

**TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES FOR APRIL 3, 1995**

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

A. CALL TO ORDER

Commissioners Present: Harle, Julin, Sargent, Mihaly, Hayes, Ollinger, Israel

B. CONSENT

1. Minutes - March 20, 1995

2. V-9509 - Barbara and R.K. Stewart, 18 Foss Avenue, A/P 7-232-40, a 3' west side yard variance to construct a first floor bedroom extension (8' is required), on property located within the R-1 Zoning District.

3. V-9510 - Lisa Jablon, 46 Lincoln Avenue, A/P 6-253-09, 1) a variance to convert an existing deck into an enclosed living space. The new building wall will be 5' 10" from the south side property line (8' is required); and 2) a request to remove an existing mansard roof located 3' from the north side property line, replace with a pitched roof setback 3'8" from the north side property line (8' required), on property located within the R-1 Zoning District.

4. V-9511 - William Brewster, 40 Tamalpais Avenue, A/P 7-211-26, a variance to increase the height of an existing 84 square foot shed from 7'9" to 9'0". This shed is located 0' from the rear property line (20' is required) and 1' off the east side property line (8' is required), on property located within the R-2 Zoning District.

Approval is based on the following:

18 Foss:

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 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 and zone in which such property is situated.* The special circumstances are: 1) the topography of the lot, which is steep and limits the alternatives for living additions; and 2) the 50' wide lot is narrower than the neighboring parcels and narrower than the minimum Code average width of 60'. 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 improvements in such neighborhood.* Due to the small scope of the 102 square foot addition, of which only 17 square feet are encroached into the minimum setback, and the setback and configuration of the neighboring dwellings, this project should not have an adverse visual impact on the neighborhood.

46 Lincoln:

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 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 and zone in which such property is situated.* The property has a narrow width which limits the building area of the site. This addition will bring the site into conformity regarding lot coverage due to the change in roof type and eaves. 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 improvements in such neighborhood.* This variance will not have any detrimental impact on the adjacent properties. The existing deck is partially enclosed and the upgrade to a complete enclosed wall will not dramatically impact the effect this building wall has on the adjacent property. The light and air of the neighboring residence to the south will not be impacted by this addition because of the existing vegetation and its location which is approximately 15 feet from the new addition.

40 Tamalpais:

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 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 and zone in which such property is situated.* This property has a very narrow width (41'-6") and the increase in height of 1'-3" will not dramatically change the appearance or impact 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 improvements in such neighborhood.* This variance will not have any detrimental impacts on the adjacent properties. The neighboring residences are 8' from the side and 30' from the rear property lines. This addition

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will only be used as a storage area and will not have any windows facing the neighboring house.

M/S Sargent, Julin, to approve Consent Agenda. ..All ayes. Audience advised of the ten day appeal period.

C. OPEN TIME FOR PUBLIC DISCUSSION

There was none.

D. PUBLIC HEARINGS - CONTINUED

1. **Town of San Anselmo - the Planning Commission will consider revision to the Zoning Ordinance regarding Design Review process for residential development in the flatland area (i.e. land below 150' mean sea level). Continued to the meeting of April 17, 1995**

2. **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). Continued to the meeting of April 17, 1995.**

3. **Town of San Anselmo - Amend the General Plan, specifically to update the Housing Element. Public hearing will focus on the following: 1. Association of Bay Area Governments) ABAG) housing targets; 2) General Plan and Zoning Ordinance limitations; and 3) New housing programs. Continued to the meeting of April 17, 1995.**

E. PUBIC HEARINGS

1. **V-9503 - Kevin and Laura Shea, 14 Rowland Court, A/P 7-112-22, 1) a 12' front yard variance, 5' north and south side yard variances, and an 11'9" rear yard variance to reconstruct a dwelling; a variance for the lot coverage to be 38%; and a parking variance for no on-site parking, on property located within the R-1 Zoning District.**

2. **V-9511 - Kevin and Laura Shea, 41 Rowland Court, 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).**

The applicant was present.

