

**TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES FOR DECEMBER 18, 1995**

The regular meeting of the San Anselmo Planning Commission was convened at 8:00 p.m. in the Council Chamber. Staff present was Planning Director Ann Chaney.

A. CALL TO ORDER

Commissioners Present: Harle, Mihaly, Duys, Wittenkeller, Israel
Commissioner Absent: Sargent

B. CONSENT

1. Minutes - December 4, 1995
2. U-9512 - Dr. Edward Oklan, 16 San Rafael Avenue, A/P 7-162-16, a use permit to allow an office use to operate until 9:00 p.m., Monday through Friday, on property located within the P (Professional) Zoning District.
3. Town of San Anselmo - Environmental Review, Amendment to the General Plan, and Amendment to the Zoning Ordinance to allow residential uses in CL (Limited Commercial) and C-3 (General Commercial) land use categories and zoning districts.
4. V-9560 - David Bohn, 108 Madrone, A/P 7-114-12, 20' front yard variance to construct a trellis/arbore over a gate within 0' of the front property line, on property located within the R-1 Zoning District.

M/s Harle/Wittenkeller, to approve the consent Agenda.

Conditions of approval are:

16 San Rafael Avenue:

1. The total number of employees shall be limited to three. For this particular use, the number of therapists shall be limited to two and efforts shall be made to stagger therapy session hours in order that no more than one client per therapist is at the office at any one time.
2. That clients be encouraged to use the rear parking area during evening hours.

1337 San Anselmo Avenue:

1. That the addition shall be constructed in accordance to the plans date stamped received October 11, 1995 by the town of San Anselmo. Except that the glass door identified on the west elevation shall be removed. This door may be replaced with a window. The base of this window shall be six feet above the floor to ensure privacy for the neighboring residence.

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

C. OPEN TIME FOR PUBLIC DISCUSSION

No one spoke during this time.

D. PUBLIC HEARINGS - CONTINUED

1. PDP-9505/Parcel Split - 9503/V-9549/DR-9525 - Carlos Castro, 444 Redwood Road, A/P 7-191-10, 1) a precise development plan, density determination and design review to subdivide an existing property currently developed with a single family residence in order to construct a new house; and 2) a variance to allow an access easement across the existing driveway for 444 Redwood in order to serve the proposed new parcel; 3) Remove one heritage tree (30" bay); this project will involve the removal of 12 additional bay trees between 6" and 22" in diameter and one 15" walnut tree, on property located within the R-1H Zoning District. **CONTINUED TO THE MEETING OF 1/8/96**
2. Environmental Review/PDP-9501/V-9541 - Jack Hunt, Between 41 and 43 Tomahawk Drive, A/P 177-250-31, 1) Environmental Review, 2) Planned Development Permit, and 3) Variances to ultimately construct a single family home with access via a long driveway off of Tomahawk Drive. A Variance is required to construct a 450' long retaining wall (maximum height of 7') within 3' of the north side property line (8' required) and within 3' of the front property line (20' required); and to construct a series of retaining walls totaling 251' long (maximum height of 9') within 2' of the south side property line (8' required). These retaining walls are proposed for the driveway and parking area and deck. Design Review for a specific house design is not part of this application. The property is located within the R-1-H Zoning District. **CONTINUED TO THE MEETING OF 1/22/96**
3. DR-9530/S-9503 - Red Hill Shopping Center, 834-916 Sir Francis Drake Boulevard, A/P 6-061-23, design review of new exterior building colors and sign review of a new sign program on property located within the SPD Zoning District. **CONTINUED TO THE MEETING OF 1/8/96**

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4. V-9546 - Alan Voigt, 35 Sierra Avenue, A/P 5-194-19, a variance request to: 1) construct an addition that will increase the overall lot coverage to 40% (35% maximum coverage allowed); 2) to increase the height of the entire house by 4', the existing building walls are located 4'-6" from the north, and 4' from the south side property lines (8' required side yard setback); 3) extend a segment of the front building wall out 5'-6", while maintaining a 4'-6" setback from the north side property line (8' required); and 4) construct a new deck that will be 5' from the side property line (6' required). Increasing the height of the house will increase the total floor area of the house from 1,487 square feet to 2,920 square feet including the new garage area. This is located within the R-1 Zoning District.
CONTINUED TO THE MEETING OF 1/8/96

E. PUBLIC HEARINGS

1. V-9559 - Peter and Sheila Cliff, 1337 San Anselmo Avenue, A/P 7-052-14, A variance to construct an addition that will be located 5' from the north side property line (8' required), on property located within the R-1 Zoning District.

