

TOWN OF SAN ANSELMO
PLANNING COMMISSION MEETING OF NOVEMBER 7, 1994

The regular meeting of the Planning Commission was convened at 8:00 p.m. by Vice Chair Oliver Harle in the Council Chamber. Staff present was Planning Director Ann Chaney, Planning Consultant Delvin Washington, and Associate Planner Lisa Wight.

A. CALL TO ORDER

Commissioners present: Harle, Ollinger, Julin, Sargent

Commissioners absent: Hayes, Israel, Mihaly

B. CONSENT

1. Minutes - October 24, 1994

2. Amend U-494/V-9432/DR-9422 - Ted Janko for Teds Restaurant, 218 Sir Francis Drake Blvd., A/P 6-252-3, a design review request to remodel the front building elevation and expand the floor area (602 square feet) by moving into the adjoining tenant space; 2) parking variance for 6 vehicles 5 spaces currently exist (11 required); and 3) an amendment to the use permit allowing on-site sale of alcohol and to expand an existing bar, on property located within the (C-2) Zoning District.

M/S Sargent/Julin, to approve consent. Commissioner Ollinger commented that the applicant should be made aware that handicapped requirements will more than likely have to be met. Commissioners' Julin and Sargent commented that they would have no objection to discussing the outdoor eating facilities. Conditions of approval are: 1. The applicant shall construct the addition in conformity with the plans date stamped received September 20, 1994, by the Town of San Anselmo. 2. The deck area shall be used as storage only and identified on the building plans as such. At no time shall additional seating or recreational activity be reintroduced to this space without first being returned to the Planning Commission for approval. 3. The interior seating for the new area shall be four (4) tables with four (4) chairs each and two (2) billiard tables as identified on the plans. If additional seating is desired by the applicant in the existing tavern or the new section he must obtain an amendment to his parking variance. 4. The parking area shall be topped with an all weather surface to the satisfaction of the Public Works Director. This area shall be kept clear of refuse and loitering in this area among patrons shall be discouraged by the proprietor. 5. A space in the rear of the property shall be designated for the trash and recycling bins. The final location for this area shall be reviewed and approved by the Planning director. If the Planning Commission determines that some form of a trash enclosure or screening devise is necessary, the final design and layout shall be reviewed and approved by the Planning Director prior to issuance of a building permit.

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

C. OPEN TIME FOR PUBLIC DISCUSSION

There was none.

D. PUBLIC HEARINGS

1. DR/9420 Clifford Joe, 344 Oak Avenue, A/P 7-181-12, a Design Review request to construct a 1,210 square foot addition to an existing single family residence, to demolish an existing cottage and construct a new detached 630 square foot garage and workshop on property located within the R-1 Zoning District above 150 mean sea level.

The applicant was present.

Mr. Washington presented the staff report.

Commissioner Julin wanted clarification on the landscape plan and wanted to make sure it will not be in conflict with the Fire Department requirements. Mr. Washington assured her that is would not be.

Commissioner Ollinger asked if the uphill neighbor still had objections. Mr. Washington affirmed that Mr. Johnson was still concerned about the addition and would probably speak on the issue.

Commissioner Harle asked about the second unit possibility.

Mr. Joe said that he will plant low, shrub type plants that will screen. Ms. Chaney noted that staff's intent of screening is something much higher than shrubs.

Mr. Johnson, 348 Oak Avenue, was not negative about the enlargement but was concerned that the addition will obstruct his view. He would like to see the landscape plan proposed by Mr. Joe. Ms. Chaney

stated that she is looking for plants that will indeed screen. Mr. Johnson is also pleased that Mr. Joe has moved his outdoor area to the other side of the house.

Commissioner Ollinger said all the setback requirements are being adhered to. His concern was on the west side. If the hip is lowered, it would not seem as bulky.

Commissioner Julin had nothing to add other than she did not think that a deed restriction was necessary.

Commissioner Sargent did not think a deed restriction was necessary and did not have any other comments.

Commissioner Harle supported the staff report.

