

TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES OF DECEMBER 17, 1990

The regular Planning Commission Meeting was convened at 8:00 p.m. in the Council Chamber by Chairman Yarish, with Commissioner's Sias, Kroot, Mihaly, and Julin present. Staff present: Lisa Wight Interim Planning Director, Lisa Newman Planning Consultant, and Neil Whitbeck Planning Intern.

B. CONSENT AGENDA

1. Minutes
 - (a) November 19, 1990
 - (b) December 10, 1990
2. **V-9041 - Wade and Jerri Childress, 32 Redwood Road, A/P 7-081-60, a 10'6" rearyard variance to construct a bathroom addition within 9'6" of the rear property line, with a 2' overhang, on property located within the R-1 zoning district.**
3. **DR-9008 - Braverman's Furniture, 208 Greenfield Avenue A/P 6-173-11, design review of exterior building color changes.**

Commissioner Kroot asked to have Minutes of December 10, 1990, removed from the Consent Agenda.

M/S Sias, Julin, to approve Items 1 (a), 2 and 3 of the Consent Agenda. Motion unanimously passed.

Item 1(b)

Commissioner Kroot asked that wording be added to the Minutes of December 10, 1990, as follows: Page 1, Sec. 10-3.50-5: "Commissioner Kroot suggested wording of "usable off-street tandem parking but was not in favor of the third space requirement".

M/S Mihaly, Yarish, to approve Minutes of December 10, 1990 with the amendment as noted. Motion unanimously passed.

C. PUBLIC HEARING CONTINUED TO JANUARY 7, 1991

1. **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 on property located within the R-1C zoning district.**
2. **V-9023/U-9013/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.**

D. PUBLIC HEARINGS

1. **V-9036 - Jay and Linda Weill, 2 Raymond Avenue, A/p &-172-16, 1) 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; and 2) a height variance for a fence to be 8' above grade (after-the fact on property located within the r-1 zoning district.**

The applicant was present.

Mr. Whitbeck presented the staff report.

Mr. Weill presented photographs to the Commission. He stated that at the last hearing on his application the Planning Commission requested that he reduce the height of the roof. He has complied with that request by reducing the roof of the garage from 24' to 18'. Because of the reduction in height he will either have a pull down ladder for the second story storage area or will leave it open inside with rafters to allow for storage. The new garage is reduced in size from the existing garage. He stated the fence is currently 6' with a lattice extension of 2'. They constructed this extension for privacy from the previous tenants at 109 Tamalpais because their bedroom looked right into his rear deck and the tenants did not have blinds or any covering on the windows for privacy. He also planted ivy on the lattice for additional privacy.

Commissioner Julin stated that the applicants suggested the second story of the garage was to be used for storage and a work area for Mrs. Weill's business. She wondered if that was still the case. Mr. Weill said he is just not sure now, it just depended on how much space would be available when the garage is completed. The reduction of 6' might not allow for the area need but he was willing to comply with the Planning Commission's request.

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Ms. Wight noted that the garage should be used for the parking of two cars and not be turned into a workroom.

Jerry Daly, 10 Raymond, was not in favor of the proposed roof line of the garage. Although it follows the roof line of the house, it does not follow the roof line of the addition. The roof will cut off the light and air to his house. Also, smoke from his wood stove will be trapped because of the addition in the rear. He opposed the addition of the garage because he felt it would be used for storage of the applicant's business and not for a garage. At the previous meeting, there was a discussion about story poles being erected and that was never done. There has been discussion about the impact of the fence to 109 Tamalpais but the fence is also up to 8'6" on his side too. Although he did not state he opposed the fence, he was not asked if it would be an impact on him.

Commissioner Kroot indicated that he observed a large fence on Mr. Daly's property. Mr. Daly stated that fence is to allow privacy to his deck.

Bill Hendrickson, owner of 109 Tamalpais, stated that he submitted a letter of opposition to the Planning Commission and added that the fence cuts off light into the house. He stated that he has also installed blinds for all the windows in the house so that there will be privacy in all rooms of the house.

Commissioner Sias stated that he could support the garage because the applicant reduced the size and tried to tie it in with the lines of the house. He added that the garage must be used for the storage of vehicles. He was unable to support the 8' fence because blinds have been installed which allows for privacy, and the owner of 109 Tamalpais is objecting to the fact that it cuts off light to the house. The applicants could plant landscaping such as evergreen to provide additional privacy without the 8' fence.

