

**TOWN OF SAN ANSELMO  
PLANNING COMMISSION MINUTES FOR AUGUST 21, 1995**

The regular Planning Commission meeting was convened at 8:00 p.m. in the Council Chamber by Chairman Israel. Staff present was Associate Planner Lisa Wight and Planning Consultant Delvin Washington.

**A. CALL TO ORDER**

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

**B. CONSENT**

1. Minutes - August 7, 1995
2. DR-9517 - Wild Oats Market, 222 Greenfield Avenue, A/P 6-173-16, design review of a 63 square foot enclosure on the front wall of the building, on property located within the C-3 Zoning District.
3. V-9533 - John and Joann Cassidy, 1623 San Anselmo Avenue, A/P 5-153-15, an After-The-Fact variance to allow a porch roof 4' from the side property line (8' required), for property located within the R-1 Zoning District.

M/S Harle/Sargent to continue B1 to the meeting of September 5, 1995. Motion unanimously passed.

M/S Sargent/Ollinger, to approve B 2 and 3. Motion unanimously passed. Audience advised of the ten day appeal period.

**OPEN TIME FOR PUBLIC DISCUSSION**

There was none.

**C. PUBLIC HEARINGS - CONTINUED**

1. U-9504/Environmental Review - Tom and Lilka Areton, 104-106 Butterfield Road, ., APN's 5-072-17 and 5-072-18, A use permit and environmental review to allow Cultural Homestay International, a non-profit social service institution, to operate on property located within the R-1 Zoning District. **CONTINUED TO THE MEETING OF SEPTEMBER 5, 1995**

2. Shelagh Kew Barker, for 1100, 1104, 1108, 1112, 1116, 1120 and 1124 Sir Francis Drake Boulevard, APN's 6-031-07, 6-031-08, 6-031-09, 6-031-10, 6-031-11, 6-031-12, and 6-031-13, 1) Environmental review; 2) General Plan Map Amendment: to change the classification for these properties from Single Family: 1-6 units per acre to Medium Density: 6-12 units per acre; 3) Rezoning to change the classification from R-1 (Single Family Residential) to R-2 (Two Family Residential); and 4) Zoning Ordinance Amendment to Table 4A, Footnote 4: to delete the reference to R-2 as follows: "The minimum lot area for all newly created R-2 (strike R-2 out), R-3, and P lots shall be as described in this table. No allowance for rounding up shall be granted for the last lot in a subdivision, which only partially meets the lot area requirement." **CONTINUED TO THE MEETING OF SEPTEMBER 5, 1995.**

3. U-9506/DR-9512/V-9527 - Warren Perry, 100 and 120 Sir Francis Drake Boulevard, APN's 6-241-01 and 6-241-02, 1) Design Review; 2) Use Permit, and 3) 14 space Parking Variance (24 spaces required; 10 provided on-site; 13 shared with adjacent use) to construct a 10,320 sq. ft., 22'6" tall, warehouse storage facility (4,950 sq. ft. existing - formerly Crocker Bank building) on property located within the C-3 (General Commercial) Zoning District. **CONTINUED TO THE MEETING OF SEPTEMBER 5, 1995**

**D. PUBLIC HEARINGS**

2. DR-9516/Environmental Review - Sarita Patel for George Lucas, 133 Essex, A/P 6-121-21 and 6-161-01, Environmental review of a development project for a single family dwelling (including a tennis court, retaining walls, grading, alteration of a ravine to a meadow, a bridge over Ancho Vista Avenue) on property located within the R-1 Zoning District.

Taken out of order.

Chairman Israel turned the chair over to Vice Chair Sargent and stated he will abstain for this item.

Ms. Wight presented the staff report and noted that although the staff report includes regrading of Ancho Vista, this is no longer a proposal at this time. She also stated that today she received a biologist report from LSA regarding animal and plant life but has not had time to evaluate it.

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Doug Ferguson, Attorney, stated that they have also submitted a geology, biology and hydrology reports as well as their own environmental checklist.