The applicant was present.

Ms. Chaney presented the staff report.

Commissioner Duys asked about the removal of the trellis.

Commissioner Mihaly asked what the alternatives were. Ms. Chaney stated that the addition was to meet the three feet and another approach was to go back farther to the rear.

Peter Cliff presented a letter of support from neighbors on each side of his property. He noted that there was a portion of the lot that was covered that he did not include in his calculations of coverage. His neighbor's house stops four feet from the proposed addition and the window he is proposing will not impact them at all.

Commissioner Wittenkeller asked about the position of the french door. Mr. Cliff responded that he would not object to a window; he was just looking for floor to ceiling light.

Chairman Israel asked about the new trellis. Mr. Cliff stated that their intention is to take the plastic off and just add redwood slats. The overhang will come out the additional 1 1/2'. The owner is aware that the variance request is for 35% lot coverage and will reduce any overage.

Commissioner Mihaly could approve the application on the basis of the substandard lot size and lot coverage and because of the minor extension. They are trying to modernize the house without damaging the neighborhood and there is no other alternative. Therefore, he can approve the variance. With regard to the window, although the current neighbor does not object, the Commission must consider future neighbors, although he is not sure what the alternative is.

Commissioner Harle was in support of the variance due to the fact it is de minimus. All the homes were built during the period of the 5' side yard and 15' front/rear yard setbacks. He agrees that the neighbor facing the applicant could be a problem and stated there are other ways of obtaining light.

Commissioner Duys is inclined to support the variance stating it is an effective means to add a small amount of square footage to make an efficient amount of space; extending to the rear could provide more of a mass. She is concerned about the window because of privacy; and would prefer to eliminate the window all together or go with staff's recommendation.

Commissioner Wittenkeller concurs with the other Commissioners. He is inclined to go with the window on the side because they could build a fence which would not allow the neighbor to see into the window.

Chairman Israel agreed with his colleagues and felt that the side window is not a privacy issue to him because the window is being moved back and it is on the first story.

M/s Mihaly/Harle, to approve V-9559 - Peter and Sheila Cliff, 1337 San Anselmo Avenue, A/P 7-052-14, A variance to construct an addition that will be located 5' from the north side property line (8' required), on property located within the R-1 Zoning District. Approval is based on the following findings for approval. 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 lot is substandard and the internal configuration is such that alternatives are not feasible and that the design will not negatively affect adjacent property owners. 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.* See reasons stated above. Conditions of approval are as follows: 1. The addition shall be constructed in accordance to the plans date stamped received October 11, 1995, by the Town of San Anselmo. 2. The applicant shall now exceed the 35% lot coverage. 3. That the applicant shall obtain all necessary development permits and conform with all adopted standards of the Building and Public Works Department. 4. 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.

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

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M/s Mihaly/Wittenkeller, to initiate staff to bring to the Commission a proposed amendment to the zoning code which would make minor additions to houses, which are the extension of the existing plane of the house within a defined square footage be a permitted use under the zoning ordinance, therefore a variance would not be required on the first floor, with some sort of proposal of when the issue can be dealt with administratively and when it should be brought to the Commission. Also, that it be subject to the same flatland design review.

Commissioner Duys wanted assurance that the neighbors would be noticed with regard to any proposal by staff.

2. V-9562/DR-9531 - Tina Warren and Donald Hodge, 20 Skyline Avenue, A/P 5-082-41, 1) design review to construct a 1,270 square foot addition to an existing single family residence; and 2) variance to accommodate only two off-street parking stalls (3 required), on property located within the R-1 Zoning District.

The applicant was present.

Ms. Chaney presented a brief description of the project, noting that staff had intended to put this item on the Consent Calendar but neglected to do so.

The Commissioners were in support of the staff report.

M/s Harle/Duys to approve V-9562/DR-9531 - Tina Warren and Donald Hodge, 20 Skyline Avenue, A/P 5-082-41, 1) design review to construct a 1,270 square foot addition to an existing single family residence; and 2) variance to accommodate only two off-street parking stalls (3 required), on property located within the R-1 Zoning District.

