

**TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES OF NOVEMBER 5, 1990**

The regular meeting of the Planning Commission was convened at 8:00 p.m. by Chairman Yarish. Staff present: Dain Anderson, Assistant Director of Planning; and Lisa Wight, Planner.

A. ROLL CALL

Commissioner's present: Harle, Hayes, Kroot, Mihaly, Sias, Julin, Yarish

B. CONSENT AGENDA

1. October 1, 1990 and October 15, 1990
2. DR-9004 - D. Glyn Thomas, 800 Sir Francis Drake Boulevard, A/P 6-061-06, design review of exterior color change on property located within the L-C zoning district.

M/S Kroot/Julin, to approve Consent Agenda. Commissioner Hayes to abstain on Minutes of 10/1/90 and Chairman Yarish to abstain from DR-9004. Motion passed.

C. PUBLIC HEARINGS CONTINUED TO NOVEMBER 19, 1990

1. **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.
2. **U-9014/V-9038/DR-9007/ER-Jack H. Olive, 2 Bridge Street** (at Sir Francis Drake Boulevard), 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.

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.

M/S Kroot, Sias, to continue this item until the meeting of November 19, 1990 because the applicant was not present.

Motion unanimously passed.

2. **AR-9003/V-9034 - Cyrus Ansari, 15 Oak Springs Drive, A/P 5-254-05,** 1) architectural review of a new single family dwelling; and 2) a height variance for the dwelling to be 38' in height as measured from average grade, on property located within the R-1C zoning district.

The applicant and his architect, Mr. Hayes, were present.

Planner Wight presented the staff report noting that at the last meeting there was a question about the driveway approach. After further review, the Town Engineer has approved the driveway approach presented by the applicants. She added that the architectural review and landscaping plan was approved at the last meeting so the issue at hand is only the variance.

Mr. Hayes stated that the staff report indicates they are seeking a height variance of 2 1/2 feet but they really want a 3 foot variance. The reason for the height variance is related to safety for entering and exiting the garage. If the garage is reduced in height any more there would be a drainage problem. He stated that it should be noted that they have reduced the roof height by 1 1/2 feet from the last meeting.

Mr. Ansari added that there is a blind curve right by his driveway and that should also be a consideration.

Mrs. Lago, 17 Oak Springs did not agree with Mr. Ansari about the blind curve and stated that her house complies with the height variance.

Planner Wight noted that engineering standards have changed over the years.

Pam Winston, 25 Woodside Court, was in agreement with the applicant that there was a sharp turn by Mr. Ansari's house that makes it a safety issue. Also, prior to the house falling down the hill, anyone entering the house was told not to park in the driveway because it had settled and was unsafe.

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Commissioner Hayes was inclined to support the application.

Commissioner Kroot felt the applicant has located the driveway in the right position and the slope has been approved by the Town Engineer, therefore he was in support of the application.

Commissioner's Julin, Mihaly, Sias, Harle and Yarish supported the application for the reasons stated in the staff report.

M/S Mihaly/Sias, to approve AR-9003 - V-9034 - Cyrus Ansari, 15 Oak Springs Drive, A/P 4-254-05, 1) architectural review of a new single family dwelling; and 2) a height variance for the dwelling to be 38' in height as measured from average grade, on property located within the R-1C 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 steep topography, and the existing building foundation. Topography: The applicant has redesigned the project to reduce the height by 3.5' by lowering the roof height 1.5' and by lowering the garage floor height 2'. The applicant's Civil Engineers, Oberkamper & Associates have provided a driveway study, which has been approved by the Town Engineer as accurate and workable. To reduce the garage floor any lower will result in the potential for vehicles to "bottom out" when exiting the property. To reduce the roof height to a flat roof will tend to make the structure look boxy from a distance. Existing foundation: If the dwelling were moved an additional 10' from the front property line, the proposed building design could be accomplished and conform to the maximum 35' height limit for this zoning district. The applicant has proposed to use the existing building foundation, which is a logical expectation and reasonable request. Granting of the height variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity for the reasons that a) the applicant has made an effort to lower the dwelling; and b) the architectural standards for a driveway approach have changed since the time the neighboring properties were developed as a result of the newer vehicles. 2. The granting of the variance is necessary for the preservation and enjoyment of substantial property rights of the petitioner. The proposed garage floor height is necessary to eliminate the potential for vehicles to "bottom out" when exiting the property, and the proposed building location is to allow the existing foundation to be utilized. 3. The granting of the variance, under the circumstances of the particular case, will not materially affect adversely the health or safety or 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. The northerly neighboring property owner of No. 9 Oak Springs Drive supports the application as proposed. The southerly neighboring property owner opposed the original 6' height variance for the reasons that a) the top floor of the proposed dwelling will be above the existing roof lines of the adjacent homes on the down slope side of the street and will not conform with the character of the existing homes; and b) a dwelling in excess of 2 stories will violate the Declaration of Restrictions dated May, 1955 (staff has since determined the structure is only 2 stories). This approval is based on drawings dated 8/22/90.