Ms. Wight presented the staff report.

Commissioner Julin asked if the tree and old garage would have to be removed if they were to park with the driveway on Laurel. Ms. Wight affirmed.

Mr. Shea said he will move the house over three feet to allow for parking. The fireplace extends two feet into the parking area and therefore the parking is not legal. If parking is to be on 51 Laurel, their yard area would be eliminated. If parking is required for 41 Rowland, it would be very unsafe. He would be willing to sign a deed restriction specifying that 14 and 41 Rowland would never be sold separately.

Mr. Shea said that by widening the area it will allow for better tandem parking. He said that 51 Laurel does not have a very wide back yard and would not like to have any of that yard removed for the reasons previously stated.

Commissioner Sargent asked what the reasoning was for not having a lot line adjustment with 51 Laurel and 14 Rowland. It could clearly solve the parking problems. Mr. Shea said that it would not be possible because it is an irregular shaped lot.

Ms. Wight said that 51 Laurel is already substandard and it would be better not to change the property lines

Marstin Tallant, 31 Rowland Court, said that there are many children and cars already in the neighborhood. He liked the aesthetics of the house but is concerned - that the residents on Rowland will view the cars. He feels it is an extraordinary thing to ask for another parking space for such a small lot. The room over the garage on 51 Laurel was at one time used as a second unit and is hopeful that the owner will now give back to the neighborhood. He feels that there are many children and safety is an issue.

Mark Ronayne, 52 Laurel, doesn't know what the problem is. He is opposed to staff's proposal of parking on Rowland because would be unsafe. He does not feel the applicant's proposal would be a detriment to the neighbors.

Caroline Bird, 29 Rowland Court, indicated that the cul-de-sac is very narrow and congested and there are many children in the neighborhood and the cars are already excessive. She feels this proposal is not the best solution. Also, this address is 41 Laurel, not 41 Rowland.

Ms. Wight affirmed that the address known as 41 Rowland is, in fact, 41 Laurel.

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Mr. Shea said 51 Laurel has never been rented as a second unit. He agreed that the area is congested but he does not want to have to remove fencing and trees to allow for parking. He would also be willing to provide a one foot planting strip as well. He felt that if 51 Laurel is used for parking, it would devalue the property and would then affect three properties. He would be willing to shorten the house by two feet if he would be allowed to demolish the house. He thought he would just have the structure moved, not demolished. But it is cheaper to demolish.

Commissioner Ollinger said that the house at 51 Laurel is at the maximum lot coverage of 40%.

Commissioner Mihaly indicated that he once lived on Laurel for a short while and had tandem parking. He would never want to short change the Public Works Director. However, because he has first hand knowledge, he does not support any driveway off of Laurel. People really do go very quickly around that corner. He said the backyard is 25' deep and 35' wide for 51 Laurel Avenue. Having lived there the traffic is too fast and does not advise the driveway there. Least problematic is the tandem parking although it is not wonderful.

Commissioner Sargent does not feel there is enough control to have parking taken from 41 Laurel and given to 14 Rowland. He would not approve the project unless there is a legal mechanism of linking the two properties together.

Commissioner Hayes shares Commissioner Mihaly's concerns. He is opposed to staff's suggestion for the driveway on Laurel because it is unsafe and also means the removal of a tree. He is equally concerned about the alternative of placing parking onto 51 Laurel. It does not seem to be a very good solution for the reasons stated by the applicant. He therefore reluctantly goes with the applicant's suggestion of tandem parking. With regard to lot coverage, he is reluctant to want to see a variance given for lot coverage. These three sites are already being stressed.

Commissioner Julin supports the application as proposed by the applicant. The space being used is already dedicated for parking; 51 Laurel is not a viable solution because it is substituting outdoor living space for parking. Special circumstances can be found because of the size of the lot and that 20 square feet for such a small house would be detrimental to the owner. The parking pad on Laurel is not good because of the loss of the tree and the safety issues. She has no problem with gravel if the applicant wants that instead of the all weather surface.