Variance:

Approval is based on the following findings for approval. 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 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 driveways and garages. Furthermore, it is possible to park up to four vehicles on this site depending on the size of each vehicle and the existing parking stall dimensions are only slightly less than that required by Code. 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 garage and driveway that can easily accommodate three vehicles. Most of the existing houses in this area have a parking situation similar to this residence.

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 home 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 hidden from most neighboring properties by existing vegetation. The neighbor to the south will see a portion of the addition. However, this addition fills in an area below an existing upper floor extension. Given this fact, and the amount of screening, an adverse visual impact should not result. 8. *Selection of architectural features that enable the structure to blend with its environment.* The proposed exterior materials used for this addition will match the current materials used on this house. **Conditions of approval:** 1. The applicant shall file a deed restriction to prevent the illegal conversion of the bottom level into a second unit.

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

3. V-9553 - Michael and Mary O'Brien, 40 Mountain View Avenue, A/P 5-223-17, a 6' rear yard variance to construct a garage, office and master bedroom within 14' of the rear property line (20' required), on property located within the R-1 Zoning District.

The applicants and their Architect Jeff Kroot, were present.

Ms. Chaney presented the staff report.

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Commissioner Mihaly asked if the 20' front yard setback could be achieved on Rivera? Staff stated that it could not.

Commissioner Wittenkeller stated that it looked like Rivera is narrower than Mountain View. Staff explained that the front of the property is determined by the shortest street frontage.

Michael O'Brien stated they have lived in their house for five years. They want to add on to their house because of the need to work out of their house although there will be no increase in traffic because of their business. Also, their dining room is currently 10' wide and not adequate. This addition was done to minimize the impact on their neighbors. They explored alternatives of going into the rear but could not do that without taking away outdoor living space. They will still be maintaining a distance of 20' from their neighbor. The distance for tandem parking will allow for 20'. They are maintaining the landscape. They are requesting a small addition.

Commissioner Duys asked about second story addition. Mr. O'Brien stated there is a small second story addition but they will be removing the deck and this will not extend out much more than the deck.

Elicia Majestic's daughter, Rivera, lives next door to the proposed addition. The garage is not currently used and does not understand why they want another one. She thinks the carport structure is illegal. There is a room currently used as a bedroom that was originally used as an office. She is opposed to the addition because of privacy issues. The addition of the second floor windows would take away from their privacy. The overall addition will have an impact on them and she is also concerned about the height of the new garage.

Mr. O'Brien responded that he has looked at the alternatives and wants the addition to fit into the neighborhood. The carport was existing on the lot when they purchased the property. They will be removing two windows from the master bedroom and adding one window; they will not be adding a deck. The additional height to the carport is necessary because it will match the pitch and slope of the house.

Commissioner Duys felt that one of her concerns is how to grant a variance to a flat lot with other potentials for expansion that will not be within the setbacks. There are already two sides that are in violation of the setbacks and this proposal is also for an exception.

Commissioner Wittenkeller's concern is that there is a neighbor with concerns about the variance and he will have a hard time approving the project unless the neighbor can be satisfied.

Commissioner Mihaly is unable to grant this variance. He likes the house design but is a little puzzled about two master bedrooms. He is not sure how this can be redesigned but would be willing to grant variances on the odd shape of the lot and the fact that the front of the property could be on Rivera, not Mountain View.

Commissioner Harle said the lot was subdivided when the setbacks were 5' and 14'. The zoning ordinance has been changed and this lot is now not in conformance. He would like to see the ordinance changed that states improvements on lots with old setbacks should be granted exceptions. The neighbor's house was also built within the 5' setbacks. The current zoning ordinance does not conform to the lot. He is not comfortable with holding a backyard setback with what clearly looks to be a side yard. He is inclined to grant the request for a variance. His reasons are that the house which was built is in conformity and the shape and peculiarity of the lot make the strict application of the setback rules somewhat nonsense.

Chairman Israel stated that this clearly seems like if the lines were equal, Rivera should be the front but that is not the rule here. The Commission has allowed additions much closer than these. This addition will not cut down the light of the neighbor because it is on the north side. He is in support of enclosing carports; they are safer and reduce visual clutter. He cannot find another way of getting a two car garage on this lot without a variance. It is not practical that Rivera will ever be widened. He is sensitive to the neighbors concern for privacy but the second story addition is eliminating one window; if there is not adequate fencing for privacy of the lower level then there should be fencing. This has an FAR of 43% although that is not a measurement used by the Town.

