

TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES OF DECEMBER 19, 1994

The regular meeting of the San Anselmo Planning Commission was convened at 8:00 p.m. in the Council Chamber by Chairman Mihaly. Staff present was Planning Director Ann Chaney and Associate Planner Lisa Wight.

A. CALL TO ORDER

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

B. CONSENT

1. Minutes - December 5, 1994 - CONTINUED

2. V-9438/U-9408 - Jerome Draper, 29A San Anselmo Avenue, A/P 7-302-15, 1) a parking variance to establish 400 square feet of independent office space above Ceasers' Cyclery; and 2) a use permit to allow the establishment of a wine broker in this location, on property located within the C-3 Zoning District.

Ms. Chaney asked that the above item for 29A San Anselmo Avenue be continued to the meeting of January 9, 1995, to allow staff additional time to review the parking requirements. The Commission concurred.

D. OPEN TIME FOR PUBLIC DISCUSSION

E. PUBLIC HEARINGS

1. Michael and Linda Gill, a design review of a gate to be located across Oak Avenue near the driveway entrance to 555 Oak Avenue. The gate is proposed to incorporate pedestrian access. Also included for review are signs denoting trail use restrictions.

Scott Hochstrasser, the applicant's representative was present.

Ms. Chaney presented the staff report and also provided a letter from the Bald Hill Committee and the Open Space Committee. She stated that the Open Space did a site visit over the weekend and has further comments. The Bald Hill Committee did not like the lights on the posts. Lighting for the gate will be integrated into the posts and taken off the top. With regard to signage she stated there was consensus with the main sign - the location would be 20' from the main gate (sign #1) then the same sign will be where the pavement ends at Oak Avenue to Worn Springs Road. This sign will be double sided. The Committees did not feel another sign was warranted at the top. There will be a sign for bicyclists.

Commissioner Julin asked about the wording in the Development Agreement and the Settlement Agreement that talks about the signage and placement of the signs. Ms. Chaney read excerpts from the Agreements. All were in consensus that the location of the gate will be where it is except for Mr. Jacobson and he is requesting to relocate the fence 4 or 5 feet further up the hill. There are still items to be discussed about the type of gate. The Open Space Committee is asking for a rustic style gate, similar to that used in the open space areas; if that is not feasible, they suggest the wrought iron gate without the wood slats. They were in consensus with the type of material that was presented by staff. They would like to have the height lowered to 3.6'.

Commissioner Julin felt the drawings should be to scale to get an accurate idea of the gate.

Mr. Hochstrasser stated that the owners agree with most of the conditions by staff. The idea to post a warning to bicycles has not been discussed with Mr. Gill and he wondered why it was even needed if there is a 5 mile an hour speed limit posted. He said that the gate before the Commission is used as an access gate and it needs to be sturdy because it is motorized. The metal

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gate serves the purposes of the property owner and that is what he is requesting.

Commissioner Ollinger asked if the gate could be a two leaf gate. Mr. Hochstrasser said that was talked about but there would be a need for 2 motors and one would be in the way and block the pedestrian access.

Commissioner Israel wondered why the Commission is only getting a generic drawing of the gate if it should have a design review. The Commissioners discussed the need for accurate drawings at the last meeting.

Kathy Sanders, Open Space Committee, said that the Open Space Committee met over the weekend and had further comments after visiting the site. Therefore the last letter dated 12/17 are the final comments.

Chairman Mihaly said that this item is not ready for action because there are no accurate designs. Commissioner Julin also said that she wanted the wording on the location of the signs. Commissioner Hays wanted to discuss the type of fence.

Chairman Mihaly thought the consensus of "rustic" type fence is a ranch style gate. The Open Space people like that type fence the best. The Bald Hill Committee is divided on this matter. His suspicion is that the land owner would like a more upscale gate given the type of houses.

Commissioner Hayes favored the rustic gate. While he liked the ranch style he wanted a gate that could be encountered in open space land. He felt the principle purpose of the gate is for traffic and parking. He likes a motion detector on the gate at night. Constructing the lights in the post is a good idea. He would like to lower the gate from the 7' and would prefer the color as suggested by the Open Space Committee.

Commissioner Julin would prefer the more rustic gate.