Commissioner Harle respects the care the owner has taken with his property but he feels that he is asking for too much on this lot. The area is too congested and a horrible place for parking. His suggestion would be to merge the lot with 51 Laurel and allow additional backyard for that lot. He opposes the project as currently proposed.

Commissioner Ollinger said parking on Laurel is not acceptable because of safety reasons. Equally, 41 Laurel had a substandard parking years ago and putting a pad there now would not provide alternatives for 14 Rowland Court. He said it doesn't make much sense to not allow him the lot coverage variance. If this is approved, direction should be given that the surface of the parking be textured and have some color for relief and landscaping be required to soften it.

Chairman Israel said he originally promoted parking to the rear of 51 Laurel but now he does not think it is a viable solution and would be a negative impact on the neighborhood. This neighborhood is already too congested. He also agreed that parking off of Laurel is not a good concept. He is opposed to moving parking to the street. He would take the 18' width by the fireplace which would move the cars back away from the street and require a two foot planting strip. Gravel driveways are messy but there are other alternative surfaces that are environmentally safe. He said the extremely small size of the lot would justify the lot coverage variance.

M/S Harle/Hayes, to deny V-9503 - Kevin and Laura Shea, 14 Rowland Court, A/P 7-112-22, 1) a 12' front yard variance, 5' north and south side yard variances, and an 11'9" rear yard variance to reconstruct a dwelling; a variance for the lot coverage to be 38%; and a parking variance for no on-site parking, on property located within the R-1 Zoning District. 2. 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). The reasons for denial are that the findings of no detriment can be made.

Commissioner Ollinger stated that since he was the architect on the Shea's 51 Laurel property several years ago, it would be best for him to abstain on this project.

Ayes: Hayes, Harle, Israel
Noes: Mihaly, Sargent, Julin,
Abstain: Ollinger
Motion denied.

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Mr. Shea said he would be in favor of moving the parking back and planting. It will take out about 10' of yard for 41 Laurel Avenue.

Mr. Tallant would like a pervious surface because it floods on Laurel.

Commissioner Sargent was not in agreement with the applicant's approach because it really creates a parking lot for many cars.

Commissioner Hayes objected to trying to find a way to approve the parking variance when in fact there is already too much going on in the neighborhood already.

Commissioner Sargent asked what the alternatives were if it is a legal lot but parking variances are not granted. What is the legal ramifications.

M/S Mihaly/Julin, to approve the application as proposed by the applicant, with pervious driveway on the grounds that there are a lack of alternatives and because of the irregular size and shape of the lot. There is a lot of tandem parking in the neighborhood.

A straw vote was taken by the Commission.

Ayes: Sargent, Julin, Mihaly
Noes: Israel, Harle, Hayes
Abstain: Ollinger

The straw vote failed. Therefore, Commissioner Mihaly explained to the applicant that he can continue the item or have the Commission vote denial of the project.

Mr. Shea said he would wait to hear the Town Attorney's opinion.

Commissioner Mihaly to rescind his motion. Julin to second. Application continued to May 1, to notify the Town attorney.

M/S Israel, Mihaly to continue. V-9503 - Kevin and Laura Shea, 14 Rowland Court, A/P 7-112-22, 1) a 12' front yard variance, 5' north and south side yard variances, and an 11'9" rear yard variance to reconstruct a dwelling; a variance for the lot coverage to be 38%; and a parking variance for no on-site parking, on property located within the R-1 Zoning District. 2. 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). This is continued to May 1, 1995 to allow the Town Attorney to research the parking requirements.

Ayes: Mihaly, Julin, Sargent, Israel, Hayes
Noes: Harle
Abstain: Ollinger
Motion passed.

3. DR-9504 - Alice Ann Klatt, 227 The Alameda, A/P 5-052-08, an appeal of an administrative design review request to construct a new two story single family residence on a recently approved lot split, on property located within the R-1 Zoning District.

The applicant was present.

Mr. Washington presented an overview of those items that differ from the last meeting. He also suggested changing the windows for the den to the side, looking into the entry courtyard.

