

TOWN OF SAN ANSELMO  
PLANNING COMMISSION MINUTES FOR MAY 15, 1995

TOWN OF SAN ANSELMO  
PLANNING COMMISSION MINUTES FOR MAY 15, 1995

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

A. CALL TO ORDER

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

B. CONSENT

1. Minutes - May 1, 1995

2. V-9503 - Kevin and Laura Shea, 14 Rowland Court, A/P 7-112-22, 1) an 11' front yard variance, a 7' east side yard variance, a 3' west side yard variance, and a 14' rear yard variance to reconstruct a dwelling within 9' of the front property line, 1' of the east side property line, 5' of the west side property line, and 6' of the rear property line. ALTERNATIVE: 1) A 12' front yard variance, 5' east and west side yard variances, and a 13' rear yard variance to reconstruct a dwelling within 8' of the front property line, within 3' of the east and west side property lines; and within 7' of the rear property line; 2) A lot coverage variance for the dwelling to cover 38 percent of the lot; 3) A driveway variance to access this property via the adjacent driveway on 41 Laurel Avenue; 4) A parking variance to have only one on-site parking space; 5) a parking size variance to have the one parking space measure 8' in width by 18' in length; and 6) 20' front yard, 8' east side yard, and 8' west side yard setback variances to provide one parking space within 0' of the front, east side, and west side property lines, on property located within the R-1 Zoning District.

3. V-9512 - Ronnie Bogart, 6 West Hillside, A/P 6-171-08, a variance request to re-construct and expand an open deck. The deck will be located 0' from the front property line (14' is required), on property located within the R-1 Zoning District.

4. DR-9506/U-9503 - Julian Braskamp, 718 San Anselmo Avenue, A/P 6-102-37, a Use Permit and Design Review for an "outdoor sales" flower stand to be located in the area between Noodle Soup and the New Moon Cafe, on property located within the C-2 Zoning District.

A member of the audience asked that Item 4 be taken off the Consent.

Ms. Chaney noted that a tree will be removed at 6 West Hillside although it was not listed in the staff report.

M/S Hayes/Julin, to approve B1-3 and to take B4 off the Consent and place on the public hearing.

Conditions are as follows:

14 Rowland Court

A deed restriction to be recorded with the County of Marin for the driveway access to 14 Rowland Court to be across 41 Laurel Avenue in perpetuity.

6 West Hillside Avenue

One tree is to be removed.

Ayes: Julin, Hayes, Sargent

Abstain: Ollinger for Item B2

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

C. OPEN TIME FOR PUBLIC DISCUSSION

Susan Fritz, 139 Humboldt, wanted to advise the Commission that Norman Charles the owner of 137 Humboldt has removed and significantly pruned unauthorized trees. She has lost her privacy. She would like him to record in the deed that the rest of the trees should be protected and also asked that \$1,200 to \$1,500 be paid to her by Mr. Charles to replace trees. She put her faith in the Town and the many public hearings that the Town would take what ever measures were necessary to protect the trees.

Ms. Chaney said that it is her understanding that Mr. Charles was willing to provide some monetary compensation to Ms. Fritz for additional plantings. Ms. Chaney stated that her conversation to Mr. Charles in April was that it was the intent of the Planning Commission that the trees remaining at 137 Humboldt are not to be removed except for reasons of disease, and the need to maintain fire and human safety.

Ms. Fritz added that Mr. Charles built a fireplace and chimney right in the middle of a cluster of bays and now the Fire Department may require the trees to be removed because of fire safety. Ms. Chaney said that staff has learned from this situation and that for future applications the Fire Department must be involved.

TOWN OF SAN ANSELMO  
PLANNING COMMISSION MINUTES FOR MAY 15, 1995

Commissioner Hayes said that if any of the non detriment items have been tampered with he would strongly like staff to reiterate this to Mr. Charles and if that cannot be resolved then it should be reagendaized.

Commissioner Ollinger said that if any of the findings have been violated the Town could pursue the issue.

The consensus was that staff continue to work with the neighbor and Mr. Charles to resolve this issue.

**D. PUBLIC HEARINGS - CONTINUED**

1. Environmental Review/GPA-9501/Z-9501/Zoning Ordinance Amendment to Table 4A -Shelagh Kew Barker, for 1100, 1104,1108, 1112,1116,1120 and 1124 Sir Francis Drake Blvd, 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."