Commissioner Ollinger said his concern is that the design comes out of a magazine and has not been designed. He can not visualize the gate without it being to scale. He did not want to see a gate that indicates estate land. Keeping light integral with the posts is favorable. Wrought iron and wood would deteriorate over time and become a maintenance problem. Wrought iron is less of a visual barrier. The colors supplied are fine.

Commissioner Israel could support either design but felt that there is no specific design before the Commission. He does not have any information on the light and how it illuminates. The high point of the gate should not exceed 6'. He generally supports that the middle of the gate should be lowered. He has mixed feelings about the motion detector because it could be more distracting.

Commissioner Ollinger said that the bicyclists should be warned somehow about the gate.

Ms. Chaney said that the gate manufacture stated the higher gate would protect a biker if they hit it rather than fly over it if it was lower.

Chairman Mihaly said he thought the colored wrought iron would look nice in the hillside based on the sample.

Jerome Draper supports a continuance to get accurate drawings and would appreciate dim lighting. He also felt that something should be done about signage now regarding the bicycles.

Commissioner Julin would like to see the wording in the Development Agreement and any accompanying exhibits if there are any.

There was a consensus on the location of the fence, but want to focus on the wording of the sign and the location of the sign and the light and design of the gate.

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M/S Hayes/Israel to continue Michael and Linda Gill, a design review of a gate to be located across Oak Avenue near the driveway entrance to 555 Oak Avenue. The gate is proposed to incorporate pedestrian access. Also included for review are signs denoting trail use restrictions. This is continued to the meeting of January 9, 1995. Motion unanimously passed.

2. V-9437 - Peter and Andrea Pannes, 14 Calumet, A/P 6-042-09, a 4.5' north side yard variance to construct first story additions within 3.5' of the north side property line (8' required), on property located within the R-1 Zoning District.

The applicants were present with their Architect Jim McDonald.

The consensus of the Commission was to approve the application without discussion and there was no public testimony.

M/S Israel/Julin to approve V-9437 - Peter and Andrea Pannes, 14 Calumet, A/P 6-042-09, a 4.5' north side yard variance to construct first story additions within 3.5' of the north side property line (8' required), on property located within the R-1 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 7,000 square foot lot is an average size for the neighborhood, as is its width, the lot is fairly level, and there are no unusual circumstances with the location nor the surroundings. It appears the extension was constructed after the original dwelling. There are other dwellings in the vicinity which are also constructed within the minimum side setbacks. There is no other logical place to make this minor kitchen expansion, nor the second bathroom addition. An interior alteration of the dwelling could avoid the variance necessity, but these small additions hardly warrant that extreme. Due to the small size of these additions, it would likely not be a grant of special privileges to allow these additions within the minimum setback. 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 detrimental to the public welfare or injurious to property or improvements in such neighborhood. The surrounding neighbors have signed their support for this project. The bathroom addition already has a roof covering, so the additional wall construction should not be noticeable to neighboring properties. The kitchen addition is only 6'5" wide, so its impact should also be negligible.

3. V-9439 - Peter Pioli, 76 The Alameda, A/P 5-102-27, a 2' north side yard variance and a 3' south side yard variance to construct first story additions within 6' of the north side property line and within 5' of the south side property line (8' required), on property located within the R-1 Zoning District.

The applicant and his architect Mr. Peck, were present.

Ms. Wight presented the staff report.

Mr. Peck explained that this is a small lot and many in this subdivision are quite small and substandard by today's standards. The addition could be extended to the rear, into the backyard or expanded to the second story. If the addition went up, it would impair the view of the neighbors. In his opinion the side setback variance is the least obtrusive by continuing the lines of the house.

Chairman Mihaly asked about notching the family room in by 2 feet and maybe going back one foot. Mr. Peck said that could work but would not be a good design.

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Mr. Pioli said he would not want to move the addition to the rear because the backyard is already very small and he wants to maximize the yard. They would like the family room large enough to have the children play in. They could live with the 2' notch but cutting back the bedroom would really be a burden. Mr. Pioli said he wanted to maintain the integrity of the house. The addition as proposed by staff would look like an add on.

