

TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES OF FEBRUARY 25, 1991

The Special Meeting of the Planning Commission was convened at 8:00 p.m. by Chair Julin in the Council Chamber. Commissioners present were Mihaly, Yarish, Sias and Kroot present. Staff present were Interim Planning Director Lisa Wight and Planning Intern Neil Whitbeck.

B. CONSENT AGENDA

Minutes of January 7, 1991
Minutes of February 4, 1991

M/S Sias/Kroot, to approve the Consent Agenda. Motion passed with Commissioner Mihaly abstaining from the Minutes of February 4, 1991.

C. CONTINUED PUBLIC HEARINGS

1. Robert M. Yeakey, 80 South Oak Avenue, A/P 7-241-50, request for extension of time to begin construction of a single family dwelling on property located within the R-1H zoning district (precise development plan and architectural review approved December 1988) - March 4, 1991
2. 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 and a second garage on property located within the R-1C zoning district - March 4, 1991
3. 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) use permit for one residential living unit' and 3) design review of a two story parking, residential, and office structure on property located within the P zoning district.
4. V-U-9102/DR-9104 - Ongaro Brothers, 243 San Anselmo Avenue, A/P 7-284-13, use permit to allow living quarters; design review of a new commercial and residential building; and environmental review on property located within the C-2 zoning district - March 18, 1991

D. PUBLIC HEARINGS

1. V-9036 - Jay and Linda Weill, 2 Raymond Avenue, A/P 7-172-16, 1) a height variance for a fence to be 8' above grade (after the fact) located on the south side of the property, and 2) an amendment to the variance approved for a 3' sideyard setback to construct a two story garage/storage building (the approved roof eave line is not workable and is proposed to be raised, without raising the maximum building height, to accommodate the garage door) on property located within the R-1 zoning district.

The applicant was present.

Mr. Whitbeck presented the staff report.

Mr. Weill stated that he prepared the original drawings that were approved by the Commission and has since been told by his Architect that the roof plans were not workable. The revised plans are in line with the subsequent approval of the Commission with the exception of the roof pitch and the door that was moved from the rear to the side. The height and dimensions have remained the same. He would also like the Commission to approve the fence height because it allows for additional privacy and adds aesthetic value to the fence. He did not consider the fence extension an intrusion to his neighbor at No. 10 Raymond because there is already a thick mass of bamboo that exists at 10 Raymond which shields the view of the fence. He added that he did not know he was required to secure a variance and permits for the two foot extension.

Jerry Daly, 10 Raymond, stated that the amended roof seems to have increased the size of the wall space against his house and therefore creating more of a mass than what was originally approved. The fence extension has restricted his light and air and is also opposed to that. He did not consider the bamboo and obstruction of light and air.

Ms. Wight noted that if the garage door was moved to the center of the building the pitch of the roof could be lowered. Mr. Weill did not think that was possible because he would have to reconfigure his driveway to allow the vehicle to access the garage and there was not adequate room to do that.

Commissioner Kroot felt this rendition was a much more pleasing design but was concerned about the extra height caused by the roof pitch. He suggested that the roof pitch be steeper, starting with the band above the garage door to the peak of the roof. This would reduce the bulk and look essentially like the original approval. He supported the fence extension and did not think there was a detriment to No. 10 Raymond, noting that a 8' hedge already exists at 10 Raymond.

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Commissioner Yarish echoed the comments of Commissioner Kroot about the roof pitch, adding that the height to the top of the band should be approximately 8'6".

He could not approve the fence extension because of the detriment to the neighbor.

Commissioner Sias concurred with Kroot's comments regarding the roof pitch, adding that the roof pitch should be in keeping with the lines of the house because that was the original intent of the owners. He was unable to find special circumstances for approval of the fence height.

Commissioner Mihaly agreed with his colleagues regarding the roof pitch, noting that the motion should reflect specific requirements of the Commission. He opposed the fence height because there did not seem to be any special circumstances.

Chair Julin wondered if the architect should have an opportunity to respond to the comments of the Commission. She was not able to approve the two feet fence extension.

M/S Kroot, Mihaly, to approve a portion of V-9036 - Jay and Linda Weill, 2 Raymond Avenue, A/P 7-172-16; an amendment to the variance approved for a 3' sideyard setback to construct a two story garage/storage building (the approved roof eave line is not workable and is proposed to be raised, without raising the maximum building height, to accommodate the garage door) on property located 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 garage in this already existing in this location and is being rebuilt and will be aesthetically compatible with the existing slope of the residence, and other houses in the neighborhood have garages. This is a replacement of the existing garage and the eve lines will be relatively low; and 2. The granting of the variance is necessary for the preservation and enjoyment of the 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 this is a replacement of an existing garage and the eve lines will be relatively low. This approval is based on plans dated 2/13/91 and modified at tonight's meeting to reflect that the height of the garage should be no higher than 9 feet from the top of the slab to the bottom of the roof rafter at the exterior wall and the line at the ridge shall be no higher than 18' 3" above the slab.

Mr. Weill stated he had no objections to the amendments of the roof pitch as stated by the Commission as long as they were workable for his Architect.

