

**TOWN OF SAN ANSELMO  
PLANNING COMMISSION MINUTES FOR MAY 4, 1992**

The regular meeting of the San Anselmo Planning Commission was called to order at 8:00 p.m. by Chairman Kroot in the Town Hall Council Chamber. Staff members present: Director Ann Chaney and Planner Lisa Wight.

**A. ROLL CALL**

Present: Harle, Hayes, Mihaly and Sias  
Absent: Julin and Yarish.

**B. CONSENT AGENDA**

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M/S Mihaly/Harle, to approve consent agenda.

Ayes: Kroot, Sias Mihaly, Harle  
Abstain: Hayes. Motion carried.

**C. PUBLIC HEARING WITHDRAWN**

V-9207 - Gene and Barbara Stockwell, 1 Hilldale Drive, A/P 6-166-07, a 2' sideyard variance to construct a second story addition on property located in the R-1 Zoning District.

**D. PUBLIC HEARING CONTINUED TO MAY 18, 1992**

V-9208 - John Oldfather and Holly Ford, 158 Pine Street, A/P 7-251-31, 1) a 4'8" side yard variance; 2) a 1' front yard variance to construct a second floor addition; and 3) a two car parking variance to locate parking within the front and side yards, on property located in the R-1 Zoning District.

**E. PUBLIC HEARINGS**

1. PS-9201 - Geoffrey Koblick et al, 6-42-Red Hill Avenue, A/P 6-201-02, amendment to a land division approval to delete a mutual access easement condition, on property located in the C-3 Zoning District.

The applicant was present.

Chairman Kroot said he would abstain from this item and sat in the audience. Commissioner Mihaly acted as Chairman for this item.

Director Chaney presented the staff report.

Commissioner Sias questioned the backout distance for the parking spaces. Director Chaney approximated the distance to be 26 feet.

Commissioner Mihaly questioned the status of the map. Director Chaney responded that the Commission previously approved the tentative map with conditions, but the final map will not be signed off until the conditions are met, adding that the only difference between the original and current proposals are that the current one will not require the neighbor's signature.

Commissioner Mihaly agreed with staff's concern about preserving the situation later on. He wondered if it was possible to condition the approval in order to reflect the Commission's concerns.

Commissioner Sias suggested attaching a parking layout as an attachment to the recorded map.

Commissioner Harle added that the size of the building could be controlled if a parking variance was not granted.

Mr. Koblick passed out copies of new drawings dated May 4, 1992. He stated that although Mr. Valliant initially wanted to sign the agreement, he changed his mind because he was afraid that motorists arriving at No. 42 may use Mr. Valliant's parking spaces. Mr. Koblick stated that he will have the driveway extend to the lot edge just in case Mr. Valliant changes his mind.

In response to Mr. Mihaly's question regarding the feasibility of Option 1, Mr. Koblick said the size of the building would be restricted to 1,800 square feet. Director Chaney said that a background of the particular property is always addressed in staff reports, so that it is very likely staff will note the Commission's concerns in the future.

Commissioner Hayes said he does not think Option 1 is possible. He wondered what would prevent Mr. Valliant from erecting a fence down the middle and cutting Mr. Koblick off. He felt that whatever is built on the lot will trigger common usage because of the shape of the lot and he would be more comfortable if an agreement was worked out now. He did understand that any

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application in the future could come to the Commission, but he feels uncomfortable approving the application as it is.

Commissioner Harle thought a two story building with parking underneath can work on the lot and would agree with Option 3.

Commissioner Sias agreed that people will park wherever they can regardless of where the designated parking is. He felt Option 3 would be the best alternative.

Commissioner Mihaly said his biggest concern is that the Commission may be faced with something later on that won't be addressed by any of the options. He would approve the mitigated negative declaration and amend the parcel split to delete the condition.

Commissioner Sias suggested adoption of the mitigated negative declaration and encourage a single driveway egress and ingress that can meet the code requirements. He feels there should be a successful parking plan on the property prior to approval of the application.

Director Chaney pointed out that an 1,800 square foot building would need 7 spaces and a 1,500 square foot building would require 6.

Commissioner Hayes did not want to see a parking variance in the future to build a structure. He wanted some documentation to reflect that a structure can be built in this location that is in accordance with the current code.

M/S Mihaly, Sias, to approve the Negative Declaration attached to the staff report.

Motion passed unanimously.