M/S Sargent/Julin to approve DR/9420 Clifford Joe, 344 Oak Avenue, A/P 7-181-12, a Design Review request to construct a 1,210 square foot addition to an existing single family residence, to demolish an existing cottage and construct a new detached 630 square foot garage and workshop on property located within the R-1 Zoning District above 150 mean sea level. Approval is based on the following:

Design Review:

1. Is functionally and aesthetically compatible with the existing improvements and the natural elements in the surrounding area. This neighborhood is developed with single family residences and the proposed land use and structure are similar in scale and activity type as surrounding residences in this neighborhood. The addition of a second story will be compatible with the existing residences in San Anselmo. 2. Provides for protection against noise, odors, and other factors which may make the environment less desirable. The proposal will not have any major long-term detrimental impacts on the environment. The proposed use is consistent with current activities occurring on this property and in this neighborhood. A condition of approval has been included limiting the work hours and days minimizing construction impacts on the neighborhood. 3. Will not tend to cause the surrounding area to depreciate materially in appearance or value or otherwise discourage occupancy. The construction of a second floor addition will not cause the depreciation of property values in the surrounding area. The conversion and expansion of the existing guest house into a single family residence and the demolition of the former residence will cause the appreciation of neighboring residences. The proposed addition will be an upgrade from the existing structure on the property. 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. This expansion of this house will not increase traffic levels. The location of the house will not obscure visibility on Oak Avenue or on Redwood Road. 5. Will not adversely affect the health or safety of persons using the improvement or endanger property located in the surrounding area. The proposed dwelling will conform with all established codes controlling building and grading associated with the construction of a new single family residence. These standards have been adopted to insure that all new development will not create any adverse or hazardous conditions during construction and after completion. Furthermore, the construction of this new house will conform with all the required setbacks. 6. Conformance to the approved precise development plans. This property is zoned R-1 and a precise development plan is not required. 7. Adequacy of Screening. All of the mature trees and much of the existing landscaping on the site will be maintained. The proposed location of the house is not highly visible and this property is not visible from the lower elevations around town. The approval includes a condition that additional landscaping be planted between this residence and the property located on 348 Oak Avenue so as to minimize the potential impact on privacy of either two residences. 8. Selection of architectural features that enable the structure to blend with its environment. The proposed use of redwood siding on the exterior is appropriate and will complement the neighboring homes in the area. This proposed location will not result in the need to modify the existing topography of the site. The color scheme presented by the architect is appropriate for this style of a house. Since this site is not highly visible from various points around San Anselmo its lighter color does not present any visibility problems. Conditions of approval. 1. That the request for Design Review be granted to construct a new single family residence, in accordance with the plans date stamped received by the Town of San Anselmo on July 6, 1994. 2. The exterior of the house shall match the color board, siding sample, and roof material submitted by the architect and dated July 6, 1994. 3. The applicant shall strive to carpool site construction workers in order to reduce the number of vehicles driving on Oak Avenue and to park construction vehicles on or immediately adjacent to the site. 4. Construction activities shall be limited to Monday - Friday between the hours of 7:30 a.m. to 5:00 p.m. 5. The applicant shall maintain all of the existing vegetation and mature trees on the property in order to insure the site continuance to be adequately screened. 6. The applicant shall submit a landscape plan for the west side yard area between the subject house and the neighbor at 348 Oak Avenue which is designed to maintain privacy between these two residences. This plan shall be approved by the Planning Director prior to issuance of a building permit.

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

2. V-9431 - Maria Zaharoff and Mark Smith, 1 Rivera, A/P 5-224-16, a third story and height variance to permit a second dormer on the west side of the existing dwelling, on property located within the (PPD R-1/R-3) Zoning District.

Mr. Smith was present.

Ms. Wight presented the staff report.

Commissioner Julin asked about the PPD/Combined Zoning. She thought it allowed for flexibility. Ms. Wight agreed but added that the flexibility comes into play when the use changes,

Commissioner Sargent asked if there are other homes in the neighborhood that have an overlay of PPD. Staff responded that only the Willow Glen condominiums next door.