Commissioner Mihaly opposed the fence height but was in support of the garage for the same reasons as Commissioner Sias. He observed that because the Commission wanted the garage reduced in height this may not allow the applicant the second story for storage, however, the more likely that a second story exists, the more likely that the lower portion of the garage will certainly be used for the parking of vehicles.

Commissioner Julin asked if both portions of the fence were included in the variance, specifically that adjacent to 109 Tamalpais and 10 Raymond. Mr. Whitbeck affirmed.

Commissioner Julin said the fence adjacent to 109 Tamalpais was quite close to the property line and serves to provide privacy for both properties. Blinds do not provide privacy because they have to remain open to let the light in. She supported the fence but did not think the design of the fence was very attractive. She was in support of the garage, noting that it had been scaled down and was more in scale with other garages in the neighborhood.

Commissioner Kroot supported the garage. He stated that the garage was on the south side of the house. He opposed the fence height at 109 Tamalpais because it will block sunlight and because the property owner objected.

Chairman Yarish could approve the variance for the garage but was unable to make the necessary findings for the fence because it was a detriment to the neighbor at 109 Tamalpais.

M/S Kroot, Sias, to approve a 5' south sideyard variance to reconstruct a garage and construct a second story addition with 3' of the south side property line with an 18" roof overhang 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 in which such property is situated; specifically they are rebuilding an existing garage that needs to be in the location of the existing driveway and that the applicant is pitching the roof 12 & 12 to match the existing roof line of the house; and 2. The granting of the variance is necessary for the preservation and enjoyment of substantial property rights of the petitioner; specifically, other houses in the area have garages; 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. This approval is conditioned on the fact that the garage is to be used as a garage. This is based on drawings dated November 26, 1990.

Motion unanimously passed.

M/S Sias, Kroot, to deny a height variance for a fence to be 8' above grade on property located within the R-1 zoning district on the grounds the fence will be harmful to the surrounding

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neighbors, specifically, it will block the sunlight from 109 Tamalpais and privacy could be achieved by landscaping and blinds.

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

Motion carried.

Commissioner Kroot questioned whether this applied to the fence on both sides of the property and when told it did he said he did not support denial on the fence next to 10 Raymond.

Realizing that the property owners of Nos. 109 Tamalpais and 10 Raymond had left the hearing, the Commission agreed it would be proper to reconsider the fence on the south side by 10 Raymond at the next meeting on January 7, and advise the property owners of such.

M/S Sias, Kroot, to continue the matter of the 8' fence on the south side next to 10 Raymond, to the meeting of January 7, 1991.

Motion unanimously passed.

2. **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, on property located within the R-1 zoning district.**

The applicant was present.

Ms. Wight presented the staff report.

Commissioner Kroot stated there are currently many garages that have driveways that exit onto Sir Francis Drake and wondered if there were any statistics available regarding accidents from the Police Department. Ms. Wight said statistics had not been obtained however putting another driveway on Sir Francis Drake would only be adding more traffic congestion to an already crowded street.

Commissioner Mihaly asked if there was an intent to construct a garage on the vacant parcel. Ms. Wight stated only a parking pad has been requested by the applicant.

Commissioner Julin supported the application with the condition that there be no direct access onto Sir Francis Drake, now or in the future.

Commissioner Kroot supported the proposal with access off of Tamal with the requirement that the stone wall be retained. He agreed that access off of Tamal would be safer than from Sir Francis Drake.

Commissioner Sias concurred with Commissioner Kroot, although he wished there was a better solution. He felt it was sad to see the property split and that the property with the existing dwelling on it will have to suffer because of the access through the property.

Commissioner Mihaly concurred with his colleagues.

Chairman Yarish stated the rock wall and the existing landscaping were nice and did not want to see it compromised. He did not like the idea of splitting the lot because it destroys the integrity of both properties. He in supported the access from Sir Francis Drake.

M/S Kroot, Julin, to approve 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, on property located within the R-1 zoning district on the basis: the proposed lot line relocation is consistent with the General Plan; and 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 in which such property is situated; specifically that both of the created lots are larger than 7,500 and access from Sir Francis Drake Boulevard is dangerous and it is safer to access off of Tamal; and 2. The granting of the variance is necessary for the preservation and enjoyment of substantial property rights of the petitioner; specifically the driveway is necessary for A/P 6-042-02 to exist; 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 Tamal Avenue is safer than Sir Francis Drake. This is conditioned upon the rock wall remaining where

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the easement comes out to Tamal and that there will never be an access to Sir Francis Drake Boulevard for the newly created lot At A/P 6-042-02. This approval is based on drawings received 7/25/90.