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

3. **V-9023/U9013/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.**

The applicants, Lamont Cochran and Jean Brunswick, were present.

Assistant Director Anderson presented the staff report, noting that the 5 foot sideyard variance should be for the west side, not the east side.

Commisisoner Julin asked about access for the disabled. Assistant Planning Director Anderson stated that there was adequate parking in the rear as well as access to the elevator. It meets State standards.

Lamont Cochran stated that the lot was very narrow and they wanted to do as much with the lot as was economically feasible and they have had many designs prior to coming up with what they feel is the best for this lot.

Jean Brunswick gave a background on this lot, stating that the Town originally wanted to purchase the lot for additional parking for the Town. Ms. Brunswick stated that they were unaware of that when they purchased the lot and when they found out about it, they were willing to sell the lot to the Town. Failing that, she said there were lengthy discussions with the Town Administrator about a trade for the Magnolia property and other Town owned property.

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Unfortunately, because of the water moratorium, the Marin Municipal Water District would not allow water meters to be transferred even after understanding that the Town of San Anselmo would benefit by having additional parking and that the Magnolia lot would have no need for a water meter. She stated that they have tried to comply with the Town in all respects. The original design for the property was solely commercial, but they would have to ask for a parking variance and staff did not think that proposal would be approved by the Commission. They thought they could remodel the existing structure but staff thought the structure was too unstable to withstand a remodel. Therefore they came up with this existing plan which allows for the homeowner to be able to live upstairs and have their office downstairs. It would be ideal for a person who did not want to commute. She stated that if the building is reduced any more it would not be aesthetically pleasing. The plan was for three bedrooms, and they have cut that back to two bedrooms to allow for larger sized rooms. It would be difficult to reduce the size any more.

Chairman Yarish asked if the Town Administrator had spoken to the Water District with the backing of the Town Council. He felt it would benefit the Town if there was additional parking in the downtown area. He felt if there was support by the Town Council, perhaps the Water District would allow the trade of properties and water meters because of the special circumstances. He wondered if the application could be continued until the matter of the water meters was further researched at the Town Council level.

Mr. Cochran stated that they would be willing to trade the lots and would be willing to continue this until a future date.

Commissioner Mihaly felt that the Commission should not hold up this hearing and should proceed with this regulatory issue. That the purchase of the lot is a separate issue and not part of the application before the Commission.

David Bell, Tamalpais Avenue, was concerned about the removal of the trees because the trees would break up the large wall adjacent to the Town parking lot. He has since learned that those trees belong to the Town. He stated that perhaps the applicants would be willing to install fake windows with shutters to make the large mass aesthetically pleasing.

Assistant Planning Director Anderson stated that the building codes dictate that the wall has to be a fire wall and therefore there can be no windows on that side of the building.

Commissioner Kroot would prefer to see the building all commercial but in view of the variances required for parking will go along with what is proposed by the applicants. With respect to the sideyard variance he had no problem with that but he did not want to see the 6% variance for lot coverage. He felt the building could be reduced and the parking lot under the building more interesting. He would also like to see the large wall that faces the Town parking lot softened, perhaps by vegetation, but he was not in favor of fake windows.

Commissioner Julin preferred to see the entire application continued and have the applicants work with staff to reduce the building so there would be no need for a variance for lot coverage. She felt the sideyard variance was fine and the use of the building was acceptable because this lot is a buffer between commercial and residential areas. She would like to see the building have more detail and the wall facing the Town parking lot softened.

Commissioner Harle felt the use was fine as well as the sideyard variance although it was crowding a long apartment building next door. He stated that the decks were included in the lot coverage, and if removed, the need for the variance would be eliminated. The decks are designer space and not required however he felt it makes for a more pleasing design and allows for some out door space. He had no problem with the design review of the building.

