

**TOWN OF SAN ANSELMO  
PLANNING COMMISSION MINUTES FOR AUGUST 15, 1994**

The regular meeting of the San Anselmo Planning Commission meeting was called to order at 8:00 p.m. by Chairman Mihaly. Staff present was Planning Director Ann Chaney and Planning Consultant Delvin Washington.

**A. CALL TO ORDER**

Commissioners present: Hayes, Harle, Julin, Israel, Ollinger, Mihaly  
Commissioners absent: Sargent

**B. CONSENT**

Minutes - August 1, 1994

M/S Hayes, Julin, to approve consent with minor corrections that were given to staff. Motion unanimously passed.

**C. OPEN TIME FOR PUBLIC DISCUSSION**

A representative for Marin Center for Independent Living has asked to speak.

No one was present to speak on this issue.

**D. GENERAL DISCUSSION**

Discuss future meeting date of September 6th or 12th.

M/S Harle, Julin, to set the next special meeting to the night of September 12, 1994. Motion unanimously passed.

After discussion by the Commission it was agreed that 422 Scenic would not be discussed tonight because of the other three lengthy items.

M/S Harle, Julin to continue V-9420/DR-9414 - Leonard Garriott, 422 Scenic Avenue, A/P 7-031-08, 1) 20' front yard and 8' south side yard variance for required parking spaces to be within 0' of the front and south side property lines (Code minimum setbacks: 20' front and 8' sides); 2) a parking variance for the third required parking space to encroach over the right of way ( an encroachment permit will be required); 3) a 3' south side yard variance to construct a dwelling within 5' of the south side property line); 4) a 2.5' south side yard variance to construct an uncovered deck within 3.5' of the south side property line; 5) 20' front yard and side yard setback to construct a retaining wall (up to 13' in height) within 0' of the front and side yards (code minimum setbacks, 20' front and 8' sides); and 6) design review of a new dwelling, on property located within the R-1 Zoning District (Above 150' Mean Sea Level). FOR DISCUSSION ONLY. This was continued to the meeting of September 12, 1994. Motion unanimously passed.

**E. PUBLIC HEARINGS - CONTINUED**

1. SPD-94 AMEND./DR-9418/U-9405/SR-9401/ER Unocal Service Station - 930 Sir Francis Drake Boulevard, A/P 6-061-31, 1) Amendment to a Specific Planned Development, Design Review, Use Permit and Sign Review to demolish the existing Unocal 76 Station and construct a new Unocal 76 Station; and 2) A parking variance to allow 1 (one) on-site parking space (7 required). This new facility will include a drive through car wash and a snack shop, on property located within the SPD Zoning District. CONTINUED TO THE SPECIAL MEETING OF AUGUST 22, 1994

**F. PUBLIC HEARINGS**

1. V-9422-DR-9417- John Paletta, 29 Oakwood Court, A/P 5-062-83, a design review and variance application to construct a new single family residence that will be 0' from the front property line (20' required) and have 2 off street parking spaces (3 required), on property located within the R-1 Zoning District (Above 150' Mean Sea Level)

Art Chartock, Architect, was present to represent the applicant.

Mr. Washington presented the staff report and landscape drawings. He noted that the exterior color of the house has been darkened slightly from the previous meeting. The peer review for this project has not been completed however Mr. Bush has spoken with the Town's representative and the recommendation is favorable.

Commissioner Julin requested clarification on the number of parking spaces. The staff report states there are two parking spaces while the plans indicate four. Mr. Washington stated that there are two on site parking spaces. Staff is not counting the tandem parking spaces because they are in the right-of-way.

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Commissioner Hayes asked if the conditions are the same as those for 27 Oakwood. Mr. Washington responded that they are the same, with minor wording changes, as well as some additional conditions.

Commissioner Israel asked what the floor level was of the landscaping plan because no elevations are shown on the plans. Mr. Washington suggested that Mr. Chartock respond to this question.

Commissioner Julin wanted to know if there is going to be road widening to the new Town standard of 15' to 20' width? Mr. Washington responded that he did not think that would be a requirement by the Public Works Director.

Mr. Chartock thought the decree of color was an issue at the last meeting, so he has tried to satisfy that concern. The floor elevations are not on the landscaping plan. They are planning to leave the trees, just thin the inside trees to get allow for a view. The high point on the glass would be around 270' elevation.

Gary Fisher, 27 Oakwood, stated that the trees will not really shield his property but he appreciates the fact that the house is small.

