

TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES OF APRIL 22, 1991

The special meeting of the Planning Commission was convened by Chair Julin at 7:00 p.m. in the Council Chamber. Commissioners present were Yarish, Sias, Kroot and Julin, with Commissioners Hayes, Harle and Mihaly absent. Staff present: Delvin Washington, Planning Consultant.

B. CONTINUED PUBLIC HEARINGS

1. Ar-9005 - Th. F. Posthuma, 379 Oak Avenue, A/P 7-241-61, architectural review of a living addition to the existing single family residential dwelling on property located within the R-1C zoning district - CONTINUED TO MAY 6, 1991.
2. DR-9101-W.B. Savage, 607-6115 San Anselmo Avenue, A/P 7-212-28, design review of: 1) an awning; and 2) exterior building color change (After the fact on the color change) - CONTINUED TO MAY 6, 1991.
3. DR-9103 - Ongaro Brothers, 14 Ross Avenue, A/P7-282-11, design review of a new commercial building on property located within the C-2 zoning district - CONTINUED TO MAY 6, 1991.
4. V-U-9102/DR-9104 - Ongaro Brothers, 243 San Anselmo Avenue, A/P 7-284-13, use permit to allow living quarters, parking variance; design review of a new commercial and residential building; and environmental review on property located within the C-3 zoning district - CONTINUED TO MAY 6, 1991.
5. U-9102/V-9106/SR-9102 - Paul Krieder, The Ross Valley Winery, 34 Greenfield Avenue, A/P 6-251-09, 1) use permit to operate a wholesale/retail winery and food sales; and 2) parking variance; and 3) sign review, on property located within the C-2 zoning district. - CONTINUED TO MAY 20, 1991

C. PUBLIC HEARINGS

1. **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 height variance of 2.5'; 3) a lot coverage variance of 10%; 4) a use permit for one residential living unit; and 5) design review of a two story parking, residential, and office structure on property located within the P zoning district.**

Lemont Cochran and his Architect, Fred Devine, were present.

Mr. Devine explained that he has just recently become involved in the project but has read the minutes of the previous meetings to get a sense of what the Commission wants. He said there was some question about the plans exceeding the 60% and he stated that the windows were incorrectly added into those calculations. He said the colors have been lightened from the last meeting. He felt that the height variance could be eliminated, or reduced by eliminating 6" from the roof peaks, reducing the chimney, and greatly reducing or eliminating the copula at the front of the building. With regard to reducing the 10% lot coverage to conform to the new Zoning Ordinance, he felt there could be a slight reduction, perhaps 5' to 6', approximately 434 square feet by reworking the circulation but was not sure he would be able to reduce the building to 50%. He felt that much of the space is used for circulation, stairways and the elevator. His client prepared a breakdown on the difference between utilizing 50% verses 60% and there is a significant difference. He also stated that although square footage is normally calculated from outside walls, he was not sure how this plan was calculated. He understood from past minutes that the Commission would allow him credit for the decks because it creates an open space.

Chair Julin stated that there is no landscaping noted on the plan to grow up the lattice work and that the trees shown on the architectural rendering do not depict the actual placement or size of the existing trees on the Town parking lot.

Mr. Devine said that because the building will be right on the property line, there will have to be approval from the Town to plant vines.

Commissioner Sias was unable to make the findings for approval of this variance. The copulas could be removed, the chimney reduced and the roofs reduced to eliminate the height variance. He stated that a house was on that lot for many years and that is proof that a variance is not necessary. He felt that the project falls short in both the landscaping and siding materials. The landscaping details are not specific and there should be a color board identifying each type of material and color proposed. Although it is unfortunate that this application was caught between the old zoning ordinance that allowed 60% lot coverage, and the new zoning ordinance that allows 50%, he felt that the restrictions of the new ordinance should be adhered to.

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Commissioner Yarish was concerned about the lot coverage, although he was not sure that it should be 50%, he would like to see it reduced by as much as possible and would be willing to see what Mr. Devine could do to reduce it. He agreed that this is a very narrow lot and there should be some consideration taken for that as well as the fact that this application came in prior to the new Zoning Ordinance. He had difficulty understanding the color rendering that was submitted, and would like to see a more actual color rendering that included the textures. He felt the copula in front would be overbearing viewed from the street and should be scaled down. The lattice detail was important and should be shown to scale.