Patrick Whistler, Baronian Associates, explained the project from a landscaping standpoint. He explained that the applicant wished to install a tennis court, guest house, drainage system as well as a bridge..

Commissioner Harle asked about the entrance of the culvert because it will be located close to the neighboring property. Mr. Whistler said there are existing trees and there will be screening of the retaining walls.

Mr. Ferguson stated that they do not need to regrade Ancho Vista and will propose the bridge to be 8' in width, not 6' in width and will discuss that in detail during the design review hearing. With respect to the staff checklist, they suggest that Item 18 should be "No". The aesthetic impact is almost negligible. With respect to the mitigation's, his comments are as follows: Number 1: They have no concern, only a question of timing. Number 3: They take issue with the "hydrology of the ravine" and feel they can tune it so it is essentially as it is today or change it. Number 13d: The streets in question for trucks to use would be Ancho Vista and Sequoia, not just Ancho Vista. Also, Redwood Road should be omitted and Sequoia, Essex and Ancho Vista should be included as part of the video. Number 18: The bottom of the road need only be 13'8" as suggested by the Fire Marshall.

Craig Herzog, Geotechnical Engineer, gave an overview of the report that was prepared on this site.

Larry Doyle, Civil Engineer, addressed the drainage course. The water exits the property into a 24" culvert. This is not adequate. The culvert does ultimately run into a 14" catch basin on Miracle Mile. In 1976 a study was done and it advised that a 32" pipe should be enlarged from the 24" pipe. They feel a 36" pipe is required because they no longer use 32" pipes.

Commissioner Ollinger said that because of the over flow problem he asked if there could be some feature that can be retained on the property. Mr. Doyle said it might be difficult to move the water up to the meadow area.

Mr. Doyle explained that they are decreasing runoff. They will have better absorption rate on the flat land. They will raise the head wall which will move the water faster through the pipe. He said there is too much water coming out of the 24" pipe for retention at this point.

Mr. Ferguson said the 24" pipe is under the apartment house and they are unable to be removed.

Commissioner Ollinger asked about the amount of fill. Ms. Wight said that has been discussed in Mitigation Measure 13. Mr. Whistler stated there will be traffic controls and they will be providing a road bond. They anticipate 2 to 3 weeks to bring in the fill. Commissioner Ollinger said there should be some very clear guidelines and hours of operation.

Phil Baradat, 24 through 31 Buena Vista, said that when the old house was demolished the water course was changed. There seems to be a spring now that drains as well and rock and debris that run off the site and onto the parking lot. There is a tremendous amount of water coming down in the roadway in the vicinity of the two gates and as it rounds the bend it sheets down the road. Mr. Herzog said that problem can be mitigated by a sub drain. Mr. Whistler said they will be able to mitigate the concerns of Mr. Baradat.

James Kilty, 60 Essex, is also concerned about the flooding. The removal of the eucalyptus will also create a problem this winter because the roots have been removed and there is nothing holding up the hillside. In addition he is concerned about traffic. Essex is currently overloaded. He wondered if there could be an entry on Essex and an exit from Sequoia. He was also concerned about pavement. He would also like to see the roadway paved from the applicant's south gate to Essex.

Doug Milty, 43 Millbrae Avenue, would appreciate some assurance that there will be no mud problems and no soil collapse.

David Mars, 117 Sequoia, questioned the height of the retaining wall by the grate. Mr. Whistler said the retaining wall will be 13' at this point. M. Mars was concerned that the chain link fence not be closed for animals to be able to pass through and wanted assurance that animals could pass through in the future. He would like an environmental statement made about this ravine because it is one of the few remaining in the area. Essex is used as a path to Red Hill and could be seen as a prescriptive easement. The area now has native plants and the plan is to provide for redwoods and other plants that demand more irrigation. With trees being removed there will be an increased noise level. He would also like to see larger than 15 gallon trees.