3. **AR-9006/V-9039 - Jef Pedersen, 16 Ivy Lane, a/P 7-064-55,** 1) architectural review of a new single family dwelling; 2) a 20' frontyard variance, a 16' rearyard variance and a 5' sideyard variance to construct a single family dwelling within 0' of the front property line, within 4' of the rear property line, and within 3' of the side property line; 3) a third story variance to construct a single family dwelling; and 4) a 20' frontyard variance to construct retaining walls and a 14' frontyard variance to construct open stairs within 0' of the front property line (the walls and stairs encroach into the public right of way and will necessitate an encroachment permit from the Public Works Director) on property located within the R-1C zoning district.

The applicant was present.

Ms. Newman presented the staff report.

Chairman Yarish asked what the options were to the applicant if the road could not be widened sufficiently to satisfy the requirements of the Ross Valley Fire Department.

Commissioner Sias said there seems to be some dispute about property lines and asked if the property lines shown on the drawings had been certified. Ms. Newman said she has received a copy of a survey that indicates the boundaries.

Commissioner Sias also wondered if the owners of the property affected by the road widening have agreed to the proposal. Ms. Newman felt that off-site improvements could be resolved at staff level prior to issuance of a building permit.

Jef Pedersen stated that the Fire Department requires a minimum of 14' paved right of way. He will be able to create two off-street parking spaces past the Magid residence and one additional parking space for no. 53 Canyon. He noted that he has verbal agreement with the owners of 53 Canyon for the road widening. He said he will also have to construct a new retaining wall for 10 Ivy Lane.

Clay Freeberg, 10 Ivy Lane, had several concerns. 1. He would like to see the stairs moved 18 feet south. This would allow easier parking for him and will require less of a cut into the hillside. 2. Was against the third story. He felt the third story would be very imposing and other houses in the neighborhood are smaller than that proposed. 3. Felt there should be a minimum of a 5' frontyard setback, otherwise cars parking in front of 16 Ivy Lane will stick out into the turnaround area. 4. Currently the right of way in front of his house is 18 feet and he was against it being narrowed. 5. He would like more mature trees planted to screen the proposed house. 6. The developer should be made responsible for repairing the road if damaged. 7. He would like to see a more attractive retaining wall built. 8. He would like to have more key distances from landmarks listed on the map.

Sandy Magid, 49 Canyon, stated that every proposal in the past to develop this parcel has been rejected. The applicant wants to use part of his property to build retaining walls and part of the turn-around. Also, some of the trees that the applicant proposes to remove are on his property. He is against that. He felt the best use of the land was to be used as open space and was hopeful the owner would donate the land. He disagreed with the survey provided by the applicant and will try to get a copy of an old survey of his property. He was concerned that the applicant would not adhere to the requirements of the Planning Commission. There is a proposal to black top Ivy Lane and he was opposed to that because it will give an urban look. He prefers the gravel road that currently exists. He felt every variance should be denied. Also, other homes in the neighborhood are approximately 900 to 1470 square feet. The proposed dwelling is out of scale with the homes in the neighborhood. Also, the house will be seen from Allyn, Canyon and Scenic.

Mrs. Freeberg, 10 Ivy Lane, felt the house would have a visual impact on the neighborhood. She likes the rustic look of the neighborhood and would not like to see the gravel road changed.

Mr. Pedersen stated that the high circulation areas would be facing away from the houses on Canyon and that additional trees could be planted on 10 Ivy Lane to give them privacy.

Jerry Farber, 155 Allyn, was concerned about the size of the development for the neighborhood, erosion in the area, and was concerned about protecting the large grove of redwoods. The area is rustic and he did not feel this type of house would be suitable.

Chairman Yarish asked if there has been a study on the history of the survey.

Billie Magid, 49 Canyon, said she had a conversation with the surveyors and they admitted that it was almost impossible to get an accurate survey.

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Mrs. Magid wondered how long the story poles had to remain. Commissioner Julin felt they should remain until the issue has been resolved.

Mr. Pedersen stated that if he were given approval from his neighbors to access their land he will get another survey.

Commissioner Kroot would like to see the survey that Mr. Magid talked about but it should also be noted that Schwartz Associates are highly reputable and respectable surveyors.

Commissioner Sias would like to see a comparison done on both surveys. He did not think the project had much of a chance of success until the neighbors could reach a consensus and the property lines could be determined. He would like to see details on drainage and the impact it would have on the neighbors.

Commissioner Mihaly felt there had to a resolution on the boundary lines and suggested that the surveyor be present at the next meeting. He would like to have the owners of number 53 Canyon present at the next meeting to state their position. There should be an exploration of a darker color for the exterior of the house. There should be a discussion of the items addressed by Mr. Freeberg and he would like a status on the possibility of Open Space acquiring the land.