Commissioner Kroot felt the application should be judged under the old Zoning Ordinance of 60% because of all the delays that have been imposed on the applicant. He felt that Mr. Devine's ideas were good and would like to see them pursued. He wanted the dimensions checked, and would not agree to anything exceeding 60%. He stated he was not a fan of the copula's and therefore would have no objection if they were eliminated and at a minimum, reduced. The trees should be shown as they actually are positioned on the Town property, which will give the Commission a sense of how much screening there will be. The lattice looks large and out of scale. It should be scaled down and the texture should be tighter.

Chair Julin felt that she had to go along with staff's recommendation of denial of this project. She did not think this was a quality building in design and materials. She could only support a side yard variance but not a height variance. Trees on the Town property are an important element and have not been adequately or accurately shown on the drawings. She also felt an arborist should be consulted about effects on trees on Town property.

There was a discussion as to whether or not a decision was to be made tonight. It was felt that the applicant should be given more time to make the necessary changes now that they have a local architect to aid them. It was also felt that the Commission should make a decision tonight because the application has been before the Commission several times and the applicant is still not providing the necessary information to help approve the project. Commissioner Sias said he would be willing to continue if the project could be reduced to 50% and if more exterior details and a color board are brought forward at the next meeting. Chair Julin did not think this building was salvageable and was hopeful that Mr. Devine could start over. Mr. Devine stated he would be willing to work with his client to provide the changes that he earlier addressed but he added that because of the narrowness of the lot the building will not look much different. He did not feel he could improve on the parking scheme and he felt that he could not provide better circulation.

M/S Yarish/Sias, to continue 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 height variance of 2.5'; 3) a lot coverage variance of 10%; 4) a use permit for one residential living unit; and 5) design review of a two story parking, residential, and office structure on property located within the P zoning district; to allow the architect further time to calculate the percentage of actual square footage, reduce the square footage as much as possible, to revise drawings and better define landscaping plan and color rendering, and to provide an updated color board. This is continued to the meeting of May 6, 1991.

Ayes: Kroot, Yarish, Sias
Noes: Julin

Motion carried.

Chair Julin stated that she voted no because she did not support the project as proposed.

2. **V-9103 - Paul Niederberger, 25 Suffield Avenue, A/P 5-129-09, 1) a 6'6" rear yard variance and a 6'3" sideyard variance to rebuild a garage and add a second story; and 2) a 5' front yard variance to construct a new entry with a 2' roof overhang on property located within a R-1 zoning district.**

Mr. Niederberger stated that he wanted to upgrade his 60 year old home while retaining the character of the original house. He wanted to remove a dilapidated garage and construct another one at the same location with a second story over the garage. His plans do not show all the existing trees but these trees will screen the addition. He has spoken to his neighbors and they do not have any objection to the addition. He looked at the possibility of moving the second story closer to the center of the house but was unable to that and retain the aesthetic appearance as well as some logistic reasons as

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the open passage way below and of the access. He also wanted to keep a distance away from the chimney that extends from the first story on the other side of the lot.

Commissioner Yarish felt he could support the second story addition because there would be no detriment impacts on the neighbors and any other place on the lot would make the addition more visible. The front variance is for the stairs and he felt that would not be a detriment to the neighbors.

Commissioner Kroot concurred with Yarish.

Commissioner Sias stated that although the design was nice and no neighbors object, he was not convinced that the addition could not be placed elsewhere on the lot where variances would not be necessitated. The new garage is taller and more in the side setbacks than the old. He felt that future residents adjacent to this property might find the addition too close to the property line and that this could set a precedent.

Chair Julin supported this application and that the garage is just a replacement and the rearyard variance for the second story will not be a detriment to any of the neighbors. There are other houses in the neighborhood with the same kind of configuration and therefore a precedent would not be set.

M/S Kroot/Yarish, to approve V-9103 - Paul Niederberger, 25 Suffield Avenue, A/P 5-129-09, 1) a 6'6" rearyard variance and a 6'3" sideyard variance to rebuild a garage and add a second story; and 2) a 5' frontyard variance to construct a new entry with a 2' roof overhang on property located within a R-1 zoning district; on the basis: 1) The special circumstances are that this is a replacement of a garage that was located at the same location, and the small scale of the second story addition which will allow 1960 square feet of total living space which would not be inconsistent with the neighborhood, and the existing, extensive landscaping will screen the addition, and the rearyard addition as proposed will not create a negative impact on any of the neighbors. 2) The variance will not materially affect adversely the health or safety of persons residing or working in the neighborhood or be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood; specifically the proposed addition would replace the existing garage in its present location, which is already non-conforming to the rear and side yard setbacks. The addition at the second floor level would minimize ground coverage and avoid tree cutting. Impacts on neighboring properties are minimal because of the extensive landscaping that exists on the lot. This approval is referenced by drawings dated received by the Town on 10/24/90.