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Rodney Stock, 15 Cypress, was concerned about the traffic and noise and has experienced two projects already by Mr. Lucas. He feels the trucks will be a severe impediment. The beeping of the trucks backing up are also quite noisy. He said that damage was done to Sequoia since the repaving and Mr. Lucas should repave it again.

Betsy Matson, 19 Roger, was concerned about the bridge and did not want the area to become a compound.

Allen Wulzen, 55 Sequoia, thought the construction trucks would use Essex and had no objection to that. They have lived for several years with Mr. Lucas' various projects. He sees this project as a benefit to Mr. Lucas but a detriment to the neighborhood that excludes the neighbors. He really doesn't want to go through another construction project in the neighborhood for Mr. Lucas.

Kay Feallock, 60 Sequoia, was concerned about the amount of construction that will take place.

Chisty Martin 7 Coogan, was concerned about the nutrients in the soil and the run off.

Ralph Hendircks, 104 Sequoia, was in support of the project.

Karen Mars, 117 Sequoia, said that the bridge and the wall have created an aesthetic change.

Katie Hogan, 20 Park Way, asked if Mr. Lucas owned Ancho Vista. Ms. Wight said that Ancho Vista is a Town Street.

Lester Ng, 141 Sequoia Drive, concurs with his neighbors. If the trucks were rerouted past Coogan he would be opposed to that because he just had it repaved.

Mr. Ferguson said Ancho Vista is not a dedicated public roadway, it is a subdivision roadway easement. Ms. Wight concurred.

Mr. Whistler spoke about the erosion control. They will be preparing an erosion control plan and a proposal to Fish and Game. The 18' retaining wall will be at the extreme foot of the channel. They will propose a drought tolerant grass for the meadow that will be low in maintenance.

Commissioner Harle said that he believes he could approve the environmental review checklist with significant mitigation measures. He is worried about the pipe intake considering the rest of the system. If the entrance to the property is used it should be paved. He would also like some accommodation to the 14" pipe. Ms Wight had hoped there would be negotiations with the Town and the applicant about the culvert.

Commissioner Ollinger stated there should be a construction plan because of the impact on the neighbors with regard to times of operation, noise, dust and traffic. He is also concerned about the black vinyl fence. He wanted to know what kind of material will be used for the crib wall. He would like the plants to be drought tolerant (examples can be taken from MMWD) as well as the kind of drip irrigation system. He still would like to see a water feature to control the water on site.

Commissioner Harle wondered whose responsibility it was to keep the trash collector cleaned? Access to that would be primarily through Mr. Mars property but does not see it as his problem to maintain.

Commissioner Sargent said it is difficult to separate the design issues from the environmental issues. He is very concerned about the impact on the neighborhood and those issues will come out during the design stages. He would like a very strong statement as to why there is a need for the number of retaining walls. He feels the drainage issue needs to be vigorously addressed as well as the truck routes. The issue about phosphates and chemicals used on site should also be addressed.

Commissioner Ollinger stated just because the negative declaration is approved does not mean the project is approved. He said he is not ready to approve the negative declaration until some of the concerns have been addressed.

Ms. Wight recommended that the wording be cleaned up and issues about drainage are still to be resolved. The construction management plan, the timing of the plant growth and other issues should be resolved prior to the next meeting. She said this could be continued and heard along with the design review.

Mr. Ferguson concurs with staff.

M/S Ollinger/Harle, to continue DR-9516/Environmental Review - Sarita Patel for George Lucas, 133 Essex, A/P 6-121-21 and 6-161-01 ,

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Environmental review of a development project for a single family dwelling (including a tennis court, retaining walls, grading, alteration of a ravine to a meadow, a bridge over Ancho Vista Avenue) on property located within the R-1 Zoning District. This is continued to the meeting of September 5, 1995.

Commissioner Harle said he concurs with a continuance but wanted to state that he will be able to approve with mitigations. Commissioner Sargent concurred.

Ayes: Harle, Sargent, Ollinger

Abstain: Israel

Motion carried. Meeting continued to September 5, 1995.