Staff requested that this application was continued to the meeting of June 5, 1995.

**E. PUBIC HEARINGS**

1. V-9511 - Kevin and Laura Shea, 41 Laurel Avenue, A/P 7-112-21, a parking variance to alter the existing legal on-site parking of two (2): side-by-side clear, 9' by 19' parking spaces in order to provide substandard on-site parking of two (2): tandem, 9' by 19" parking spaces (as a result of lengthening the driveway and assigning one (1) of the clear parking spaces on No. 41 and one (1) tandem driveway space on No. 41 to No. 14 Rowland Court). WITHDRAWN

2. DR-9506/U-9503 - Julian Braskamp, 718 San Anselmo Avenue, A/P 6-102-37, a Use Permit and Design Review for an "outdoor sales" flower stand to be located in the area between Noodle Soup and the New Moon Cafe, on property located within the C-2 Zoning District.

The applicant was present.

Ms. Chaney presented the staff report.

Helen Gregory, Bloom Works, opposes the flower stand because she feels that there are too many flower and plan stores in town. She said it is very difficult to make a living in the Town of San Anselmo. She felt this will have a detrimental impact on her business.

Francina Stanton, Earthly Delights, 701 San Anselmo Avenue, is opposing the use and also indicated that the flower stand does block the walkway. It was her understanding that Noodle Soup and New Moon Cafe were going to put in trees, shrubbery and benches in that area. She is afraid that this street use will bring more street vendors.

Julian Braskamp stated that she will not block the walkway. She said that there is plenty of room for several flower shops in Marin.

Commissioner Ollinger said it is not the Commission's job to restrict the number of flower shop uses in San Anselmo. He does like the idea of the flower stand and if it is done tastefully he is in support of it. He does not see a reason not to support this. Perhaps there should be a six month trial period to see what the impacts are.

Commissioner Julin said all the findings can be made for design review and the use permit. The Commission does not have the authority to say there are too many flower stores.

Commissioner Hayes is not in the position to decide if this a good business however, he does have concerns as to where the stand will be placed. He is concerned about having the stand perpendicular to the walkway. He does not want to impede the flow of traffic and is also not clear on the hours of operation.

Commissioner Sargent supports the application and thought it would add color to the downtown area. He advocates more than one vendor for each business. He would advocate the Town having guidelines as to where vendors can operate. He would like to approve this with the option to review in six months.

M/S Julin/Ollinger, to approve DR-9506/U-9503 - Julian Braskamp, 718 San Anselmo Avenue, A/P 6-102-37, a Use Permit and Design Review for an "outdoor sales" flower stand to be located in the area between Noodle Soup and the New Moon Cafe, on property located within the C-2 Zoning District. 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:* The flower cart will

TOWN OF SAN ANSELMO  
PLANNING COMMISSION MINUTES FOR MAY 15, 1995

complement the surrounding retail buildings and will not be out of scale with neighboring structures. 2. *Provides for protection against noise, odors, and other factors which may make the environment less desirable:* This structure will improve the ambiance of downtown San Anselmo and will not have any detrimental impacts on neighboring businesses. 3. *Will not tend to cause the surrounding area to depreciate materially in appearance or value or otherwise discourage occupancy investment, or orderly development in such area:* The flower cart will not have any negative impacts on adjacent buildings, nor will it discourage other commercial tenants from occupying neighboring spaces if they were available. 4. *Will not create unnecessary traffic hazards due to congestion, distraction of motorists, or other factors and provides for satisfaction access by emergency vehicles and personnel;* and This activity will have no impacts on current traffic levels in San Anselmo. 5. *Will not adversely affect the health or safety of persons using the improvement or endanger property located in the surrounding area.* The proposed flower cart, will not cause any health and safety problems on neighboring commercial buildings or shoppers in the downtown. **Use Permit:** 1. *The establishment, maintenance, or operation of the use will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of the proposed use, or be detrimental or injurious to property or improvements in the neighborhood or to the general welfare of the Town.* This proposed use will not result in any detriment to the community. The introduction of an open sales facility, located on private property in the downtown area will complement and improve the overall downtown ambiance of San Anselmo. **Conditions of Approval:** 1. The applicant shall meet with the Planning Director as to the exact location of the card. This business shall also be located so as not to block the windows of other businesses. 2. 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 placed such request in writing to the director showing good cause prior to the expiration of the discretionary action. 3. That this application is to be reviewed by staff after six to see if there have been complaints or if the use is working.