Commissioner Sias felt he would have to deny on the basis that the addition will materially affect adversely the property to the west because of the intrusion into the sideyard setbacks.

Ayes: Yarish, Kroot, Julin
Noes: Sias

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

3. **V-9104 - Malcolm Kest, 245 Crescent Road, A/P 7-222-38, a 1'6" height variance to construct a 7'6" front entry gate on a property located within the R-1 zoning district. (Appeal of Administrative Variance).**

Commissioner Kroot said that because he lives in the neighborhood he will abstain from this application.

Elaine Friedman was present representing the owners.

Mr. Washington presented the staff report.

Chair Julin stated that the drawings presented looked more like 6 feet than the 7'6" proposed.

Ms. Friedman provided a color rendering and informational booklet on the fence and gate. She stated that this property is next to Robson Harrington Park and many children come onto the property. The major reason for the gate is to keep out deer and to protect the lovely garden and grounds. They have consulted an arborist and it was felt that to actually keep the deer out there was a need for this height variance for the fence. They have used netting on other places on the property but are unable to do that in the front because the gate is not stationary.

Barbara Tracy, 228 Crescent, said that she appealed the Administrative Variance because no other house in the neighborhood has a gate that exceeds 6 feet. The

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rendering was not accurate in that it showed the property on level grate, and in actually, the property is on a slope. She faces the same situation with the deer and they have never been able to get over a six foot fence. She was concerned that if this was approved then a future application might come in seeking a height variance for a fence. She felt that if the Commission approved this, then the fence height standards should be reviewed for the entire Town.

Barbara Kirk, 251 Crescent, was opposed because she did not want the property to look like a fortress.

Commissioner Sias could not support the gate although it was a beautiful gate.

Commissioner Yarish couldn't make the findings. Although the property is unique, the gate would be massive and appear looming and would set a precedent that 6' was not acceptable to keep deer out.

Chair Julin had nothing further to add.

M/S Sias, Yarish, to uphold the appeal and deny the 7'6" height variance to construct an entry gate on property located within the R-1 zoning district on the basis that the special circumstances cannot be made to support the variance to keep deer out and that 6 feet is adequate.

Ayes: Yarish, Sias, Julin
Abstain: Kroot

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

4. **V-9105/AR-9105 - Steve Zamllich, 3 Searles Lane, A/P 6-117-11, 1) a 5' frontyard variance to construct a new single family dwelling with 15' of the front property line and; 2) Architectural Review, for property located within the R-1 zoning district (Above the 150' mean sea level).**

The applicant was present.

Mr. Washington presented the staff report. He also said that a letter was received from a neighbor that spoke about legal issues about the site. On advise of the Town Attorney these issues should not prevent the application before the Commission to continue.

Commissioner Kroot asked if this project could be viewed from Red Hill. Mr. Washington stated that the bottom half will be screened by trees and shrubs but from the deck up, it might be seen from Red Hill Avenue.

Mr. Zamllich said that he has complied with all the Fire District requirements, has already purchased a fire hydrant and will be required to sprinkle the house. He said the Fire Department requires an 8 foot roadway width. They brought their truck up to the site and it was decided that access should be off of Searles Lane, not Grove Hill. There is a water meter for this site which was purchased by the previous owner and is good until 1992. He already has all the utilities underground. He said that he has spoken with three out of the five neighbors, and although they were unwilling to sign a letter of approval, he said they stated to him that there were no objections. He noted that there was a previous slide in the area and one of the conditions in the settlement of the lawsuit was that this property could only be accessed by Searles Lane. He will not remove any trees and will plant more if necessary. The reason for the request for the frontyard variance was to reduce the visual impact and to stay within the height requirements by moving the house forward. The shrubs will grow to approximately 4 feet and the trees are expected to mature at 15' to 20'.