Commissioner Mihaly felt the sideyard elevation needed some work to soften the area. He felt the use was acceptable if it met Town requirements and had no problem with the sideyard variance. He did have trouble with the request for the variance for the lot coverage. On the other hand, this lot is quite small and does not have the capacity for ingress and egress while other lots on the block do not.

Commissioner Sias was able to make the findings for the sideyard variance, would like to see the exterior color toned down somewhat, and thought the use was acceptable but wanted to know if this type of use was in accord with the long range plan for the Town. He was not able to approve the variance for the lot coverage, he thought the building should be shortened up as well as more greenery in the front of the building. He agreed with his colleagues that the sideyard wall facing the Town parking lot should be softened. He suggested trellises or fake windows.

Commissioner Hayes could not approve the variance for the lot coverage, stating that he considered this overdevelopment of the site. He stated the decks could be removed but it would be removing an amenity. He would rather see the building reduced and the decks remain. He

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wanted to see the wall facing the Town parking lot softened. He added that he would like to the landscaping plan super imposed onto the plan specifically so he could see how the trees would screen the large wall. He would also like to have the exterior colors visually recede. He would prefer darker, earth tone colors, preferably brown tones.

Chairman Yarish could support the sideyard variance and the mixed use. He would not like to see the decks removed because they create a sense of open space. He would like to see the building cut back to comply with the lot coverage but also felt the applicants should be given some credit for the decks.

Jean Brunswick stated they would be willing to put in fake window and any kind of landscaping the Commission wanted, but they need the 66% lot coverage. She also felt the building would look dumpy if the decks were removed.

In summary, Commissioner Harle and Chairman Yarish would support the variance for lot coverage but the other Commissioners would not support it. Commissioner Sias stated that it had no problem with the width of the building but felt it could be reduced in length and soften the wall that faces the parking lot.

M/S Mihaly/Julin, to continue this application to 12/3/90 to allow the applicants to time to think about what the comments of the Planning Commission and if they can change the plans to do so, if they do not feel they can change the plans, to come back with the same design.

Motion unanimously passed.

4. **V-9035/DR-9006 - Don Maloney, 167 Tunstead Avenue, A/P 7-251-08, a 10' rearyard variance to construct a storage addition within 2' of the rear property line, on property located within the C-2 zoning district.**

The applicant was present to represent the owners, The Knights of Columbus.

Planner Wight presented the staff report.

Mr. Maloney felt this was the most logical place for the storage because it was to the rear of the building and will be in the same space the stairs currently occupy.

Commissioner Julin did not support the variance because the storage space could be moved in another location that would not require a variance. If moved forward the storage unit would be less imposing.

Commissioner Harle supported the application. He felt the rear of the lot was the most logical place for the storage shed.

Commissioner Mihaly supported the design review and opposed the variance for reasons as stated in the staff report.

Commissioner Sias supported the entire application, stating that he did not know what was to be gained by moving the storage shed forward.

Commissioner Hayes questioned why there was a need to have a window in the shed. Mr. Mahoney stated they did not intend to put a window in. Commissioner Hayes stated that it was on the plans. Commissioner Hayes felt the storage shed would not be imposing and is inoffensive and in the best location. He approved of the application.

Commissioner Kroot supported the application and stated if the storage shed was put else where on the lot it would take away from the aesthetically attractive building.

Chairman Yarish supported the application because the shed was unoffensive and backs up to the rear of the property and is not a detriment to the rear yard neighbor.

M/S Harle/Sias, to approve V-9035/DR-9006 - Don Maloney, 167 Tunstead Avenue, A/P 7-251-08, a 10' rearyard variance to construct a storage addition within 2' of the rear property line, on property located within the C-2 zoning district for the following reasons:

Design Review: 1. The storage room is functionally and aesthetically compatible with the existing improvements and the natural elements in the surrounding area. 2. The use of the storage room will not create excessive noise, odor, and other factors which may make the environment less desirable. 3. The storage room will not tend to cause the surrounding area to depreciate materially in appearance or value or otherwise discourage occupancy, investment, or over development in such area. 4. The storage room will have no impact on traffic and provides for satisfactory access by emergency vehicles and personnel. 5. The storage room will not

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adversely affect the health or safety of persons using the improvement or endangering property located in the surrounding area.