Commissioner Kroot was not sure that this project might be over development of the site. It was perhaps a little too high and large. Although he was not so concerned about the three stories because three stories would be less assuming being built into the hill rather than one story at the top of the hill.

Commissioner Julin stated the dispute of the boundaries could potentially take a long time. She wondered if the application could be resolved prior to returning to the Planning Commission.

Commissioner Mihaly would like staff to meet with the Fire Department and also have staff validate the surveys.

M/S Mihaly, Kroot, to continue **AR-9006/V-9039 - Jef Pedersen, 16 Ivy Lane, A/P 7-064-55**, to the meeting of February 4, 1991 to allow the applicant and staff time to provide the following: 1. Verify location of property line. Review previous surveys and have the Land Surveyor present at the next meeting. 2. Provide all Planning background information on 16 Ivy Lane. 3. Get a clear sense of the agreement from the property owner at No. 53 Canyon. 4. Explore a darker color for the exterior of the house. 5. Explore alternative retaining wall material. 6. Discuss alternative tree selections. 7. Discuss the possibility of moving the stairs at No 10 Ivy Lane. 8. Check with the Open Space people about acquiring the property. 9. Discuss the possibility that there might be overdevelopment of the site. 10. Include drainage details 11. Discuss the pros and cons of gravel verses asphalt road.

All ayes. Motion carried.

4. **AR-9006 - Diana Redman, 551 Redwood Road, A/P 7-340-05**, architectural review of 1) frontyard fence; and 2) dog run fence surrounding the perimeter of the dwelling, on property located within the R-1H zoning district.

Commissioner Kroot to abstain from this application because he owns property adjacent to 551 Redwood Road.

Barry Schenker, Co-owner of the property, was present.

Mr. Whitbeck presented the staff report.

Mr. Schenker stated the fence along the property line was to be constructed of redwood and the dog run along the side of the property would be of wire.

None of the Commissioners had an objection to this proposal.

M/S Julin, Sias, to approve **AR-9006 - Diana Redman, 551 Redwood Road, A/P 7-340-05**, architectural review of 1) frontyard fence; and 2) dog run fence surrounding the perimeter of the dwelling, on property located within the R-1H zoning district on the basis: 1. the fences are in conformance to the approved preliminary and precise development plans; 2. the adequacy of screening; 3) the fences have architectural features that enable the structures to blend with its environment; 4) the fences are functionally and aesthetically compatible with the existing improvements and the natural elements in the surrounding area; 5) the fences provide for protection against noise, odors and other factors which may make the environment less desirable; 6) the fences 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; 7) the fences will not create unnecessary traffic hazards due to congestion,

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distraction of motorists, or other factors and provides for satisfactory access by emergency vehicles and personnel; 8) the fences will not adversely effect the health or safety of persons using the improvement or endanger property located in the surrounding area. This approval is based on the plans included in the staff report for this meeting and the samples of the metal fence shown at tonights meeting.

Ayes: Sias, Mihaly, Julin, Yarish
Abstain: Kroot

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

5. DR-9006/V-9043 - Michael Vishniakoff, Misha's Restaurant, 21 Tamalpais Avenue, A/P 7-212-19, 1) parking variance to increase the intensity of use of the property by enclosing an existing outdoor dining area without the minimum required parking space; and 2) design review of enclosure of existing outdoor dining area, on property located within the C-2 zoning district.

This item was continued to January 7, 1991, because of the late hour.

6. U-9015/DR-9007 - Robert Erteman and Kathleen Doughi, 729 Sir Francis Drake Boulevard, A/P 6-083-06, use permit, design review, and environmental review to allow a veterinary clinic on property located within the C-L zoning district.

This item was continued to January 7, 1991, because of the late hour.

E. APPOINTMENT OF PLANNING COMMISSION CHAIRPERSON AND VICE-CHAIRPERSON FOR 1991.

Chairman Yarish thanked the Commission for the opportunity to serve this last year as Chairperson.

M/S Kroot, Mihaly, to nominate Vice-Chair Julin as the Chair for 1991. Motion unanimously passed.

M/S Sias, Julin, to nominate Commissioner Kroot as Vice-Chair for 1991. Motion unanimously passed.

F. GENERAL DISCUSSION

G. ADJOURN

The regular meeting of the Planning Commission was adjourned at 11:15 p.m. to the next meeting on January 7, 1991 at 7:00 p.m.

BARBARA CHAMBERS
ADMINISTRATIVE SERVICES ASSISTANT II