Mr. Kenneth Ball, 9 Grove Hill, said that they suffered greatly by the slide that took place approximately 8 years ago and want assurance that this will not happen again by having this house built. Also Grove Hill is a privately maintained road and he wanted assurance that it will not be ruined.

Joan Dana Delves, 49 Grove Hill, said that part of the court settlement was that access will be from Searles Lane and that maintenance for drainage will be assumed by the owner of 3 Searles Lane and the next house built. She wanted assurance that heavy vehicles would not access Grove Hill because the road was recently asphalted and she did not think it could be done again without creating additional problems. She also thought the drawings proposed exceeded the 30' height limit and wanted staff to address that.

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Mr. Washington said that when this application was first submitted, the height limit was 35 feet. The new Ordinance is 30'. The plans indicate that the highest point of the house reached 34'6" but the Code indicates it should be average height. He will work with the applicant to reduce the height if it exceeds the Code requirements. This could be achieved easily.

Mr. Zamlich said he will not ruin the road and will use Searles Lane as much as possible. He also has an interest in protecting Grove Hill. He said if the height needs to be further reduced he could change the roof pitch to 2.5 in 12 and further slope the driveway. He also said that he would maintain the drainage. There was a soils report on the property and he also had another one prepared by John Hom. He would also be willing to give the Town a bond for street repairs.

Commissioner Yarish did not think the average height exceeded 30 feet but it would be a good idea for staff to check the figures.

Commissioner Kroot felt that Ms. Dana's letter should be included in the staff report at the next meeting. He had no objection to the variance because by bringing the house closer to Searles Lane it will be less visible. He did have trouble with this house on this lot. Although the Commission approved the same design on Humboldt, this location is much more visible and will have an impact on Grove Hill and beyond. He wanted to see additional screening, 15' to 20' trees against the house, not shrubs and more screening in general around the house. He would like the height reverified by staff. This house will be very visible and thought that this house was very plain with aluminium windows and plywood siding. He would like to see more articulation, a more interesting house. He would require a bond as a condition of approval and although the maintenance of the drainage is in the deed, it should be spelled out as a condition.

Commissioner Sias had no objection to the variance which will reduce the height. He wanted more landscaping, and agreed with Commissioner Kroot about trees at the base of the house. He would like more articulation, perhaps stepping the house back or other creative approaches to break up the flatness of the house. He would require a bond and a no parking sign should be erected on the driveway to acknowledge the road be left open for fire access. He also wanted it mentioned that the plan checker take careful attention to the fact that there was a slide in the area.

Commissioner Yarish agreed with the front yard variance but felt the design was visually inadequate because of the lot. He agreed there was a need to further articulate the house, including in the roof design. He wanted more intensive screen, shrubs and trees next to the house. Below the house he wanted tall, fast growing trees, perhaps pine or redwood or eucalyptus and that a road bond should be required.

Chair Julin supported the project with the addition of additional screening below the house.

M/S Sias/Kroot, to continue V-9105/AR-9105 - Steve Zamlich, 3 Searles Lane, A/P 6-117-11, 1) a 5' frontyard variance to construct a new single family dwelling with 15' of the front property line and; 2) Architectural Review, for property located within the R-1 zoning district (Above the 150' mean sea level) to the meeting of May 6, 1991 to allow the applicant time to consider the comments of the Commission, specifically: 1) amend landscaping to screen the bottom of the house 2) affect a redesign to reduce the overall height of the building to conform to the zoning ordinance of 30' height maximum,; 3) the west elevation of the house requires more articulation to break up the flat surface; 4) Staff should condition the approval with a Bond, a no parking sign to identify the road to be used for fire access; soils information to reflect that a slide happened in the past and the Plan Checker is to take special precaution when reviewing the plans, and that drainage will be the responsibility of the owner,

All ayes.

E. GENERAL DISCUSSION

- 1) The consensus of the Commission was to hold another special Planning Commission meeting on May 13, 1991 at 7:00 p.m. to try to catch up on the back log.
- 2) The Commissioners wanted advise of the Town Attorney on whether or not it was acceptable to discuss applications with applicants outside of the Planning Commission. They have had many applicants contact them separately wanting advise on how to pursue their project. Staff said they will look into this for the Commission.

F. ADJOURNMENT

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The special meeting of the Planning Commission was adjourned at 10:00 p.m. to the next meeting of May 6, 1991.

BARBARA CHAMBERS