1. V-9531/DR-9515 - Lori and Tony Wright, 427 Scenic Avenue, A/P 7-032-06, a design review and variance request for parking (2 provided, 3 required) and to construct an addition on an existing single family residence that will exceed the maximum Floor Area Ratio (F.A.R.) by 445 square feet (1855 maximum), on property located within the R-1 Zoning District.

The applicant was present.

Mr. Washington presented the staff report.

Commissioner Sargent asked if the need for seismic upgrading would require the configuration of the addition. Mr. Washington stated that might be a possibility.

Chairman Israel asked if the road was widened would there be room for additional on street parking. Mr. Washington said that the Public Works Director may grant an easement.

Mr. Wright indicated they often park up to four cars in the driveway. He explained his proposal. They could live within the FAR but it does not fit with the current structure and would look weird. He also noted that there are other three story house in the neighborhood, specifically 231 Scenic and 215 Scenic.

Commissioner Sargent stated that in this particular case, because of the seismic and structural considerations he would favor approving this application for FAR.

Commissioner Ollinger could not find a reason to support the FAR. He did not feel the seismic upgrade should warrant the FAR. He can understand the need to expand but is unable to make the findings.

Commissioner Harle said the main justification for the FAR is bulk and size. This building obviously will not go against the FAR rules. Precedent has already been set with the next door neighbor and others in the neighborhood because of the small lots and the need to build up. This construction will not violate the principals under which the FAR was put into place.

Chairman Israel said this is a desirable improvement to the house and a good example as to why the FAR doesn't work. If this is granted he wanted to make it specific to this project so others in the neighborhood would not feel they could also be granted an FAR variance. There is no detriment and is consistent with what was in the minds in creating the FAR requirement. This is an excellent way for the applicant to add on to this house and be of little impact to the surrounding neighbors.

M/S Harle/Sargent, to approve V-9531/DR-9515 - Lori and Tony Wright, 427 Scenic Avenue, A/P 7-032-06, a design review and variance request for parking (2 provided, 3 required) and to construct an addition on an existing single family residence that will exceed the maximum Floor Area Ratio (F.A.R.) by 445 square feet (1855 maximum), on property located within the R-1 Zoning District. This approval is based on the following findings:

Variance:

1. Due to special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the controlling zoning ordinance or regulation deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classifications, and the granting of a variance will not constitute a grant special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated. This property has an extreme grade differential from the street to the base of the structure and throughout the entire parcel. It would be extremely difficult to design a parking area on this site that conformed with all of the required setbacks for this district. Many of the existing houses in this neighborhood have similar sized parking decks. Furthermore, it is possible that the third vehicle could be parking on the deck, however, depending on the size of the vehicle sections could project into the right-of-way. With regard to Floor Area, this is this in an area of very small lots, and the house will be screened with vegetation and the lower floors are building inflow and do not

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add to the appearance of the building and an infill of the structure. 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 or the applicant and will not be detrimental to the public welfare or injurious to property or improvements in such neighborhood. The approval of a parking variance to allow an additional bedroom to be constructed on this property will not create any major detrimental impacts on this or neighboring properties. This house is developed with an existing open parking deck that can easily accommodate two vehicles. Most of the existing houses in this area with parking variances have two off street parking spaces.