M/S Mihaly, Sias, approval of PS-9201 - Geoffrey Koblick et al, 6-42 Red Hill Avenue, A/P 6-201-02, an amendment to a land division approval to delete a mutual access easement condition, on property located within the C-3 Zoning District, with the following conditions: 1) delete the existing condition requiring a mutual access; 2) despite the narrowness of the lot, plans submitted to the Commission dated May 4, 1992, indicate that a building design is feasible which would allow Code parking in a manner that is not awkward nor would it create traffic hazards; 3) to mitigate concerns regarding adequate parking and circulation, the owner/applicant shall encourage the creation of a single driveway, to the satisfaction of the Planning Commission; and 4) that a single driveway (common access) will be provided between A/P Nos. 6-201-02 (6-42 Redhill Avenue) and 6-201-04 (60 Redhill Avenue).

Motion passed unanimously.

Audience advised of the ten day appeal period.

**2. Water Well Ordinance - Town of San Anselmo - A General Plan Amendment and Ordinance Code Amendment** to allow private domestic water systems and the adoption of a well ordinance relative to their construction, reconstruction, maintenance, removal and monitoring.

Chairman Kroot took his seat again with the Commission.

Director Chaney presented the staff report.

In response to Commissioner Sias, Director Chaney said the Town would pass any costs of a County inspection and review onto the user, to which Commissioner Sias requested that be made clear to the Town Council.

Director Chaney forwarded a letter by Scott Hochstrasser to the Commission.

With regard to Section 9-20.18, Commissioner Sias asked if the 100 feet was legally defensible, would the Town be denying rights to people. Director Chaney responded by saying that from an engineering standpoint, yes, because the level of the creek could subside. Commissioner Sias questioned whether soil instability could be caused by water taken out of the soil. Chairman Kroot stated that it would take a geologist to determine that. Director Chaney understood that she thought she worked that part out within engineers while working on the well ordinance.

Director Chaney said that there are people who are currently waiting for wells but there is no other compelling reason to rush with the amendment, noting that the Town can only change one particular General Plan element 4 times per year.

Commissioner Mihaly wondered how a negative declaration can be approved when it is feasible that 126 units could be developed as a result of the approval.

Director Chaney stated that at a previous meeting the Commission requested that she not spend a lot of time on this ordinance, so staff took the Commission's advise. The Housing Element appears to perhaps over estimate the number of units to be developed and some of that development may have been multi-zoning, which would not be affected by the Well Ordinance.

Scott Hochstrasser discussed his letter to the Commission dated May 4, 1992. He stated that after review of the Staff report he had a few questions and recommended changes.

Sarah Nome, Alder Avenue, said she has lived by the creek for 70 years and she remembers that at one time the water had typhoid. Chairman Kroot stated that the water would have to be

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tested by a laboratory, which is covered in the Ordinance. Commissioner Mihaly stated that when a well is drawn down, contaminated creek water can get in, and that is why wells should be prohibited next to creeks.

The son in law of Elsie Reavell said that he has an estimate of \$15,000 to \$20,000 for a well versus the MMWD \$7,750 charge for installation. If he pays \$20,000 to dig the well, and then after the moratorium he is required to hook up to MMWD instead, he will have to pay an additional \$7,750. He feels that once a well is operable, it should become a civil matter.

Director Chaney stated that individuals are now able to get on a waiting list with MMWD. Once individuals are notified that they are off the waiting list and have water, they will have one year to: a) record the final map; and b) get a building permit. With regard to the Reavell Holstein Road project, this project was presented with the intention to sell the new parcel. She discussed this situation with the Town Attorney and his recommendation was to clearly stamp "not buildable until they have water." In response to Commissioner Hayes' question, she said this property is not within 100' of the creek.

Commissioner Harle stated that he was content to pass the recommendation on to the Town Council following the general outline of staff's recommendations with the suggestions made by Mr. Hochstrasser.

Commissioner Mihaly said he does not agree with requiring the MMWD hook up at a later date; he thinks the contradiction pointed out by Mr. Hochstrasser should be worked out; he is concerned with the negative declaration, but does not want to force an EIR; he is concerned with the large blocks of undeveloped land in large viewsheds. He envisioned a group of land owners clustering to share a well - that type of development would be fostered by this ordinance; he has concerns about water for fire suppression not being available; and he feels staff should wait until the next round of General Plan Amendments, so that the time can be used to further review the Water Well Ordinance.

Commissioner Harle stated that he was not in favor of planning being dictated by water, which is a sneaky and cheating way of handling planning.

Commissioner Sias noted that the people who originally laid out the lot lines and determined density were likely not concerned with whether or not water resources would be available and is inclined to feel that Commissioner Mihaly's concerns are valid. He, too, does not want to be sneaky and withhold development because of water, but would like to handle it in an orderly fashion. He agrees that Mr. Hochstrasser's points are good and should be resolved.

