

**TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES OF NOVEMBER 18, 1991**

The regular meeting of the Planning Commission was convened at 8:00 p.m. by Chair Julin in the Council Chamber. Planning Commissioners present were Hayes, Sias, Kroot and Yarish with Commissioner's Mihaly and Harle absent. Staff present were Planner Lisa Wight, Planning Consultant Delvin Washington and Planning Director Ann Chaney.

B. CONSENT AGENDA

1. Minutes - November 4, 1991

M/S Kroot/Yarish, to approve Consent Agenda.
Motion unanimously passed.

C. PUBLIC HEARINGS CONTINUED TO THE MEETING OF DECEMBER 2, 1991

1. GPA-9101/Z-9101/ER/LLR-9101/U-9104/V-9130/DR-9110 - Jim McDonald, 40 Belle, A/P 7-301-05, 7-301-16 and 7-301-17, 1) Environmental review of the General Plan amendment and rezoning; 2) General Plan amendment to revise the land use map for a portion of the PROPERTY currently C-3 to have a designation of R-1 and a portion currently R-1 to have a designation of C-3 (fronting Mariposa Avenue); 3) Rezoning of a portion of the property currently zoned C-3 (fronting Mariposa Avenue); 4) Lot line relocation to create two parcels from three existing parcels; 5) A use permit, variance and design review to construct a new building and parking area within 6' of the west side property line (fronting Mariposa Avenue) to house current school activities; and 6) A use permit for the Rummage Rack location to be shifted from the C-3 zoned parcel to the adjacent R-1 parcel (located in the new building fronting Mariposa Avenue).

2. U-9106/V-9143 - Mario and Emilia Orihuela, 26 Sais, A/P 6-072-16, a use permit and parking variance to legalize a proposed second living unit located on property within the R-1 zoning district.

3. DR-9120 - Theodore F. Posthuma, 379 Oak Avenue, A/P 7-241-61, design review of a living addition to the existing single family dwelling and a carport on property located within the R-1C zoning district.

D. PUBLIC HEARINGS

1. V-9145/DR-9120 - John Cowperthwaite, 10 Golf Lane, A/P 6-119-18, 1) a 16' variance to construct a first story addition within 4' of the rear property line; 2) a 6' side yard variance to construct a deck within 0' of the side property line and 7' of the rear property line; 3) a variance to increase lot coverage from 35% to 41%; and 4) a design review of a first and second story addition and deck, on property located within the R-1 zoning district (above 150 feet mean sea level).

The applicant was present.

Lisa Wight presented the staff report.

Mr. Cowperthwaite stated that the deck addition will provide additional out door living space and that the house addition will be under the existing deck. It is the logical place for an addition because of the configuration of the house and he did not think the addition would have an adverse impact on the neighbors.

Commissioner's Hayes, Kroot and Sias could support the application. Commissioner Yarish supported the proposal although he was reluctant to see two oaks be removed. Chair Julin supported the project but suggested that the house number be properly identified for emergency vehicles.

M/S Hayes/Sias to approve V-9145/DR-9120 - John Cowperthwaite, 10 Golf Lane, A/P 6-119-18, 1) a 16' variance to construct a first story addition within 4' of the rear property line; 2) a 6' side yard variance to construct a deck within 0' of the side property line and 7' of the rear property line; 3) a variance to increase lot coverage from 35% to 41%; and 4) a design review of a first and second story addition and deck, on property located within the R-1 zoning district (above 150 feet mean sea level). Approval is based on the following.

DESIGN REVIEW

1. *Conformance to the approved preliminary and precise development plans.* Preliminary and precise development plans only pertain to those properties with a zoning designation of R-1 H. Subject property is zoned R-1. 2. *Adequacy of screening.* The intent of the design review requirement for R-1 parcels located above 150 foot mean sea level elevation is to "protect the visual character of the hillside." The proposed 486 square foot upper story addition, 328 square foot upper story deck, and 360 square foot lower story addition will not adversely impact the visual character of the hillside. The dwelling exterior is very dark, blending in with the hillside, and due to the number of trees and distances from neighboring hillsides, the dwelling is not highly visible. The rearyard neighboring

TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES OF NOVEMBER 18, 1991

properties on Wimbledon have views to the northeast and the existing vegetation on the hillside softens their limited views of the dwelling. 3. *Selection of architectural features that enable the structure to blend with its environment.* The dwelling and addition have very simple lines and due to the dark stain, blend in well on the site. The rear wall of the dwelling will be extended approximately 2/3 the length of the existing dwelling and could appear as a long flat wall. However, the proposed deck is angled such that there will be some dimension to this elevation. 4. *Is functionally and aesthetically compatible with the existing improvements and the natural elements in the surrounding area.* The additions will blend in well with the existing dwelling and will not be out of character with other homes developed on Golf Lane. 5. *Provides for protection against noise, odors, and other factors which may make the environment less desirable.* The additions will have no impact on noise, odors, and other factors which could make the environment less desirable. 6. *Will not tend to cause the surrounding area to depreciate materially in appearance or value or otherwise discourage occupancy.* The additions will not tend to cause the surrounding area to depreciate materially in appearance or value or otherwise discourage occupancy. 7. *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.* The additions will not create unnecessary traffic hazards. 8. *Will not adversely affect the health or safety of persons using the improvement or endanger property located in the surrounding area.* The additions will not adversely affect the health or safety of persons or endanger 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 the property of privileges enjoyed by other property in the vicinity and under an identical zoning classification, and the granting of the 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; and* The lot is slightly below average in size for the San Anselmo neighborhood, and significantly below average in size for the San Rafael neighborhood, which it borders. The lot is unusually shaped and there is a large water tank in the front yard (separate land parcel). The topography is downsloping from Golf Lane, which reduces usable yard area for outdoor enjoyment. The existing dwelling is at grade in front, and constructed on stilts to the rear. The lot is covered with established trees, including oaks, which serve to screen the existing dwelling and would screen the additions. There is a 10' wide paper street between the applicant's rear property line and the rear neighbors' front property line, which provides additional "usable" setback area. Upper Story Addition The existing dwelling is located within 4' of the rear property line which was presumably done to provide space between the large water tank and the dwelling. The water tank is a very imposing structure when viewed from the front of the applicant's property. There is a paper street to the rear, which would have been an extension of Freda Lane, but will never be developed. This paper street provides an additional 10' between the applicant's rear property line and the Wimbledon neighbors' front property line. So that when measuring the distance of the proposed upper story addition to the Wimbledon neighbor's front property line (which is a private driveway serving 4 homes on Wimbledon), there is a distance of 19' at its closest point to 21' at its furthest point. So *visually*, although *not legally*, the upper story addition will appear to be somewhat conforming as a 19' to 20' structure setback. Staff considered the possibility of pulling the 486 square foot upper story addition back to conform *legally* to the rear property setback, which would provide a more than adequate rear setback, but would adversely impact the applicant in the following ways: 1) an additional oak tree would have to be removed, which provides some visual screening from the easterly side neighboring home on Golf Lane (this neighbor has advised the applicant that they will only support removal of the one double oak as indicated on the plan); 2) it would have a significant impact on the circulation of the existing dwelling; 3) sunlight to this property is minimal and by placing the addition along the rear property line (north), the southern exposure is left open and light can be provided to the existing bathroom and existing front bedroom No. 2; and 4) the usable yard (gardening) area of this lot is limited to the small area between the water tank and the dwelling, where it is not too steep. The upper story addition could conform to the rear yard setback (or the encroachment reduced) if the addition were reduced in size, but it is likely the additional oak tree (in addition to the double oak) would have to be removed. The existing dwelling appears to have once been a small summer home and expanding to a 1,700 square foot home with a living room, dining room, and family room may be excessive for this irregularly shaped lot given the location of the existing dwelling. Upper Story Deck Staff can support an encroachment for the deck into the rear setback; however, if the addition is pulled back or reduced, so should the deck. The dwelling is small and there is little usable yard area for outdoor enjoyment. An 8' wide deck to the rear of the dwelling would not be granting special privileges in that other properties have outdoor decks. The paper street, Freda Lane, provides the perception of a deeper rear yard setback. Lot Coverage Any addition will necessitate a lot coverage variance since the existing structures cover 35% of the land. Staff can support a lot coverage variance due to the special circumstance finding of location and surroundings. The existing water tank and trees serve to screen any improvements on this lot such that the proposed additions will not appear to be overdevelopment of the property. Lower Story Addition Staff can make the special circumstance finding for the master bedroom addition to be within 4' of the rear property line for the reason that the dwelling exists and this is a small infill of a portion of the unfinished underside of the dwelling. Since the slope is not significantly steep, filling in this underside will not be highly noticeable. What it will do is rid the view of old cross bracing and improve the aesthetics of the dwelling as viewed from Wimbledon, which has newer, well-maintained homes. To locate the master bedroom addition to conform to the rear

**TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES OF NOVEMBER 18, 1991**

setback would require that it be at the upper level near the water tank, which would reduce the limited usable yard area, or above the existing dwelling, which would be much more visible. 2. *The granting of the variance, under the circumstances of the particular case, will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not be materially detrimental to the public welfare or injurious to property or improvements in such neighborhood.* The additions should not have an adverse impact on the neighborhood due to the existing water tank, trees, and distances between improvements. The additions will not create a feeling of overdevelopment on the property. The rearyard open deck will provide some dimension to the dwelling and due to the small size and distance from neighboring properties, should have no adverse impact. The rearyard neighboring property owner at No. 92 Wimbledon advised staff that he supports the application due to the fact that the lot is difficult (due to the water tank location), the existing house is small, and the deck will not extend beyond the rear oak tree, so it should have no impact on his property. The conditions of approval are: 1) That the project be in conformance with plans stamped October 3, 1991.