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

3. 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 presented the staff report.

Commissioner Julin stated that Larkspur has adopted Option Number 3 and they also have required findings that offer protection.

Commissioner Ollinger indicated that he has had experience with two different projects in Larkspur. He said that their slope policy is very restrictive and that may be why the exception to the slope policy was created. In summary, the rationale used in Larkspur is different than the intent in San Anselmo. He does not want to create a policy that is over restrictive and time-consuming.

Commissioner Hayes is inclined to go with staff's recommendation. He does not think Option 1 would work and is not inclined to go with Option 3. He would also like to include in the preamble of the Ordinance the findings. Also, in Table 4E, Option #2, add footnotes 3 and 4.

Commissioner Ollinger did not support Option 1 and does support Option 3. He thought Option 2 was a reasonable way to be flexible with existing houses.

Commissioner Sargent stated that the differential of 10% is subject to design review but that there should be some wording that specifies that an existing house that exceeds the table plus the 10% is subject to the variance process.

Commissioner Julin is inclined to leave the Ordinance as it originally stands. None of these suggestions really solve the dilemmas that she has had. Her difficulty is not being able to make the special circumstances when the project seems very reasonable. She thinks size limit is the most critical in the Town and therefore restrictions should be left on it. She does not think that the Town should rely on landscape. There will always be a few exceptions that the Code will not be able to identify. She would rather work with the findings and be creative. If the Commission should go with Option 2, she would like it to be for additions only, not new homes.

Commissioner Sargent is for Option 2. The way the Table was developed was arbitrary. Within old existing houses, many floor plans are laid out awkwardly. Also, it should apply to additions, not new houses.

Commissioner Hayes said that Option 2 is stripping away the special circumstances. Also, in footnote #4, would suggest the design review of the entire addition, rather than just that 10%.

M/S Hayes/Ollinger, to continue to the meeting of June 5, 1995, to be placed on the consent and staff to prepare a resolution for Option 2.

TOWN OF SAN ANSELMO  
PLANNING COMMISSION MINUTES FOR MAY 15, 1995

All Ayes.

Commissioner Julin likes Larkspur's approach although she does not want a process that would be burdensome to the applicant. That seemed to be the best solution.

Commissioner Sargent said that Option 2 for the Ordinance for maximum development size is a compromise because it is his understanding that that there is some opposition that there not be a cap at all.

4. V-9513/DR-9507 - Ruthanne and Dixon Long, 123 Sturdivant, A/P 6-231-32, for: 1) a side yard variance to reconstruct and enlarge a two car garage within 5' of the property line (8' required); 2) a variance to exceed the maximum dwelling unit size (FAR) for this lot; and 3) Design Review for the two story garage structure, on property located within the R-1 Zoning District.

Ms. Chaney presented the staff report.

The consensus of the Commission was to support this project.