Mr. Smith explained that historically the house was built in 1912 and had indoor plumbing at that time. However, the only bathroom is downstairs and it is very unusual to have one bath for such a large house. He also concurred with staff that it is a better design to have two dormers.

Commissioner Julin has no objection to the proposal and questions the necessity for the variance for the PPD district. Although staff stated that ~~flexibility only is considered during the change of use, it is her interpretation that~~ the PPD District allows for flexibility. (w)

Commissioner Sargent concurred with Commissioner Julin. Other identical zoning really does not exist in this neighborhood which therefore, prohibits them from enjoying privileges enjoyed by other property in the vicinity.

Commissioner Ollinger added that the third floor already exists and it makes no sense to place the bathroom elsewhere.

Commissioner Harle had nothing further to add.

M/S Julin/Ollinger, to approve V-9431 - Maria Zaharoff and Mark Smith, 1 Rivera, A/P 5-224-16, a third story and height variance to permit a second dormer on the west side of the existing dwelling, on property located within the (PPD R-1/R-3) Zoning District. Approval is based on the following: 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. The existing house and the improvement is within the existing house and there will be no increase to the existing roof height, and the necessary use cannot be in any other location. 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 second dormer on this side of the dwelling will balance this wall, which already has one dormer. The dormer will not cause an adverse impact on the neighbors light, air, or privacy.

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

3. U-9406/V-9432 Terese Krasowski/Caroline Owens, 1549 San Anselmo Avenue, A/P 5-154-45, use permit for a large family day care (12 children), and a parking variance to allow a garage conversion for the use of day care, on property located within the R-1 Zoning District.

Ms. Wight presented the staff report.

Ms. Owens stated that she now parks two cars in the driveway in tandem, but one car goes over the sidewalk about a foot.

Ms. Krasowski stated that she was unaware of the Town Use permit policy. She had her day care on Scenic Avenue and needed to move for various reason. She is starting a Montessori in Novato and Ms. Owens is now taking over the San Anselmo location. She was also unaware that she could not sheetrock over the garage entrance and install carpeting. She has not had enough time to prepare to discuss for the variance as she just discovered last week by Planning that a variance was necessary.

Ms. Owens stated that they want to use the garage for the children. Their intention is not to disrupt the neighbors or the Town. They want to respect each other and the environment and are not trying to cause any trouble. They want to continue their school and respect the neighbors. The garage is a large enough area to allow all the children an area to work in together.

Commissioner Julin asked about the suggestion by staff to widen the driveway an additional 5 1/2 feet. Ms. Krasowski said the cars fit now but staff's recommendation would make the cars more visible and a fruit tree will have to be removed. Generally one vehicle is parked there during the day and the second vehicles is there only at night. She further stated that they would be willing to sign an agreement that the garage could be converted back into a garage if the house is rented or sold. They would be open to discuss the parking situation.

Mark Risner, parent, is in support of the project. He is surprised that there is opposition at all for this project.

Stephanie Stewart Mogal, Child Care Project Council of Marin, most of the children are from either a single parent or two parents working. and there is a real need for child care. There are only 9 family day care homes in San Anselmo.

Scott Righthand, neighbor, stated his children each attended this day care and it was well run, and is really smaller than a large family day care because 6 of the children leave at noon. Also, she has upgraded the property since purchasing it. He has never seen a problem with parking in the neighborhood. Also, the staff report states that the use permit shall be granted if none of the local ordinances have been violated, and none have. Therefore, it should be granted.

Burt Owns, applicant's husband, stated that they are also concerned as a family that noise is kept under control. An awning was installed in the courtyard to protect the children during all seasons and it should also buffer noise.

Kim Fong, parent, felt compelled to speak on behalf of the family day care facility. The garage is important to the facility because this is the area the children do their work and experience the Montessori philosophy. In addition it provides a space for the children to potty train and learn to wash their hands. The children are taught to use their words to deal with situations and she would hope that would happen between neighbors.

The following people were also in support of the project.