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

2. U-9128/V- 9146 - Walt Van Gelder/Wm and Opal Torrance, 128 1/2 Greenfield, A/P 6-171-05, 1) use permit to establish an art studio and residence in an existing commercial building; 2) variance to allow two tandem off street parking spaces on property located within the C-3 zoning district.

The applicant was present.

Mr. Washington presented the staff report. He noted that staff did not realize at the time of noticing that the retail use has substandard parking. He suggested that the item be discussed but no action be taken until adequate noticing can be done.

Commissioner Sias stated that parking has been a sensitive issue with the Greenfield Avenue merchants and wondered if anyone had objected to the use. Mr. Washington indicated that he has not received any adverse comments from the neighborhood.

Chair Julin did not understand why the substandard parking for the retail use had to be addressed if the use was not changing. Mr. Washington explained that the project had to be viewed as a whole, therefore if any part of the use changes all aspects of the use need to be reviewed. Director Chaney added that the use had also been abandoned for more than six months therefore it is like a new use.

Mr. van Gelder stated that he designed the building thirty years ago and is now trustee of the building that was owned by his in-laws. The building in the rear has been vacant for the last ten months but was used in the past was an artist studio. He noted that the staff report indicates that the pavement stops at 120 feet, but it really is 80 feet. He stated that although parking is not legally adequate, there is ample parking because of the undeveloped lot that is town owned that is next to his. He stated there is ample room for seven spaces.

All the Commissioners were in support of the project and agreed that this item should be on the consent agenda for the next meeting to allow staff time to adequately renounce the property.

M/S Sias/Hayes, to continue U-9128/V- 9146 - Walt van Gelder/Wm and Opal Torrance, 128 1/2 Greenfield, A/P 6-171-05, 1) use permit to establish an art studio and residence in an existing commercial building; 2) variance to allow two tandem off street parking spaces on property located within the C-3 zoning district. This is continued to the meeting of December 2, 1991 which will allow staff time to adequately renounce the use and will be placed on the consent calendar.

Motion unanimously passed.

3. SR-9106 - Tishman Midwest Management, 805 Sir Francis Drake, A/P 6-082-14, a request to develop a sign program for La Mancha Plaza, located within the C-L zoning district.

Tom Ayers, Tishman Midwest Management, was present.

Mr. Washington presented the staff report. He presented an example of the proposed signage, stating that the yellow background that is on the example should be white.

Chair Julin stated that she clearly remembered that each use was to have a public hearing and that a traffic report was to be prepared by each perspective tenant. Director Chaney stated that it was her understanding that if the proposed use was similar to the approved uses in that zone, it would not have to have a public hearing.

Mr. Ayers stated that the building was purchased in March, 1991 and they have since been trying to put the name of "La Mancha" behind them. They want to work with the Town in any way possible for a successful business. They want quality tenants and to present a professional image to the community. They want to enhance the quality of the building and are concerned about the

TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES OF NOVEMBER 18, 1991

appropriate advertising for the tenants. He was unaware that there was a sign program in the past but felt that what they were asking for was similar to the original proposal. He did feel strongly that the monument sign not advertise the name of the developer but rather have the name of the businesses in the complex.

Vern Audson stated he represents the sign company, and that research has proven that signs should not match the fascia of the building because if they blend in, people will not be able to see them. Signs should be bright and cheerful. He felt that the monument sign should be moved to the west and that the fascia of the monument sign was to be cream in color and of solid textured enamel. He stated he will concede on having only one sign per tenant.

Gary Wilson, Speedy Wash, stated that it was difficult to design a sign to be within the triangle on the fascia. He supported the idea of having the business name on the monument sign.

Jim Stroop, Fast Frame, felt that the name La Mancha has given the center a bad name and was hopeful to move forward with a better future. He stated that he is not open for business and that people are having difficulty locating his store therefore he was hopeful the Commission would approve the individual tenants on the monument sign. He stated they would not be setting precedent because Red Hill Shopping Center currently does this.

Chair Julin asked if the owners of the building would be open to repaint the triangles, and if so, perhaps the permit fee could be waived. Ms. Chaney stated that the applicant would still be required to pay a noticing fee of \$40.

Mr. Ayres said he understood that the exterior of the building was a problem and would be willing to discuss a color change with the owner.

Commissioner Yarish wanted to see the monument sign lowered to around 5'5" with a 2 1/2' base.