Derek Wilson, 80 The Alameda, said there are 5, 50 'by 150' lots and many of the homes have substandard foundations and the cost would be very expensive to build up. The only place not usable on their lots is the sideyards and therefore it is a logical place to add on. These homes were built in the 1940 and are bungalow style.

Richard Arrietta, 72 The Alameda, is supporting the application and does not think his view would be blocked by the addition.

Kurt Housh, 75 The Alameda, would have his view impaired if there was a second story addition.

Leo Formulato, Contractor, said the roofing situation would not tie in property if done differently.

Commissioner Julin supports the application as submitted. Special circumstances are the location of the house relative to the front property line; the house is setback 41' which leaves a very small back yard and taking any more of the back yard then necessary is depriving the property owner of outdoor space.

Commissioner Ollinger said that the yard is very small and two feet in this particular case is acceptable given the special circumstances.

Commissioner Israel supports this application but understands why there should be a design review instead of variances. In this case a jog will not add any benefit to anyone. The roof structure would be impacted in a negative way and would be less integrated. The topography is a special circumstance because the hill goes up so steeply. Also, this is proposal is much better than a second story addition.

Commissioner Hayes supports the application and noted that this house was built during the 5' side yard setbacks. It would be worse to add a notch and the roof treatment would look added on.

Chairman Mihaly had nothing further to add.

M/S Julin/Israel, to approve V-9439 - Peter Pioli, 76 The Alameda, A/P 5-102-27, a 2' north side yard variance and a 3' south side yard variance to construct first story additions within 6' of the north side property line and within 5' of the south side property line (8' required), on property located within the R-1 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. Special circumstances are the topography of the property toward the rear which slopes up, the small size of the back yard related to the large front yard setback, and the house was constructed at the time the setbacks were 5 feet and this is just a continuation of that line. 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 detrimental to the public welfare or injurious to property or improvements in such neighborhood. The north rear wall of the neighboring property at No. 72 has windows that currently view the rear yard and distant trees and hills. The view from these windows will be reduced as a result of the bedroom addition. The neighboring property owners support the proposed additions. The family room addition will have no visual impact on the neighboring dwellings.

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

4. **Town of San Anselmo, Proposed Revision to the Ordinance for Maximum Development Size** to revise the floor area ratio (FAR) for residential properties above 150' mean sea level elevation thereby allowing deviation to the "Maximum Size of Dwellings" in Table 4E. (Note: 5,000 square feet maximum dwellings is the current threshold).

Ms. Chaney asked for a continuance because a negative declaration has not been filed. She noted that this item is before the Commission because the Town Council has asked staff to investigate how other communities handle the issue of floor area ratios. After investigation, staff has developed standards similar to Larkspur.

Commissioner Ollinger hoped staff was not considering adopting Larkspur's slope policy because it is very cumbersome, however he felt that the exception policy used by Larkspur is reasonable.

Commissioner Julin had no objection to the concept but wondered if some of the cases could be handled administratively.

Commissioner Hayes had no problem with the concept.

Chairman Mihaly said that it is so rare that the floor area ratio is exceeded that he wondered why time is being spent on this. He wondered if the exception rule could be used for the 5 extension of the plane?

Commissioner Israel stated he would not be flexible in going over the FAR but would be flexible in maximum house size.

Commissioner Hayes would like the Town Attorney's opinion on the legality of Larkspur's policy.

F. GENERAL DISCUSSION

1. Election of Chair and Vice Chair of the Planning Commission for 1995.

M/S Mihaly/Hayes to nominate Commissioner Israel as Chair.
Motion unanimously passed.

M/S Mihaly/Julin to nominate Commissioner Sargent as Vice Chair with Chairman Israel to contact Sargent about the proposed appointment. A vote will be taken at the next meeting on this item. All Ayes.

January 23, 1995 Planning Commission Workshop - Proposed Agenda

Commissioner Julin would like Planning issues to include updating the General Plan and Zoning Map, current home occupations, recycling, Economic development to the Countywide Plan and second units.

Commissioner Israel requested input from staff on suggestions of exceptions/vs variances.

G. REPORT OF UPCOMING APPEALS TO TOWN COUNCIL

H. ADJOURNMENT TO JANUARY 9, 1995

The regular meeting of the Planning Commission was convened at 10:35 p.m. to the next meeting on January 9, 1995

BARBARA CHAMBERS