**Design Review:**

1. *Is functionally and aesthetically compatible with the existing improvements and the natural elements in the surrounding area.* The house design will not be radically changed from the existing residence nor will it appear substantially larger than other residences developed near this property. 2. *Provides for protection against noise, odors, and other factors which may make the environment less desirable.* No unusually high levels of noise or odors will result from the development of this addition. The property is residential and will be used in a similar manner as other properties in this neighborhood. 3. *Will not tend to cause the surrounding area to depreciate materially in appearance or value or otherwise discourage occupancy.* This proposed addition will not cause depreciation problems for neighboring residences. The improvements on this residence should cause an appreciation of property values for adjacent residents because of the quality of the development. 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.* The expansion of this residence will not result in additional vehicular trips except during construction. 5. *Will not adversely affect the health or safety of persons using the improvement or endanger property located in the surrounding area.* This project will be subject to all of the necessary review safeguards required for constructing an addition in San Anselmo. 6. *Conformance to the approved precise development plans.* A precise development plan is not required for a property in the R-1 Zoning District. 7. *Adequacy of Screening.* The addition will be virtually hidden from neighboring properties. 8. *Selection of architectural features that enable the structure to blend with its environment.* The proposed exterior materials that will be used on this residence are similar to materials used on existing residence in San Anselmo. **Conditions of Approval:** 1. That if this development which has received discretionary approval has not begun within one year from the date of the final action, the permit shall become null and void. However, this discretionary action may be renewed by the Planning Director for a maximum period of one year provided the applicant places such request in writing to the Director showing good cause prior to the expiration of the discretionary action. 2. This is approved based on the plans Date Stamped Town of San Anselmo dated 6/1/95.

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

3. DR-9518/V-9532 - James Harral, 66 Sais, A/P 6-072-24, a design review, parking variance and variance request to construct a third story and encroach 1' into the required 8' side yard, on property located within the R-1 Zoning.

The applicant was present.

Mr. Washington presented the staff report noting that they will require a parking variance.

Mr. Harral explained the house was built by his father about 65 years ago. The current configuration of the house is not adequate for his current needs. By removing the attic, three of the elevations will be reduced. He took photographs in the neighborhood of homes that appear to have third stories. Currently the ground floor is dark and damp.

Commissioner Ollinger had no problem with this project stating that it is the oddity of the landscape.

Commissioner Harle supported the application especially in light of the fact there are many other homes in the neighborhood that are similar. The addition is relatively minor and only 4' higher than what currently exists.

Commissioner Sargent concurred with the other commissioners and noted that there has been no objection from the neighbors.

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Chairman Israel said this house is different than the other three story houses in the neighborhood because they don't play the third story. He felt the addition will have a significant negative impact to the neighbor to the rear even though the neighbor is in support of the addition. Putting some of the addition below and not putting so much bulk would be preferable. Even though the house is being pushed back it will create a lot of bulk. The addition does not feel as though it is an integral part of the house.

Brad Tardy, 65 Sais, supported the project

M/S Harle/Sargent, to approve V-9532 - James Harral, 66 Sais, A/P 6-072-24, a variance request to construct a third story and encroach 1' into the required 8' side yard, on property located within the R-1 Zoning. 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 such property of privileges enjoyed by other property in the vicinity and under identical zoning classifications, and the granting of a 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 neighborhood is an old established neighborhood that has grown in the absence of present third story condition; there are a number of 3 story houses in the neighborhood and under those circumstances would deprive this owner of privileges enjoyed by his neighbors. 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 or the applicant and will not be detrimental to the public welfare or injurious to property or improvements in such neighborhood. The variance will not create a detriment and the set back clearances are ample to allow privacy and light and air for neighbors.*

Mr. Washington said that the applicant meets the parking requirements with the garage door left open and therefore did not require a parking variance.

Ayes: Harle, Sargent, Ollinger

Noes: Israel

Motion carried. Audience advised of the ten day appeal period.

M/S Harle/Sargent, to direct staff to process DR-9518 James Harral, 66 Sais, A/P 6-072-24 on an administrative level because it is a design review for the flatlands and the findings are different than the typical design review.

All ayes. Motion unanimously carried.

**E. GENERAL DISCUSSION**

Robert Levy, 65 Sequoia Drive said he just arrived back into town from vacation and wanted to know the disposition of the application for 133 Essex. Chairman Israel indicated that the project had been continued and suggested that he contact staff with questions.

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

There was no discussion.

**G. ADJOURNMENT TO September 5, 1995**

The regular meeting was adjourned at 11:15 p.m. to the next special meeting on September 5, 1995.

**BARBARA CHAMBERS**