Paul Bradshaw Jr., Paul Bradshaw Sr, Mimi, Wade Stevenson, Jane Clark, Susan Ferereki, Noreen Slavan, Nancy DeMartini, Jeff Ledlow, Carol Wadkowski,

Ms. Tomski, stated that it looks like a day care center and she has dubious feelings about this project and thinks it is profit motivated.

Sue Waber, Oak Knoll, said that when wanted to add on to her house, she received complaints about the additional three cars parked on their property.

Heidi Yodder, is in support of the project and stated that it is a viable alternative to families of the 1990's. This house has increased because it has been upgraded. This is definitely not a money making operation. The former owners had a small day care center.

John McGraw, Medway, does not object to day care and this is a mixed use neighborhood as well as a very tolerant neighborhood. However, his concerns are that the applicant does not know the laws. Regarding the parking variance, if a car is parked in the street, the street will be blocked. The Fire Department will need to inspect the garage. If the car is moved out of the driveway after 7:00 a.m. it will be moved on the street. Where will the other employee park? The neighborhood has been victimized on several occasions. He agreed that the curb appeal has definitely been increased. He objects to the fact that the operation opened without the appropriate approvals. His concern is the facility opened without asking the neighbors first. He questions also noise and parking.

Patrice Hickox, San Anselmo Avenue, felt that the San Anselmo approval at 1381 of the old Landsdale School site will also bring additional traffic. This project is after the fact and there are four other day care centers with up to 6 children in their neighborhood. There are no setbacks between them and the next door neighbors. This is a non resident owner. he also objects are to the commercial use in an already stressed out neighborhood.

Jeff Prior, 1561 San Anselmo Avenue, is opposed because of traffic congestion on San Anselmo Avenue. He objects to the noise and the use in a residential neighborhood. He spoke with the Ross Valley Fire Department and was under the impression that they would need additional fire exits. The use of the garage adjoins his garage and the garage is not correctly fire rated. This should be checked. Also, he has concerns about parking.

Bill Kearney, 12 Oak Knoll Avenue, explained that this is about fairness and protecting everyone. The State has an interest in child care. He felt the variance should be denied because of the parking problem and agrees with staff's findings. He felt the use should also be denied because it does not go with the appropriate setbacks, both the house and garage are non conforming. The garage abuts two properties and both of those neighbors object. The change of the garage into a residential use will bring more noise closer to the neighbors. The Town should deny the use permit, it is not in compliance with the fire code and noise level. Three of the surrounding neighbors work at home and need concentration. The grounds for denying the use are for fire, noise and zoning setbacks. He felt that this should be a day care of less than 6 children.

Andrea Hody is concerned about traffic.

Tamara Peters, 12 Oak Knoll, has owned their house for seven years and they did not know about the day care until the applicants had already purchased the property. They are in support of a small day care facility but is opposed to twelve children. She works out of her house and needs a lot of concentration for her work as a Management Consultant. She cannot use the backyard or the room closest to the garage (classroom) cannot be used because of the noise and therefore she encourages the Planning Commission to deny the use permit.

Ms. Krasowski stated that she has spoken to the Town Fire Marshall and felt she is in compliance with what she was told. Wheel chair access is not a requirement for this facility. Novato and San Rafael do permit a large family day care by right. She felt it very important that parents have a choice in the type of day care. There are 12 children there from 9 to 12, and 6 in the afternoon. She said there is such a need for day care facilities and they have a large waiting list. She did not understand there was a need for a use permit and is sorry if there was a misunderstanding between her and her neighbors. With regard to noise, the noise is greater in the house instead of the garage, because the floor is concrete in the garage. The children ride their toys in the front of the property but not in the courtyard.

Commissioner Julin asked about the site plan and the distance of the garage to the property line. Ms. Wight stated that the neighbors are correct and that it is closer to the neighbors.

Ms. Chaney verified to the Commission and the public that state law preempts local government and that this use can not be prohibited. A use permit is required however, to condition this project.

Commissioner Sargent said it is fairly clear on the use permit that it is a right by state law but wants to condition it to give the least impact. It is interesting that many of the people who are objecting run a business in their home. The questions are how to work with noise and traffic to make it a good situation in the neighborhood. Regarding the garage, he is disappointed that the drawing is incorrect in terms of the placement of the garage. He does not have accurate data on the garage and cannot make a decision on the variance.