Rich Sheviakov, 30 Oakwood, has some concerns about the conditions as follows: Condition 14C: Wanted clarification of "...to park construction vehicles on or immediately adjacent to the site". Condition 17: Wanted to add: " Prior to any construction". Condition 18: and 19 : are somewhat unnecessary because there is now an easement. Mr. Sheviakov did not think the conditions were successfully adhered to during construction at 27 Oakwood and there was a lot of interpretation. He would like the conditions to be clear. With regard to road closure, he suggested longer work hours because he wants the project completed in a shorter period. Perhaps 8:30 to 5:00 with no longer than a 30 minute road closure. On the broader scale, he did not think the Commission's concerns regarding view have been adequately addressed as well as night time visibility. He read the soils report and questions the slope stability. He is also unclear what his view will be of the new house from his house. He wondered if the house could be lowered somewhat from the street, similar as that at 27 Oakwood. Could walls, partitions etc be fabricated off site because of the noise factor from the metal. He questioned construction during the winter months. His neighbor at 22 Oakwood wanted assurance that the three trees fronting the street will be maintained.

Owner 45 Oakwood, concurred with Mr. Sheviakov.

Commissioner Hayes asked staff about the road closures and hours of operations.

Mr. Washington advised the Commission that he would be open to limiting the road closures to 30 minutes as well as extending the hours of operation to suit the neighborhood. Mr. Chartock felt his client could probably live with the conditions, however 9:00 to 4:00 is not during the commute hour.

Commissioner Hayes stated that the working hours of 8:30 to 5:00 would be acceptable during the week but that work should not commence on the week end.

Commissioner Ollinger stated that there will be times that concrete is being poured that the road could be blocked on and off for more than thirty minutes on a given day.

Commissioner Israel felt a longer closure should be allowed with advance notice.

Chairman Mihaly suggested that staff could come up with some stock conditions for future projects since these issues come up on each application.

Mr. Sheviakov explained that the important thing is not so much that the road will be closed, but to have advanced notice on when it will be closed. He suggested changing Condition 14 to be changed to 4 hours from 2.; Conditions 10 and 14a should be replaced with a 4 hour maximum.

Commissioner Hayes suggested that Condition 14c should be changed to state "off the street"; Add "Prior to construction..." to Condition 17.

Commissioner Hayes discussed visibility issues and the trimming of trees to allow visibility. He does not object to that in concept however he is uncertain about the glazing.

Commissioners Harlé and Julin had nothing further to add.

Commissioner Ollinger stated that the contrast has been lessened and that some articulation is necessary. Regarding the glazing, it may be lit up at night but is depends on the individual on how it is to be lit. It could be subdued or very bright. He would recommend a low key illumination. He felt that this house will blend in with other houses in the neighborhood and will not be distracting. He did not think it is unreasonable to allow the trees to be thinned to for some corridor view.

Commissioner Israel wanted to see a condition for a tree protection plan included. He also suggested that a bond be placed on the project in the event trees are cut down. He would like to preclude the

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removing and trimming of trees until the house has been built. In summary, leave the tree canopy alone until the house has been constructed and then have it reviewed by the Planning Director.

Ms. Chaney suggested wording as follows: "That the existing trees shall be maintained on site with a narrow corridor allowed on the north elevation for views, and to be reviewed by the Planning Director after construction of the house".

Commissioner Israel was opposed to lowering the house as suggested by Mr. Sheviakov because it would add to the difficulty of entering the driveway.

Chairman Mihaly has no further comments.

M/S Israel/Julin to approve Resolution Number 9405 for V-9422-DR-9417- John Paletta, 29 Oakwood Court, A/P 5-062-83, a design review and variance application to construct a new single family residence that will be 0' from the front property line (20' required) and have 2 off street parking spaces (3 required), on property located within the R-1 Zoning District (Above 150' Mean Sea Level). This approval is based on the amendments as discussed by the Planning Commission.

Motion unanimously passed. Although Commissioner Ollinger voted in support of the application he noted that he was not agreeable to the condition about the trees.

Chairman Mihaly asked that staff provide a revised resolution to the applicant as well as the neighbors.

The audience was advised of the ten day appeal period.

2. V-9418-DR-9413 - Ned MacDonald, 330 Sir Francis Drake Boulevard, A/P 6-251-04, a design review and parking variance to demolish the auditorium portion of the Tamalpais Theater and to remodel the office and lobby portion of the structure and create a new surface parking lot with 22 on-site stalls (25 required), on property located within the C-2 Zoning District.