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; specifically this is the most logical placement for the shed because if moved forward it will obstruct the driveway; 2. The granting of the variance is necessary for the preservation and enjoyment of substantial property rights of the petitioner; specifically the existing dwelling has limited storage area and this expansion would benefit the applicant. The proposed addition is located in the only legitimate expansion area of the lot. 3. The granting of such a 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 a neighborhood; specifically, the storage room addition should provide an extra area for the storage of chairs and maintenance equipment. The storage addition should not have an adverse visual impact to the neighboring properties due to the existing vegetation. There are walnut trees and elms in the area. The side and rear yard fences are ivy covered which will help screen the storage shed construction. This approval is based on plans submitted July 25, 1990 with the understanding that the window as shown on the plans is to be eliminated.

Ayes: Sias, Hayes, Kroot, Harle, Yarish

Noes: Julin, Mihaly

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

5. **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.**

The applicants were present

Planner Wight presented the staff report.

Commissioner Julin wondered if this application could be continued until the applicants take care of the illegal fence extension. Planner Wight noted that the fence was a separate issue, not related to this application.

Jay Weill stated that they want to build a new garage to conform with the lines of the house. The current garage is old and an eye sore to them and the neighborhood. In addition, they currently do not have an easy access to the rear yard. They will be removing the storage room that is attached to the garage which will reduce the garage by approximately 150 square feet. He felt that if the garage was moved forward on the lot it would obstruct the view from the dining room of No. 10 Raymond. He presented photographs of his property as well as photographs of other garages in the neighborhood. He stated if the height of 24 feet is not acceptable to the Commission he wanted to know what would be acceptable.

Linda Weill explained that the fence was constructed for privacy from the neighbors but they would be willing to comply with the Town standards. She stated she is an art teacher at Wade Thomas part time and needs to have the additional space for her projects. She hoped the variance would be granted even if the Commission reduces the amount of the variance.

Jerry Daly, 10 Raymond, stated that his main concern is that there is a commercial business currently being run out of the garage and that the garage is not being used for cars. Also, the applicants have a wood burning stove and if there is a second story allowed the smoke will cause a tunnel effect. Most of the garages in the area are one story and if a second story was approved he would view a blank wall. It will also block out his light. He was also concerned that the addition would create a potential for a second unit in the future. He noted that the owners currently own three cars and are only requesting a one car garage. He felt that if they wanted to reconstruct a new garage he would like to see it one story with a flat roof.

Linda Weill stated that she does have a home occupation but has complied with all the regulations of San Anselmo. She manufactures rainbow spray paint for children. It is non toxic, non flammable and perfectly safe.

Jay Weill stated that they do not want to reconstruct the garage with a flat roof but are not opposed to moving the garage forward.

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Commissioner Harle concurred with the staff recommendation of denial. He also felt a two story garage on a narrow lot would loom. He also stated the second story could be placed elsewhere in the rear of the property which would not loom.

Commissioner Mihaly was opposed to the variance. He appreciated the fact they want to maintain the style of their house but he felt it would loom. He would consider supporting a one story peak roof but could not support the current proposal.

Commissioner Sias was opposed to the variance and thought there were other possibilities. He stated that he could see approval for the addition if the slope of the roof of the addition matched the roof of the house.

Commissioner Hayes supported staff recommendation for denial. He would approve the reconstruction of the garage but not the second story. It would have to be down scaled.

Commissioner Kroot could not support the application. He would support a one story garage with a peaked roof but not the second story.

Commissioner Julin echoed the comments of Commissioner Kroot.

Chairman Yarish had nothing further to add.

Jay Weill asked if his application could be continued to allow them time to consider the comments of the Commission.

M/S Sias/Hayes, to continue the application to the meeting of December 3, 1990.

Motion unanimously passed.

E. DISCUSSION OF PLANNING GOALS

This item was continued to the meeting of November 19, 1990.

F. GENERAL DISCUSSION

G. REPORT OF UPCOMING APPEALS TO TOWN COUNCIL

H. ADJOURNMENT

The regular meeting of the Planning Commission was adjourned at 11:15 p.m. to the special joint meeting with the Town Council on November 7, 1990 and then to the regular Planning Meeting of November 19, 1990.

BARBARA CHAMBERS