Commissioner Mihaly asked staff to comment on Ms. Klatt's statements. Mr. Washington said that it is a flag lot and is considered a side yard. Therefore the fence does not have to be an impediment.

Commissioner Harle asked the disadvantages of flipping the upper floor. The visible face would then be withdrawn. Mr. Washington said that would probable not work with the proposed floor plan.

Ms. Klatt said she had to design her kitchen and main living area as far away from her next door neighbor. Mr. Washington's comments regarding the window change will not work because she does now want her neighbor to see into the den. When the trees are leafed out, the view will be minimal. She said that she is being penalized because the neighbors have small lots. She is providing fencing and has moved windows to accommodate her neighbors.

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Commissioner Mihaly asked how she felt about a hip roof. Ms. Klatt said she was not sure about the hip roof but is reluctant to move the house.

Alex Neal, 258 Butterfield, said the story pole dramatically shows the impact the house will be on their property. He is looking for a compromise. The best solution would be to move it close to The Alameda. He would also like to see the second story stepped back and would like to see a hip roof as well as continuing the fence.

Joanne Santo, 254 Butterfield, said the story pole is directly in front of her bedroom window and will directly affect her living space. She would prefer having the house moved closer to The Alameda.

Mr. Santo, was disappointed that none of staff's recommendations or suggestions by the Commission were addressed.

Pete Livingston, friend of the applicant, said that all of the environmental regulations have been complied with, and has met all the setbacks and stated that she is in compliance with all codes and regulations.

Mark Mendelson, designer, said the upstairs floor was moved forward. The roof color has also been changed. The applicant has tried to be considerate of her neighbors when the project was developed. The roof will be dark green metal; the stucco is sandy, windows will be white vinyl, gutters will match the roof and trim to be beige.

Commissioner Hayes wondered what the effect of moving the house forward would be although staff does not feel variances should be granted. Moving the house two to three feet will not make much difference to site distance. The upper story has moved forward. He favors moving it forward as much as possible but relaxes that the house will still loom. He was in favor of a hip roof. With those changes he would reluctantly support the proposal.

Commissioner Julin supported the application although she really liked the idea of flipping the second story. It shows a greater sensitivity of the site and will mitigate the visibility because of the orientation of the living conditions.

Commissioner Harle would like to see the second story switched. This project is going to provide a small detriment to all the neighbors. The story poles do indicate the structure will loom although the distance between the neighbors really is much more than many people have in San Anselmo. The hip roof over the bathroom does draw the high point back and would be a benefit. He did not think moving the house back two feet would be that affective to the neighbors but could be a significant detriment to the applicant. He would also support the project as is, but would really like to see the roof hipped over the bathroom.

Commissioner Ollinger said the applicant has modified the plans since the original lot split and there is 27' from the deck from the neighbors house. That is a significant distance for any lot in town; there is significant vegetation to screen. He can see the roof being hipped but basically the owner has tried to comply with many concerns.

Commissioner Mihaly has no problem asking the applicant to move the house but he does not have strong feelings moving the house one to two feet. He does not really like hip roofs, he would like to see some fast growing evergreen trees; perhaps require box trees rather than 15 gallon trees.

Commissioner Sargent supports the applicant, indicating that two feet will not make much difference. He would like to see landscaping on this site. He suggests a very strong landscape plan on the side property line that runs the full length of the wall.

Chairman Israel said there is an unusual situation for the other two lots because of the creek and the tiny lots. This is clearly an impact issues. The only detriment to moving the house forward is the way the plan was designed. He said that to move it to the 8' setback is not unreasonable. He was not opposed to a hip roof. He is reluctant to fill up the side yard with trees because it could take the sunlight from the owners on Butterfield. He no longer agrees with stepping the house back. It did not seem practical given the current plan.

The property owners of 254 and 258 Butterfield supported the idea of landscaping.