M/S Julin/Ollinger to approve V-9513/DR-9507 - Ruthanne and Dixon Long, 123 Sturdivant, A/P 6-231-32, for: 1) a side yard variance to reconstruct and enlarge a two car garage within 5' of the property line (8' required); 2) a variance to exceed the maximum dwelling unit size (FAR) for this lot; and 3) Design Review for the two story garage structure, on property located within the R-1 Zoning District. *Findings of Fact: Side Yard 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 regulations deprives such property of privileges enjoyed by other property in the vicinity and under an identical zoning classification, and the granting of a variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity any zone in which such property is situated.* Staff is able to support the side yard variance request for a number of reasons. Providing adequate parking in the hillside areas is critical from a traffic, circulation, and safety standpoint. In this instance, the property is steeply sloping and the alternatives of locating the parking elsewhere are minimal. The only option here, to eliminate the need for a variance, is to locate the garage three feet further to the west. The applicants wish to retain an existing Magnolia tree which would have to be removed in order to meet the setback. In addition, the proposed location of the garage will enable additional parking to be provided in a non-tandem configuration. Because the proposed structure angles away from the adjoining property line, it is 5' at the nearest point and then tapers to 8'. This is less impacting than the existing structure which is 4' from the side property line. At no point is the proposed structure closer than 10' from the neighboring structure. In addition, the portion of new structure encroaching into the setback area is about 66 square feet over two floors, as compared with 115 square feet for the existing structure. In summary, staff is able to support this request due to the topographic constraints of this lot which limit alternative parking locations, the minor amount of actual floor area encroaching into the setback, and the fact that the addition remains at least 10 feet from the adjoining house. *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 new garage structure will not materially affect adversely, the health or safety of people in the neighborhood in that adequate off street parking in the hillsides is critical in helping ensure adequate emergency vehicle access and traffic circulation. While the structure will be larger than the existing structure, that portion which is in the setbacks will be one foot further away from the side property line, therefore reducing the current encroachment. *Variance to the Maximum Dwelling size: 1. 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 regulations deprives such property of privileges enjoyed by other property in the vicinity and under an identical zoning classification, and the granting of a variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity any zone in which such property is situated.* The addition will not be materially visible offsite due to existing landscaping, the location of the building, use of natural materials, and the architectural design. *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.* An increase in the FAR for this site by 351 square feet will not materially affect adversely the health or safety of persons in the neighborhood. The addition involves the replacement of an existing garage structure. While the structure will be larger, the view from downslope will not be radically different in scale from the current structure. In addition, the site contains numerous oaks and bays which will screen the project from surrounding properties. It should be noted that the subject applicants own the adjoining property. Thus, for view purposes, all properties owned by the subject applicants were considered as one. *Design Review: 1. Is functionally and aesthetically compatible with the existing improvements and the natural elements in the surrounding area:* This proposed structure is similar in character and scale with the majority of other homes in this area. Thus the new building will be functionally and aesthetically compatible with existing improvements. *2. Provides for protection against noise, odors, and other factors which may make the environment less desirable:* The proposed garage structure will not have any major long term

TOWN OF SAN ANSELMO  
PLANNING COMMISSION MINUTES FOR MAY 15, 1995

detrimental impacts on the environment. Construction activities will result in short term noise impacts. However, the use of this structure as a garage, storage, and gardening space will not have long term detrimental impacts. 3. *Will not tend to cause the surrounding area to depreciate materially in appearance or value or otherwise discourage occupancy investment, or orderly development in such area:* The proposed structure will not cause the depreciation of property values in the surrounding area. The design of this building will in fact be an improvement over the existing structure. 4. *Will not create unnecessary traffic hazards due to congestion, distraction of motorists, or other factors and provides for satisfaction access by emergency vehicles and personnel;* and The use of this parcel will not be changed from the current single family residential use. Thus, no additional traffic is anticipated. 5. *Will not adversely affect the health or safety of persons using the improvement or endanger property located in the surrounding area.* The proposed building will conform with all established codes associated with the construction of a residential garage. These standards have been adopted to ensure that all new development will not create any adverse or hazardous conditions during construction and after completion. 6. *conformance to the approved precise development plans.* This property is zoned single Family Residential and a precise development plan is not required. 7. *adequacy of Screening.* The building is designed so as not to disturb any of the trees on this site. The parcel is nearly half an acre and is wooded. Therefore, existing trees on the site will provide adequate screen for the new structure. 8. *Selection of architectural features that enable the structure to blend with its environment.* The design and architectural features of this structure, coupled with the use of natural materials, will result in a building which blends well with the surrounding neighborhood. Conditions of approval: 1. The project be constructed per plans date stamp received by the Town of San Anselmo on February 27, 1995. That the colors are as follows: Roof: Composition to match existing residence; Siding: Brown painted Cedar Shingle siding (to match existing) and Reverse Board and Batten Siding: Stained translucent slate-green; Door and Window Trim: Coffee and Cream (to match existing); Doors and Windows: white (to match existing); Deck Railing and Trellis: Natural finish redwood (to match existing); 3. It is intended that the existing trees below the house and garage structure be maintained in order to screen the structures from surrounding properties. 4. That prior to issuance of a building permit, the applicants record a single family deed restriction to alert future property owners that the enlarged garage structure is not to be used as a second living unit unless a Second Unit Use Permit is granted by the Town. 5. That if this development which has received discretionary approval has not begun within one year from the date of 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.

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

F. GENERAL DISCUSSION

Report on Town Engineer's requirements for all weather surfaces.

Commissioner Julin would like a policy in place that indicates pervious surfaces can be used as opposed to impervious services.

G. REPORT OF UPCOMING APPEALS TO TOWN COUNCIL

H. ADJOURNMENT

The regular meeting of the Planning Commission was adjourned at 11:00 p.m. to the next regular meeting on June 5, 1995.

BARBARA CHAMBERS