Chair Julin wanted clarification from staff of the exact measurements of the sideyard setbacks. The staff report indicates 5' but the agenda states 3'. Mr. Whitbeck confirmed that the sideyard was 3'.

All ayes. Motion unanimously passed. The audience was advised of the ten day appeal period.

M/S Sias, Yarish, to deny a height variance for a fence to be 8' above grade)after the fact - located on the south side of the property on the grounds that it would be a detriment to the neighbor at No. 10 Raymond and therefore would not be able to make all the required findings.

Ayes: Mihaly, Yarish, Sias, Julin

Noes: Kroot.

Motion carried. Fence variance was denied. The audience was advised of the ten day appeal period.

2. DR-9006 - V-9043 - Michael Vishniakoff, Misha's Restaurant, 21 Tamalpais Avenue, A/P 7-212-19, 1) a 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.

The applicant and his Architect, Robert Swanson, were present.

Mr. Whitbeck presented the staff report.

Mr. Swanson stated that the siding will be the same as what currently exists, shingles on the upper part with plywood on the lower area. Much of the enclosure will be glass. He stated the plans indicate the windows will be aluminum however they now are considering wood. He stated that cost is a factor because the wood window frames would have to be custom made

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because of the size. He said that the majority of the patrons will be at night and there is adequate on-street parking available and adjacent to the building.

David Bell, 25 Tamalpais, stated that the outdoor dining is very close to the street now and the enclosure would totally obscure his building. Also, his parking space closest to Misha's would be obstructed and visibility would be hampered exiting onto the street. He felt the design proposed was somewhat generic with not much appeal and proposed some alternatives to Mr. Vishniakoff for consideration.

Owner of The Yarn Nook, San Anselmo Avenue, stated she has been in business for over twenty years in this location and she felt her business has increased because of Misha's. She supports the proposal and the design review.

Mr. Vishniakoff felt some of the traffic problems stem from vehicles making a U turn into the parking area. He stated that he would be willing to have his architect and Mr. Bell come up with a plan however he wanted resolution on the project this evening.

Commissioner Yarish generally supported the project, noting that the increase in use would probably occur in the evening when traffic is not so congested in the Downtown area. He stated he was comfortable with the shape of the addition but not the finish. He would like to see efforts made to make the structure less generic. He suggested a single exterior with heavier wood siding and wood windows.

Commissioner Sias was concerned about the safety issue both for pedestrians and cars with the proposed enclosure. He felt that traffic during the weekend lunch hours would greatly impact that area, which is already quite intense. He was concerned about the increase in traffic and would like to see a solution for handling the increase. Also the addition will protrude so far out that it will obscure the building at 25 Tamalpais. He felt that the current proposal would be a detriment to the surrounding properties and therefore would be unable to support in the current proposal. He stated that he liked the existing structure and would like to see the lower windows be the same as the upper ones.

Commissioner Mihaly stated that there was quite a concern from the Commission in 1987 when the first variance request was granted. They specifically asked for the lattice screening to be reduced from 5' to 30" for safety reasons. This current proposal will be adding higher walls and wondered if the safety issues should be addressed. He felt that the enclosure would result in increased business because it would permit all weather use and therefore was concerned about the additional traffic hazards. He suggested that staff provide the Commission with comments relative to traffic safety. With regard to design review, he agreed that there should be shingle siding and wood windows to bring together the old and the new. He would like a more integrated look to the addition. He also stated that normally the Commission requires a color board and landscaping plans and this has not been presented.

Commissioner Kroot felt the addition was an appendage to the building and would agree that the lower windows should be in keeping with those on the second level. He would like trellises and columns added to this addition similar to those currently present. He felt the addition is right on the property line and would suggest pulling it back a little bit to allow for better traffic safety and visibility of 25 Tamalpais. He suggested a continuance of this project.

Chair Julin felt this was an urban design issue. The enclosure of the patio represents a significant intrusion into the setbacks of other structures on the tree lined street. The addition would present a major change to the character of the street and would be very detrimental to 25 Tamalpais, including the residential neighborhood beyond 25 Tamalpais. She could not make the findings for design review because it would not be compatible with the existing improvements and the natural elements in the surrounding area. She felt the parking variance was moot if the design review was denied.

Commissioner Sias concurred with Chair Julin about this being a mixed residential area and the increase in traffic could have a negative impact on the neighbors. He would be unable to vote approval of this in its present form.

Commissioner Mihaly stated that in order for him to vote approval for this project a lot of modifications would be required. Some thoughts would be to shorten the addition or wrap it around the corner. There were also traffic issues that needed addressing. His sense was that the applicant had fiscal constraints and this project could take considerable modifications.

Mr. Vishniakoff stated that he wanted the Commission to make a decision tonight on his project.