M/S Israel, Harle, to approve DR-9504 - Alice Ann Klatt, 227 The Alameda, A/P 5-052-08, an appeal of an administrative design review request to construct a new two story single family residence on a recently approved lot split, on property located within the R-1 Zoning District. Approval is based on the following: *1. Is functionally and aesthetically compatible with the existing improvements and the natural elements in the surrounding area.* The house design is consistent with existing residences in San Anselmo. The proposed residence has been reasonably placed on the property so as to conform with all of the established setback requirements. The designer has introduced elements that should minimize the residences potential impacts on neighboring properties. The architectural style and layout of this house is very similar to existing residences in this neighborhood and in

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San Anselmo. 2. *Provides for protection against noise, odors, and other factors which may make the environment less desirable.* The proposed use of this structure will be residential which is a land use common in this part of San Anselmo. No unusually high levels of noise or odors should result from the development of this property. The builder will have limited hours of construction which is required for all types of construction occurring in San Anselmo. 3. *Will not tend to cause the surrounding area to depreciate materially in appearance or value or otherwise discourage occupancy.* The construction of a new residence on this property will not cause any undo detriment in the neighborhood nor on any adjacent properties. The development standards imposed on this structure substantially minimize any negative impacts on adjacent properties. The setback and design of the house have been modified so as to minimize negative impacts on neighboring properties. 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 establishment of one additional house near The Alameda will not cause any accessibility problems. Nor will it prevent emergency vehicles from accessing this site or neighboring residences in this sector of San Anselmo. 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 requirements for developing a new single family residence. This will include a complete review of the structural plans. 6. *Conformance to the approved precise development plans.* A precise development plan is not required for this property because it is located in the R-1 Zoning District. 7. *Adequacy of Screening.* The applicant has submitted a proposed fence plan that should help mitigate any visual impacts this residence has on neighboring properties. If determined necessary, a landscape plan could be submitted to improve screening on the property. An additional condition has been imposed requiring the construction of a fence and landscape maintenance plan on the rear (west) property line. 8. *Selection of architectural features that enable the structure to blend with its environment.* The proposed exterior materials used on this residence will be consistent with other materials used in San Anselmo. The architect will not be introducing any unusual building finishes that could possibly result in a visual detriment for the community. **Conditions of approval:** 1. **The applicant shall construct the house in accordance with material board date stamped received on December 28, 1994, and the elevations and floor plans date stamped March 21, 1995 by the Town of San Anselmo.** 2. **All conditions stated on the tentative map approval shall be met prior to issuance of an occupancy permit.** 3. **In order that new development on this flag lot does not adversely impact adjacent properties, all future additions, including accessory buildings, are subject to Administrative Design Review approval. A statement to the effect shall be recorded with the Marin County Recorders office.** 4. **The applicant shall continue the fence design proposed for the (north) side property line along the (west) rear property line. The applicant shall also submit a landscape maintenance plan for this area. This plan should be discussed with the neighbors at 254 and 258 Butterfield and final approval will be by the Planning Director.** 5. **The roof type above the master bathroom shall be a hip design rather than gable.** 6. **The front of the house shall be 8' from the adjacent side property line and the bay window located off the ground floor study shall encroach into the side setback. The bay window shall not have any floor area located in the setback.**

Ayes: Mihaly, Sargent, Hayes, Harle, Israel, Julin

Noes: Ollinger

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

F. REPORT OF UPCOMING APPEALS TO TOWN COUNCIL

Ms. Chaney said that the office building on Sir Francis Drake is zoned Professional. A perspective tenant is requesting a commercial use for a beauty salon and does not understand why she cannot have that use.

Commissioner Mihaly said the two approaches are to rezone the site or change the uses allowed within the Zoning Ordinance. The easiest of the two would be to change the uses allowed within the Zoning Ordinance. If the tenant wishes to pursue that course of action, or another course of action they could contact the Planning Department as to the procedure.

G. ADJOURNMENT TO April 17, 1995

The regular meeting of the San Anselmo Planning Commission was adjourned at 11:15 p.m. to the next meeting of April 17, 1995.

BARBARA CHAMBERS