Mr. MacDonald, his Architect Paul Hartman and his subcontractor were present.

Mr. Washington presented the staff report.

Mr. MacDonald explained that he is proposing to preserve the building. He has always seen the back entrance as a service entrance but they have now tried to break up the wall and make it more interesting. This was difficult to achieve because of the seismic retrofit that is required. They considered different ways to landscape the parking lot and decided that the current layout is very efficient without attracting loiters.

Commissioner Julin asked about the removal of the foundation of the theater. Mr. MacDonald explained that it will be broken up, approximately 6' by 6', to allow for drainage. Commissioner Julin was concerned about the noise of the jack hammers.

Mr. MacDonald stated he has chosen a subcontractor that will do much of the demolition by hand that will reduce the amount of machinery and reduce the noise.

Commissioner Israel was curious about Concern Number 2 as stated in the letter by Mr. Barbera's attorney. Mr. MacDonald stated he is going to be taking out the tank that was installed by the Town. The tank was well constructed at the time that it was built and typically oil storage tanks have a very low toxicity. However, there is a possibility that the soil can be contaminated.

He thought the Barberas' concerns related more to if there was a delay in removing the tank because of toxic soil, would that hold up the demolition of the theater. Mr. MacDonald's views the tank as a separate issue from the removal of the auditorium and the paving of the parking lot.

Joseph Casalinuovo, Attorney, submitted a letter August 15, 1994 at the meeting regarding the demolition of the building and soils remediation. He also noted that the negative declaration stipulates that the work shall be done at the time of the tank removal. He questioned who will take responsibility for any of the contaminated soil removal.

Jerry Lloyd, Engineer representing the Barberas. Once the roof diaphragm is removed he is concerned about collapse. He would like to see demolition plans, stamped by an engineer, be a requirement of the Building Department prior to start up of the project.

Mr. Barbera, Collective Antiques, is concerned about the safety of his building.

Dean Randle, 13 Smith Lane, was concerned about the width of Smith Lane. He wants to make sure the 20' road right-of-way is maintained past his house.

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Kimberly Goode, 15 Bank Street, is concerned about the safety of her children and her pool during demolition. She was also concerned about trucks blocking the road and prohibiting her from getting in and out of her driveway.

Patrick Draeger, Mid State Construction, stated that the intended method of demolition is to bring the trucks into the building and be loaded that way. The idea is to stay out of the public right-of-way. As far as the dust is concerned they will wet down the area to minimize the problem. They will have someone providing traffic control when trucks enter and exit the building. They would notify neighbors if, and when, the street is to be closed for repaving. As far as the tank removal, it is his understanding that because the tank is being removed and the portion of the building is being removed over the tank, there should not be an issue. Regarding the demolition plans being issued by an engineer, the owner is trying to keep the costs down and he presented a letter that states the sequence of demolition although they are not licensed engineers. They would like to have the use of the neighbors roof for scaffolding but it could be done at a higher cost without their help.

Ms. Chaney stated that because demolition is a technical issue it is the Public Works Director's decision.

Mr. Draeger felt that it would be easier to do remediation work if the theater was removed.

Commissioner Harle took note of Mr. Barbera's concerns and supports the staff report.

Commissioner Julin questioned the proposed landscaping. Mr. MacDonald stated that a tree such as a birch will be planted. Commissioner Julin asked Mr. MacDonald how he felt about staff's recommendation that the applicant consider the feasibility of the rear elevation to further mimic the appearance of the front elevation. Mr. Hartman stated that the rear portion of the building is really still a service entrance although they have made some changes. Commissioner Julin thought it would be more compatible to have a tile roof on the rear as well as the front. She liked staff's idea of working with the materials. She supports the project with the 20' right of way.

Mr. MacDonald stated that the tile is probably 70 years old, while they are beautiful, are heavy and a safety hazard. He did not include it in the rear for that reason and for cost reasons.

Mr. Hartman spoke about the 20' right of way. He would like the engineer to evaluate this because it could have implications on the parking.

Commissioner Julin felt the liability of insurance is beyond planning but would like to have something more certain about the roofing materials and the roadway width. Mr. MacDonald stated that he will also put a tile roof on in the rear instead of metal. Mr. Hartman had no objection to a tile roof either.