Commissioner Mihaly would feel comfortable granting a variance for the sliver in the front with the addition being placed back 20'.

Mr. O'Brien stated they are flexible as far as the addition but there are large trees in the rear that couldn't be removed. The dining room could not be enlarged if the garage is moved back. He is willing to ask for a continuance to the meeting of January 22, 1996.

M/S Mihaly/Harle, to continue the item to January 22, 1996.

4. **V-9561 Milton and Jayne Clark, 107 Brookside Drive, A/P 5-131-26, 1) a variance to construct an addition 5' from the west side property line (8' required); and 2) a parking variance for one garage parking space to be reduced to a substandard usable length, and for the second driveway parking space to remain substandard in length (2: 9' by 19' on-site spaces required), on property located within the R-1 Zoning District.**

The applicants were present along with their designer.

Ms. Chaney presented the staff report.

Chairman Israel asked if staff would be more willing to approve the application if the garage configuration was not changed. Ms. Chaney stated that staff's concern is also the fact that previously a sideyard variance was approved and this addition is now encroaching on the other side neighbors.

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Mr. Clark stated that they are very happy with the house and the neighborhood. They need more room for their expanded family. The addition was based on several concerns. The rear area has a nice bricked courtyard and they have french doors that look at that area. With regard to the service room and relocation of the washer and dryer, it is in vast need of repair. They are willing to shift space within the garage if necessary.

Jane Kapulchek, Designer, presented photographs of the property. The addition would be a negligible impact with the neighbor and there will be no impact from the street. The applicants are willing to remove the water heater all together. The request is to have the parking remain and the tandem parking is not a grant of special privileges in that other houses have the same enjoyment and also a fence on the same block is right at the property line. Lastly, the standard setbacks is 5' for the side property line in that neighborhood.

Mrs. Clark stated because the laundry room is in need of repair, the location of the addition seems to be logical.

Commissioner Wittenkeller stated that if the applicant offers to remove the laundry room he can support the project. If the laundry room is approved, the car will have to be partially moved out of the garage to use the washer/dryer. He does not mind if the addition is moved back 2'.

Commissioner Harle is inclined to support the setback variance and variance for parking but denying the variance to reduce the garage space.

Commissioner Duys said that she tends to support it because of the location of the fence but part of her wants to limit the garage space by relocating the washer and dryer. She would support staff's recommendation to reduce the amount of the variance in the rear to retain the structure within the covered porch area, and remove the washer and dryer.

Chairman Israel said the fence in the current configuration works well for both neighbors. The problem he is having is that it represents incremental development. The addition is reasonable but this is being changed to a four bedroom house in a very child intensive neighborhood and there is no outlet for additional parking. He would not want to see the current parking situation exacerbate at all.

M/s Duys/Mihaly, to approve V-9561 Milton and Jayne Clark, 107 Brookside Drive, A/P 5-131-26, 1) a variance to construct an addition 5' from the west side property line (8' required); and 2) a parking variance for the second driveway parking space to remain substandard in length (2: 9' by 19' on-site spaces required), on property located within the R-1 Zoning District.

M/s Duys/ Mihaly, to deny V-9561 Milton and Jayne Clark, 107 Brookside Drive, A/P 5-131-26, 1) A parking variance to reduce the garage parking space from 19.5' to 17.5'

The Commission was able to make the findings with the condition that the washer/dryer be relocated elsewhere within the house; not in the garage, and approving the plans except that the addition must be maintained within the foot print of the existing patio.

Motion carried with the following vote.

Ayes: Harle, Wittenkeller, Mihaly, Duys

Noes: Israel

The audience was advised of the ten day appeal period.

F. GENERAL DISCUSSION .

Election of Chair and Vice Chair of Planning Commission for 1996.

M/S Mihaly/Harle to nominate David Israel as Chair.

The Commission will defer the Vice Chair position to the meeting of January 8, 1996.

G. REPORT OF UPCOMING APPEALS TO TOWN COUNCIL

H. ADJOURNMENT TO January 8, 1996. Meeting time will be 7:30 p.m.

The regular meeting of the San Anselmo Planning Commission was adjourned at 11:00 p.m. to the next meeting on January 8, 1996.

BARBARA CHAMBERS