda area in which the unit is located. This approval will mean that there will be 3 available openings left in the neighborhood; 2. The second unit is located on an Assessor's parcel or parcels on which the owner of record maintains his principal residence; 3. The existing structure encroaches into the established west sideyard setback area. The encroachment was permitted through the approval of a variance in 1987. 4. The second unit will be subject to a Building Department inspection to assure compliance with all applicable codes in affect at the time of the establishment of the unit. 5. Has been made the subject of a rent guarantee contract between the applicant and the town; 6. The second unit will not cause excessive noise, traffic, parking, or overloading of public facilities; 7. The use permit will not be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of the property of the applicant, or be detrimental or injurious to property and improvements in such neighborhood; and The granting of the use permit is necessary for the preservation and enjoyment of substantial property rights of the petitioner. Also, there is a hedge that separates the second unit and the dwelling at 82 Alder which allows for privacy.

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

Commissioner Mihaly excused himself from the rest of the meeting.

5. **S-9001/V-9037 - Alan and Selma Fishman, 9 Tamal Avenue, A/P Nos. 6-042-02 and 6-042-25, 1) lot line relocation; and 2) variance to provide access to A/P 6-042-02 across A/P 6-042-25.**

Alan Fishman, and his land surveyor, Bill Schroeder, were present.

Planner Wight presented the staff report.

Bill Schroeder stated that he had a conversation with the Director of Public Works and there is a possibility in the future of creating a bus turn out in the area fronting Sir Francis Drake Blvd. For that reason, as well as the fact that it is dangerous for ingress and egress, the applicant is proposing the driveway across the already developed property. Also, they want to increase the size of the undeveloped lot to allow for a future home to be built farther away from the street.

Planner Wight indicated that she was not familiar with the conversation between the Director of Public Works and Mr. Schroeder.

Commissioner Kroot supported the proposal. He felt there was value to equalize the two lots and safer to enter from Tamal than Sir Francis Drake.

Commissioner Julin, supported the access across the developed property because it would be much safer. She would however, like to see a deed restriction to ensure that the driveway will remain there.

Planner Wight stated she would have to consult with the Town Attorney on whether or not this was permissible.

Commissioner Harle supported the proposal to enlarge the vacant lot, stating it was in accordance with the General Plan.

Commissioner Sias supported the lot line adjustment but would like to see the driveway remain on Tamal, closer to the area of Sir Francis Drake so that when a house is constructed, there would be adequate yard space.

Chairman Yarish thought the driveway was an incremental loss for the property and did not support the access driveway. He wondered what type and size of vegetation would be planted.

Mr. Schroeder stated that there is no water meter now and the owners have no plans to develop the lot in the near future therefore, he did not think there was a need to discuss landscaping at this time. To move the driveway closer to Sir Francis Drake would create a more urban look and he would also have to demolish the rock retaining wall as well as remove some trees.

Commissioner Sias stated he would like to have a traffic analysis by the Town Engineer as well as a discussion about the future proposal about the bus turn out. He did concur that a landscaping plan would not be required at this time.

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Alan Fishman stated that his intent is to make the access as safe as possible while keeping the integrity of his property.

M/S Julin/Sias, to continue S-9001/V-9037 - Alan and Selma Fishman, 9 Tamal Avenue, A/P Nos. 6-042-02 and 6-042-25, 1) lot line relocation; and 2) variance to provide access to A/P 6-042-02 across A/P 6-042-25 to the meeting of December 17, 1990 to ask staff for the following information: (1) the intention of widening Sir Francis Drake to put in a bus turn out; (2) if a deed restriction could be required for the driveway; (3) a discussion of relocating the driveway access closer to Sir Francis Drake on Tamal; (4) a discussion of landscaping and screening.

Motion unanimously passed.

**6. V-9038 - Jim and Sally Psaila and Lewis and Evelyn Champion, 257 Brookside Drive, A/P 5-111-16, a 3.5' frontyard variance to construct a front entry porch and living addition within 16.5' of the front property line; and a 17' rearyard variance to construct a carport within 3' of the rear property line, within an 18" roof overhang, within the R-1 zoning district.**

The applicants were present.

Planner Wight presented the staff report.

Jim Psaila explained his proposal to the Commission. His intent is to take the congestion off of Brookside Drive that already has a lot of traffic and construct parking on Brookmont Circle. There is another carport similar to this on Brookside. He also stated that a petition of support was signed by all the neighbors on Brookmont Circle.

Commissioner Julin supported the frontyard variance for aesthetic reasons and also that it will be consistent with the homes on either side of this house. The Town advocates off-street parking, therefore she supported the variance for the car deck. Also the topography warrants the car deck being built on Brookmont Circle and the precedent has already been set.

The rest of the Commission echoed the comments of Commissioner Julin.

M/S Julin/Kroot, to approve V-9038 - Jim and Sally Psaila and Lewis and Evelyn Champion, 257 Brookside Drive, A/P 5-111-16, a 3.5' frontyard variance to construct a front entry porch and living addition within 16.5' of the front property line; and a 17' rearyard variance to construct a carport within 3' of the rear property line, within an 18" roof overhang, within the R-1 zoning district on the basis: 1. Due to special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the controlling zoning ordinance or regulation deprives such property of privileges enjoyed by other property in the vicinity and under an 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, the topography is steep and the location between the two existing streets for the front porch entry and living addition in that area will add architectural interest to the house and bring the side into conformance with the houses on either side of this property. Also it is necessary to provide on site parking and the request is consistent with Town policy. 2. The granting of the variance is necessary for the preservation and enjoyment of substantial property rights of the petitioner; specifically for on-site parking and aesthetic improvements of the property; 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, the residents affected have been informed of the project and support the project.

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

**7. Ar-9005 - Th. F. Posthuma, 379 Oak Avenue, A/P 7-241-61, architectural review of a 4,879 square foot living addition to the existing single family residential dwelling and a 576 square foot garage one property located within the R-1C zoning district.**

This application was continued to the meeting of December 3, 1990, because of the late hour.

**E. GENERAL DISCUSSION**

Planner Wight asked the Commission for an interpretation on whether or not they approved the glass handrails at the time of Design Review for 27 Indian Rock. The consensus of the Commission was that they approved glass handrails.

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**F. REPORT OF UPCOMING APPEALS TO TOWN COUNCIL**

**G. ADJOURNMENT TO SPECIAL MEETING ON NOVEMBER 26, 1990, AT 7:00 P.M.**

The regular meeting of the Planning Commission was adjourned at 11:15 p.m.  
BARBARA CHAMBERS