Commissioner Ollinger was led to believe that the walls will be exposed to the San Anselmo Tire and Brake and there still has been no response about what will happen with that was. Also, the drawings show a 17' paved roadway width, not 20'. He likes the change in color from the previous meeting. The rear elevation has improved from the previous meeting and frankly he would like to see the tile roof instead of the metal one. Regarding Condition 7: He suggested that the demolition plan should be submitted to the satisfaction of the Public Works Director. The certificates of insurance should be worked up prior to the issuance of the building permit.

Commissioner Israel concurs with what has been said. He felt it prudent that a toxicity report be prepared. He felt there should be clarification about the tank and the responsibility of the tank if there is a toxic issue. He agrees with the notion that the pocket is necessary for plants. Regarding the rear elevation, he would love to see the parapet the same as the front however, he would concede to the tile. He felt that the demolition plans should be up to the Public Works Director. He would like to ensure that the fence design would be at least of the caliber of the San Anselmo Tire and Brake fence.

Commissioner Hayes felt that this is an anchor building to this town and is saddened by the loss of the theater. He wondered what is being proposed to the wall of the Tire and Brake Building. Mr. MacDonald stated that the wall will be rebuilt during the seismic upgrade of their building. Commissioner Hayes also wondered about the fence design. Mr. Hartman stated that they would match the San Anselmo Tire and Brake fence.

Chairman Mihaly concerns are the remediation of the tank. He can see it both ways. He is not sure the Commission should determine the order of the demolition. He suggested wording for Condition 7: "... and shall ensure once demolition is commenced.

Ms. Chaney explained that there has been several months of discussion with the Town and the applicant regarding the tank and the land swap cannot take place until the tank has been removed.

Chairman Mihaly supports this project.

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Chairman Mihaly summarized the amendments to the resolution prepared in the staff report.

1. The roof in the rear shall match the tile roof in the front; 2. On the paving of the road, the desire is to maximize the paving width of 20' without loosing parking spaces; 3. Add: "...a demolition and construction staging plan..."

M/S Ollinger/Harle, to approve Resolution Number 9406 for V-9418-DR-9413 - Ned MacDonald, 330 Sir Francis Drake Boulevard, A/P 6-251-04, a design review and parking variance to demolish the auditorium portion of the Tamalpais Theater and to remodel the office and lobby portion of the structure and create a new surface parking lot with 22 on-site stalls (25 required), on property located within the C-2 Zoning District. with amendments as specified by the Commission to be incorporated into the resolution.

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

3. **SS-9401/V-9419 - Dina Della Santina and Alice Ann Klatt, 227 The Alameda, A/P 5-052-08,** 1) a request to subdivide an existing parcel to create a new 10,613 square foot parcel and construct a new single family residence; 2) a variance to have 20' of street frontage for the new parcel (40' is required); and 3) a variance to maintain an existing 150 square foot gazebo on the existing parcel of 227 The Alameda that will be located 1' from the new rear property line (20' is required), on property located within the R-1 Zoning District.

Ms. Klatt was present.

Mr. Washington presented the staff report.

Alice Klatt stated that her family has owned the land for many years and her mother and aunt live on the lot now. She wants to live close to her mother but not with her. The proposed house takes into consideration her lot as well as the impact to her neighbors. The neighbors are concerned about the fumes from her car and she understands his concerns. She would like to keep the gazebo because it has a lot of sentimental value; her father spent a lot of time there.

Alex Neil, 258 Butterfield, is concerned because their house is very small, and they are surrounded by other homes very close by. If a two story house is built it will wall them in and will also be the only two story house in the immediate area. He would like to see if the house could be moved closer to The Alameda. If the house was a single story it would not have such an impact. They would like insurance that the trees will remain to provide privacy. The fence is now covered by vegetation that is deciduous and would like an evergreen planted to provide year round privacy.

Steven Harrison 254 Butterfield, stated he has similar concerns as his neighbors at 258 Butterfield. He is concerned about the design review process and now understands that there is no design review in place in the flatlands.

Ms. Klatt stated that they are in the preliminary stages of the house, there are walnut trees and vegetations protecting her neighbors from her house and a distance of thirty four feet between her house and the property at 258 Butterfield.

Commissioner Julin stated she understands the concerns of the neighbors however she can find no problem with the creation of this parcel and concurs with staff's rationale in identifying the setbacks for the flag lot. She also supports the gazebo and would not like to see it removed. If the parking has to be in tandem she will not object to that because of the relationship between the house and the lot. The carport to be removed is also in the setbacks.