Commissioner Kroot felt there was an advantage to having the names on the monument and said the height of the monument should be high enough for it to be readable. He was leaning towards the triangle sign rather than the rectangle sign. He felt the 18" sign for the individual signs was preferable. He approved of the use of a variety of different colors for individual signs. He had no objection to moving the monument sign. He felt that ivory for the fascia of the building was an improvement.

Commissioner Sias concurred with Commissioner Kroot. He added that a 6' high and 4' wide monument would be fine but 8' high would be too massive. He had no objection to the individual businesses using their logo colors as long as they limit it to the space required under the sign ordinance. He said that if the new owner is willing to consider repainting the building he felt it would be great to get away from the triangular theme on the fascia.

Commissioner Hayes wanted to solve the problem rather than treat the symptoms. He agreed that repainting would improve the building. Another consideration would be to change the signage. He was not sure that the monument sign would work as suggested by the applicants because it is set so far back on the property. He did not want tenant signage to get out of control with different colors and was not sure how it would be controlled.

Commissioner Yarish liked the solid monument and agreed with the relocation of the monument. He did not want the monument to be higher than 8' from grade. He had no objection to a rounded or angled top. He agreed with the ivory fascia and individual tenant signs with no color restrictions.

Chair Julin wanted to see a color rendering of the proposed monument sign and would approve of the removal of the triangle fascia. She was supportive of continuing the application to allow the owner time to consider repainting the entire building as well as changing the fascia. It was her understanding that all tenants were to have Planning Commission approval, including a traffic study that was to be performed by the applicants. She also stated that there is a maximum amount of tenants allowed for the site and the applicants should be aware of that number.

M/S Kroot/Sias, to approve SR-9106 - Tishman Midwest Management, 805 Sir Francis Drake, A/P 6-082-14, a request to develop a sign program for La Mancha Plaza, located within the C-L zoning district. The approval is based on the following criteria set forth in the San Anselmo Municipal Code. 1. *Are of a size, shape, material, style, letter type, and color appropriate for the use and are aesthetically compatible with the premises and with existing improvements and the natural elements in the surrounding area.* The originally approved sign program for this site was carefully evaluated so as to be compatible with the approved structure and to produce a sign that could identify each individual tenant without detracting from the exterior facade. 2. *Will not impair or interfere with the orderly and pleasing development, use, or enjoyment of other property in the surrounding area, including public lands and right-of-way.* This sign program will not cause any detrimental impacts on neighboring properties. The installation of wall mounted and a free standing sign will still allow for the safe and efficient operation of neighboring activities. 3. *Will minimize or eliminate adverse physical or visual effects which might otherwise result due to the relation and juxtaposition of such sign to:* A. *The scale, mass,*

**TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES OF NOVEMBER 18, 1991**

height, area, and materials of adjacent buildings and structures, including other signs; B. Areas and rights-of-way for the containment, movement, or general circulation of persons, animals, and vehicles; and C. Other developments or improvements which may suffer a diminution or elimination of sun and light exposures, views, vistas, and privacy. The sign program as approved will conform with the above mentioned concerns and not cause any detrimental impacts neighboring properties. Conditions of approval are:

Monument Sign

1. The monument sign is approved per Exhibit "A" as submitted by the applicant;
2. Location of the monument sign to be moved to the west as shown by an "x" on Exhibit "A";
3. Precise location of the monument sign must be approved by the Town Engineer to ensure traffic visibility is not impaired;
4. Fascia of the monument sign is to be cream in color and of solid textured enamel;

Tenant Signs

5. Individual tenant signs are limited to one per tenant, letters to be installed within the center's building facade "triangles" and above each tenant's space;
6. Size of letters for each sign can not exceed a maximum height of eighteen inches (18");
7. Colors of each tenant sign are not limited to any specific color;
8. Any new sign must be approved by the Planning Commission;

Window Signs

9. Window signs are limited to 14 square feet and are to be approved by the Planning Director.
10. The applicant shall present a color elevation showing a revised building color to be presented at a public hearing.
11. The fee for the amended application for building color change is to be waived although a \$40 noticing fee is to be paid.

General

12. The Town Council is to be notified of the proposed color change of the building.
13. These conditions are Modifications to the original sign program and if not specifically addressed in the above conditions, would default to the original sign program.

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

M/S Yarish, Kroot, to approve the signs for "Fast Frame" , excluding "Express Picture Framing" and approve "Speedy Wash" as provided on the sign diagram. It should be noted that the yellow background color has not been approved, and should be the same color as the fascia of the building.

All Ayes. Motion unanimously passed. Audience advised of the 10 day appeal period.

E. ADJOURNMENT

The regular meeting of the Planning Commission was adjourned at 10:30 p.m. to the next regular meeting on December 2, 1991.

BARBARA CHAMBERS