M/S Sias, Mihaly, to deny the DR-9006 - V-9043 - Michael Vishniakoff, Misha's Restaurant, 21 Tamalpais Avenue, A/P 7-212-19, 1) a 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

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within the C-2 zoning district. The denial for the design review is based on the fact that the design review is not functionally and aesthetically compatible with the existing improvements or the natural elements in the surrounding area; that the addition will not match the existing structure, specifically the windows and siding; and will materially affect adversely the health or safety of persons residing or working the neighborhood of the property of the application and will be materially detrimental to the public welfare or injurious to property or improvements in such neighborhood, specifically, the addition will shadow the existing business located at 25 Tamalpais and will create unnecessary traffic hazards, blocking the visibility for both foot traffic and vehicular traffic. The denial for the parking variance is based on the grounds that the additional parking will be materially detrimental to the public welfare of the neighborhood because of blocking visibility and causing safety hazards. This denial is based on drawings dated 10/4/90.

The Commissioners were apologetic to the applicant and would rather have seen revised plans and an eventual approval but because the applicant requested a decision tonight, they had no choice in their decision.

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

3. U-9015/DR-9007 - Robert Erteman and Kathleen Dughi, 729 Sir Francis Drake Boulevard, A/P 6-093 - 06, use permit, design review, and environmental review to allow a veterinary clinic on property located within the C-L zoning district.

The applicants were present.

Ms. Wight presented the staff report.

The Commission wanted to know if this project was in keeping with the roadway work out for bid on Sir Francis Drake in this area. After reviewing the plans, Ms. Wight affirmed. She added that both the Director of Public Works and the Project Consultant for the Sir Francis Drake Widening Project have reviewed this proposal and concur with the design.

Mr. Erteman stated that he felt his business would be a very low traffic generator and included for the Commission the number of cars they expected in a day. He strongly felt that his business will add a little vitality to this end of Sir Francis Drake.

Michael Jones, Transportation Planner, Fairfax, stated that he checked the line of sight and visibility. It is his estimation that the worst kind of parking situation is the on street parking because cars would have to back into the parking space. With this proposal, the cars can just pull in and when exiting the parking space, there will be adequate visibility backing out into the street.

Katherine Servino, current owner of the building, was hopeful that the Veterinary Clinic could be approved. She stated that she spoke with the owners of the Red Sun Restaurant about the parking and use of the easement and they had no objection.

Jay Murphy, Grub and Ellis, felt the applicants have addressed the concerns of the Commission and have made every attempt to comply.

Commissioner Sias commended the applicants for their persistence in achieving a workable plan. He felt this will help give the businesses in the area a chance to survive. His one suggestion would be to recommend that the Traffic Safety Committee address the traffic safety issues regarding this business and make recommendations regarding signage if necessary.

Commissioner Mihaly supported the application. He really did not think there would be a workable plan for success and he has been pleasantly surprised.

Commissioner's Kroot and Yarish supported the application.

Chair Julin could not support the application because she did not feel parking in front of the building would be aesthetically pleasing and in her opinion it would be a traffic hazard backing out onto Sir Francis Drake. She felt that there are other suitable locations within San Anselmo that could adequately accommodate the Veterinary clinic.

M/S Yarish, Sias to approve the Negative Declaration for Robert Erteman and Kathleen Dughi, 729 Sir Francis Drake Boulevard, A/P 6-093-06 - on the basis that the proposed project will not have a significant negative impact on the environment.

Motion unanimously passed.

M/S Yarish, Kroot, to approve U-9015/DR-9007 - Robert Erteman and Kathleen Dughi, 729 Sir Francis Drake Boulevard, A/P 6-093-06, use permit and design review, to allow a veterinary clinic

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on property located within the C-L zoning district. Use Permit: 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; and 2. The granting of the application is necessary for the preservation and enjoyment of substantial property rights of the petitioner. Design Review: The design is functionally and aesthetically compatible with the existing improvements and the natural elements in the surrounding area; 2. The design 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; specifically that the study by the applicant's consultant and by the Director of Public Works have documented the safety of this application as referenced in the drawings submitted with this staff report for 2/25/91; and 5. Will not adversely affect the health or safety of persons using the improvement or endanger property located in the surrounding area. It is further recommended that Staff notify the Traffic Safety Committee to look into signage for this site regarding the safety issues and that the Traffic Safety Committee recommendation be implemented.

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

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

E. GENERAL DISCUSSION

Ms. Wight stated that the Town Council is seeking two to three Planning Commissioners to be on a board to discuss the requirements of the new Planning Director position. Chair Julin and Commissioner's Sias and Mihaly offered to attend the meeting.

Commissioner Sias suggested that the Planning Commission hold special meetings to help catch up with the backlog of planning items. He suggested holding the meetings during the day or on the weekend. Ms. Wight stated that although that was a good idea, staff still would have to find the time to prepare the staff reports.

F. REPORT OF UPCOMING APPEALS TO TOWN COUNCIL

The neighbors of 16 Ivy Lane have appealed. The date has not been set yet for the Town Council meeting.

G. ADJOURNMENT

The meeting was adjourned at 10:45 p.m. to the next regular meeting on March 4, 1991.

BARBARA CHAMBERS

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The regular meeting of the Planning Commission was cancelled due to two out of the three applications not being ready for the meeting.

BARBARA CHAMBERS