Commissioner Ollinger stated that staff's setbacks made good sense after walking the parcel. Where the proposed house is to be located also makes good sense. It was good judgement to move the house away from the north? neighbor because there was no vegetation screening. This house is being kept significantly away from the house at 258 Butterfield. The trees and landscaping should be retained along the northern property lines. He finds the gazebo reasonable to be kept in the current location.

Commissioner Israel concurs with the findings in the staff report. He agrees with the way setbacks were laid out. He is sympathetic with the rear neighbors because they have a substandard setback and therefore there is a 6' substandard distance between the two lots. He would be inclined to condition this property to design review or limited it to a one story house. He is opposed to parking in the front yard setbacks and therefore supports staff recommendations. However in this situation he would be open to it as a condition upon change of ownership or change of title. With regard to fumes, he wondered about a side yard variance up in the flag pole area for a detached garage. It would allow for more open space.

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Commissioner Hayes is troubled by the fact that lots that are in excess of 1,500 square feet can be the criteria for subdivision. It is difficult for him to make the findings on this project for non detriment when the rear neighbors are objecting to the project.

Commissioner Harle supported Commissioner Julin's views. In viewing the lots in the area, most of the lots are 1/3 to 1/2 of the size and in recognizing that, if we deny the project, it would be a detriment to the owner. He considers detriment to be a relative thing and does not think it is a detriment in this case. Regarding the fumes, the applicant has moved the house away from the neighbor and that should be a mitigation. He suggests a de minimus approach regarding the gazebo.

Commissioner Ollinger stated that if design review is going to be considered the applicant should consider moving the garage more towards the front or there could be a covered walk separating the garage from the house. In doing that the north west corner of the house could be moved which would allow more open space in that corner of the rear neighbors.

Commissioner Israel stated that the flag is 20' wide and if there is to be a consideration for the garage it might want to be 25' wide, which would mean a continuance to allow the applicant time to modify her plans.

Chairman Mihaly supports a condition on the map approval of administrative design review on visual impact on the surrounding neighbors and impairment of light and air. This lot is unusual in that it meets the setbacks. The real danger is that most of the houses are one story with a few two stories. He would support acting tonight however possibly a very good design option could be abandoned.

There was discussion of whether to continue to allow the applicant to think about widening the flag pole or deciding on the project tonight with the option of asking for a lot line adjustment in the future if the applicant wants to change the line.

Ms. Klatt stated the reason they did the flag was because of the trees and vegetation. It would make it difficult to build a garage in the flag pole location because of the excess vegetation. She stated that she would like to do the design review. Mr. Washington suggested a continuance, especially since there will also be a design review on this project, and at that time the lines may be moved.

Commissioner Julin stated that the street scape is not changed by this proposal. If the line were to be moved it would represent a change in the front of the property. Also, other neighbors on The Alameda might also object.

Commissioner Israel stated that he just wanted to give the applicant alternatives.

Commissioner Ollinger stated that ideas have been presented to the applicant and those ideas could be incorporated into the plans during the design review.

M/S Mihaly, Ollinger to approve Resolution Number 9407 for SS-9401/V-9419 - Dina Della Santina and Alice Ann Klatt, 227 The Alameda, A/P 5-052-08, 1) a request to subdivide an existing parcel to create a new 10,613 square foot parcel and construct a new single family residence; 2) a variance to have 20' of street frontage for the new parcel (40' is required); and 3) a variance to maintain an existing 150 square foot gazebo on the existing parcel of 227 The Alameda that will be located 1' from the new rear property line (20' is required), on property located within the R-1 Zoning District. Approval is based on the resolution with modifications as follows: 1. That there will be a requirement of an administrative design review for the proposed dwelling to ensure the structure will minimize the impact to the neighbors on Butterfield Road. 2. The gazebo can remain because it is to de minimus for the Planning Commission to pay any attention to. 3. Prior to a sale or transfer of title of the property at 227 The Alameda, adequate two car parking must be required. This should be handled by the means of a deed restriction.

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

5. Town of San Anselmo, Draft Ordinance Amendment to require Design Review for residential properties below 150' mean sea level (i.e. flatlands).

M//s Israel/Mihaly, to continue to the meeting of September 12, 1994. Motion unanimously passed.

**G. REPORT OF UPCOMING APPEALS TO TOWN COUNCIL**

176 Tunstead has been appealed to the Town Council.

**H. ADJOURNMENT TO THE MEETING OF August 22, 1994**

The meeting was adjourned at 12:40 a.m. to the next special meeting on August 22, 1994.

BARBARA CHAMBERS