Commissioner Ollinger agrees that at times parking is an issue in this neighborhood. While the street does bend in that area and is a little wider, but the street is very narrow. He agreed that it is difficult to make evaluations with incorrect drawings. He noted that sound proofing could be a consideration if they were to approve the garage. Regarding the setbacks, the building is legal, non conforming. He appreciates the special concerns of people who work at home because he does too. He would like to look at ways to mitigate the variance. He suggested play toys with rubber wheels, rather than plastic. He also suggested that the applicants come back with another proposal. Until then he is unable to approve the variance. He proposed adding the condition that carpooling should be encouraged and that pick up and drop off is minimized. He also considered a 6 month review time.

Commissioner Julin concurred with the other Commissioners. As she reads State Code, the only non conforming is for the variance. The solution that she felt would be the best would be to widen the driveway 5 1/2 feet. She would support the conversion of the garage and would agree that new drawings should be submitted. This is consistent with the noise ordinance. She is concerned about the distance from the property lines and would like those issues addressed.

Commissioner Harle felt that Commissioner Julin has expressed his view on this subject. He does not know if there is a law to place sound proofing on the garage but it would be a neighborly thing to do. He said there should be a parking plan proposed by the applicants prior to making a decision on the variance.

Commissioner Sargent would like to see the use permit approved and continue the variance until a proposal is presented.

Ms. Wight stated that there could be some conditions that do go with the use.

Ms. Wight wanted to add the condition that arrival and departure time shall be staggered. Ms. Krasowski indicated that might be difficult.

Commissioner Ollinger wondered about a six month review period. Ms. Chaney said that if there are concerns from the neighborhood, staff will hear about it, and staff to report to the Commission.

Commissioner Julin would rather staff be informed of problems than having the neighbors put notes in a suggestion box in front of the property.

M/S Sargent/Julin to approve U-9406 Terese Krasowski/Caroline Owens, 1549 San Anselmo Avenue, A/P 5-154-45, use permit for a large family day care (12 children) on property located within the R-1 Zoning District. Approval is granted on the grounds that the use complies with the zoning ordinance prescribing reasonable standards, restrictions, and requirements concerning spacing and concentration, traffic, control, parking, and noise control relating to such homes, and complies with the Fire Department regulations. Conditions are: 1. The use shall be conducted Monday through Thursday between 9:00 a.m. and 3:00 p.m.. 2. The number of children shall not exceed 12 children. 3. Outdoor hours shall not exceed 4 per day. 4. Drivers of the children shall be encouraged to park in front of the applicants' property. 5. Drivers of the children shall be encouraged to car pool. 6. The number of children shall not

exceed 6 children after 12:00 noon. Motion unanimously passed. Audience advised of the ten day appeal period.

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

Continuance to the variance for a mitigation plan for noise impact. M/S Julin/Ollinger to continue the variance to the meeting of November 21, 1994.

Motion unanimously passed.

4. V-9430 Peter and Toni Thompson, 26 Vineyard, A/P 7-265-13, a variance to construct a new carport that will be 4' from the front property line (20' required); 2) an addition on the east building wall 6'6" from the side property line (8' required); 3) a new deck 9'9" from the front property line (14' required); and 4) to exceed the 35% lot coverage by 320 square feet (4.2%) on property located within the (R-1) Zoning District.

The applicants were not present. Due to the lateness of the hour and the absence of the applicants the item was continued.

M/S Julin/Ollinger to continue this item to the meeting of November 21, 1994. Motion unanimously passed.

E. GENERAL DISCUSSION

There was none.

F. REPORT OF UPCOMING APPEALS TO TOWN COUNCIL

There was no discussion.

G. ADJOURNMENT TO NOVEMBER 21, 1994.

The regular meeting of the San Anselmo Planning Commission was adjourned at 11:40 p.m. to the next meeting on December 5, 1994.

BARBARA CHAMBERS