Commissioner Hayes wondered how often the water would be tested. He had serious concerns about the quality and fire suppression. He is inclined to want the restriction noted in Section 9-20.19: "All percolating ground water, recovered from water well construction, shall be used only within the boundaries of the property it will serve. In no case shall water taken from a site in San Anselmo be transported out of the Town limits." There should be no drilling for a community well. Regarding the UBC and fire safety, the real issue is not addressed to his satisfaction. He noted that if the Town holds off on the General Plan amendment, the State law will govern in the meantime.

Director Chaney stated that the quality of water would be checked one time by the Marin County Health Department to establish whether or not there is quality water, and, after that, it would be the responsibility of the well owner.

Chairman Kroot is against the MMWD connection requirement and suggested changing the language regarding water purity from "require" to "encourage". For the most part, he feels well water is pretty good. He said that there is potential growth anywhere and the water moratorium will eventually be lifted. He also feels Mr. Hochstrasser made some interesting observations.

Commissioner Mihaly does not want to force an EIR, but just wants a little more assurance. He does not want to use the water ordinance as a growth inducing tool.

M/S Mihaly, Sias to continue this matter to July 6, 1992.

Motion passed unanimously.

3. **V-9210 - Dean and Diana Randle, 13 Smith Lane, A/P 6-251-20, a 10' street sideyard variance, a 2' east sideyard variance, and a 2' rearyard variance to construct a second story living addition within 2' of the street side property line, within 6' of the east side property line, and within 18' of the rear property line, with a 2' roof overhang; and 2) a 2' street sideyard variance to construct a new enlarged covered front porch within 10' of the street side property line; and 3) a parking variance to allow substandard parking to remain, on property located in the R-1 Zoning District.**

The applicants were present.

Planner Wight presented the staff report.

Commissioner Sias questioned whether the interior second story stairs can be relocated; and whether there is adequate room for the cars. Staff noted the parking spaces are workable with the stairs so long as the fence is moved one (1) additional foot towards the right of way.

Mr. Randle stated that he has owned the small, one bedroom house for two years. Plans are to expand their family and additional living space is necessary. He noted that although the house was built prior to the current zoning laws, the height, lot coverage maximums, and number of

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parking spaces are in conformance. He does not intend to extend the second story beyond the existing first floor walls. With the additions, they will still have the smallest house in the neighborhood. He stated that the building of the Tam Theater resulted in the "bite" being taken out of the original lot as shown by the dotted line. If two parking spaces were to fully comply with the ordinance, a zigzagged condition on Smith Lane would result. Thus, Mr. Randle concurs with staff's compromise on parking. He feels that the shadowing of the neighbor's pool will be minimal and only affect it for two hours daily. He does not feel the additions will change the character of Bank Street, Smith Lane, or the backyard areas of neighboring homes partly due to the existing landscaping and allowance of homes in the neighborhood to be built at two stories. He felt that the east side variance should be granted because the stairs would have to be shifted and the aesthetic symmetry would be compromised. In addition, vertical shear wall requirements make it difficult to do anything but go up.

Martin Dodd, 15 Bank Street, feels the proposal could have a significant impact on his rear yard and pool due to window placement and shading from the second story. The original intent was for the house to be a cottage rather than a family house and the lot cannot accommodate such a large structure.

Eric Rosencrest, 18 Lincoln Avenue, stated that three sides of his house are surrounded by commercial property. This new addition will obscure approximately 30% of his view and he is also concerned about traffic on Smith Lane.

Marianna Barbera, 19 Bank Street, said the proposed addition will look directly into their home. The original house was a cottage to accommodate the family at 19 Bank Street. She wondered how emergency vehicles would be able to access the property given the width of Smith Lane.

Tony Barbera, 19 Bank Street, is against the project because it will remove all his privacy.

A resident of 20 Lincoln expressed concern that intensification of development on this lot could increase traffic problems, and that views of Mt. Tam and Bald Hill will be impacted.

Mr. Randle said it is possible to raise the windows, although the double hung windows provide architectural detail, and another option is to reduce the second story window space. Two mature trees were recently taken down and will be replaced.

Commissioner Sias supports the east setback variance due to the interior circulation of the existing dwelling, but he is not sure of the finding of deprivation. The neighbor's issues are about light, fire access, privacy, and traffic. He stated that he prefers A-frames, but perhaps the house should be lowered slightly and eliminate the attic windows on the attic, and then the overall height increase would not be more than 10'. With regard to fire safety, the Fire Department should be contacted to ask their advice on access to the site. He noted that the applicant has stated that he is willing to alter the windows to protect his neighbor's privacy, and landscaping could offer some solutions. Neighborhood traffic is already at a maximum and the addition will not increase the traffic. He supports the staff recommendations, but could be talked into the east setback variance.

Commissioner Hayes agreed with many of Commissioner Sias' points. He said the house and lot are very tiny and constructing a second story will have some impact on the privacy to Nos. 15 and 19 Bank Street; he is concerned about the roof height; understands staff's position on the special circumstance finding; and supports a continuance.

Commissioner Harle acknowledged the small size of the house, noting that more room is necessary; however, this house was not designed to be enlarged. A second story addition will have a detrimental impact on all the neighbors. He suggested reducing the size of the addition as a compromise.

Chairman Kroot supported the application as presented for the reasons that: the only major setback encroachment is on the Smith Lane frontage; the 1/2" scale drawings actually make the addition look larger than it will be; there is adequate landscaping; it is consistent with the neighboring two story dwellings; and that at most there will only be minimal shading to 15 Bank Street because it faces the gable end.

M/S Sias, Hayes, to continue V-9210 to the meeting of May 18, 1992, for the applicant to consider the following concerns: a more flattened roof; window design, so not quite so much; elimination of attic windows; landscaping details; evidence of discussion with neighbors on their issues; and fire access.

Motion passed unanimously.

Mr. Randle suggested the roof pitch be lowered from 9 in 12 to 5 in 12; eliminate the small double hung window in the gable, to which Commissioners Hayes and Sias said was not an issue; eliminate one half of the windows on each facade so they are closer to the corners; and identify landscaping. He suggested that in the future the Town may wish to look at the great potential for a land trade with the Tamalpais Theatre property, such that Smith Lane could be straightened out, which would greatly increase the accessibility.

**4. ER/Z-9202/LLR-9201/V-9211 - Phillip Danskin for James Reed, 100 Spring Grove Avenue, A/P Nos. 6-172-03, 04, 06, 07, 08 and 09; 1) Environmental review; 2) Rezoning to R-1H for a maximum density of two single family dwellings; 3) Lot Line Relocations to create a maximum of two separate building sites a) for the existing Single Family Dwelling; and b) for the existing home occupation office to be converted to a single family dwelling; 4) Variance for the driveway access for both parcels to be across one parcel.**

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The applicant's representative was present.

Planner Wight presented the staff report.

Chairman Kroot questioned whether the Fire Department had access to the site, to which Planner Wight said staff is awaiting their comments.

Mr. Danskin requested that the wording in Condition 2 be changed from "final map" to "filing of record of survey"; and Condition 3 be changed from "shall be" to "may be approximately."

The Commissioners supported the application.

M/S Hayes, Sias, to: 1) accept the Negative Declaration as prepared by staff on the grounds that the project should not have a significant adverse impact on the environment for the reasons that the two parcels are already developed and that the overall maximum density has been reduced from six potential units to two units, and all public agency and utility requirements must be adhered to; 2) approve the lot line relocations to create Parcel A and Parcel B on the grounds that it is consistent with the General Plan and Zoning Ordinance of the Town of San Anselmo. The conversion of the home office on Parcel B to a single family dwelling shall be required prior to filing of the Record of Survey with the County of Marin; and 3) approve the driveway easement to remain to serve as access to both parcels, with access to Parcel A to be across Parcel B; and 4) recommend to the Town Council a) Parcel A: to rezone A/P Nos. 6-172-03, a portion of 6-172-04, 6-172-08, and 6-172-09, which may be approximately 4.13 acres and shall have a maximum density of one (1) existing single family dwelling, with an accessory detached pool house (not to be a separate living unit); and b) Parcel B: to rezone A/P Nos. 6-172-06, 6-172-07, and a portion of A/P 6-172-04, which may be approximately 1.77 acres and shall have a maximum density of one (1) existing home occupation office to be converted to one (1) single family dwelling.

Motion passed unanimously.

Audience advised of the ten day appeal period.

**F. GENERAL DISCUSSION**

**1. Marin Countywide Plan**

Director Chaney said that on May 12, 1992, the County will give the recommended Marin Countywide Plan to our Council for review and they will invite the Commission to attend. If the Commission desires, they can hold a separate meeting on June 1.

Commissioner Hayes questioned the need for fast tracking this document, to which Director Chaney said she does not believe that is anyone's intention; no one is attempting to prevent the Commission from reviewing the document.

Chairman Kroot suggested that a direct call to the County would be appropriate to confirm the May 20 deadline. Commissioner Harle noted that in the past, the Countywide Plan has been a big deal and, if there are significant changes to the document, there should be more time for review.

**2. Gill Site Visit**

The site visit was continued to May 12, 1992, at 5:30 p.m.

**3. The Alameda Project**

Commissioner Hayes asked that the following comments be forwarded to Public Works: the Butterfield Road traffic is backed up for a lengthy period of time on Butterfield Road between 8:00 a.m. and 9:15 a.m.

**G. ADJOURNMENT**

The regular meeting was adjourned at 11:50 p.m. to the next meeting on May 18, 1992.

LISA WIGHT  
PLANNER