

**TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES OF NOVEMBER 20, 1995**

The regular meeting of the San Anselmo Planning Commission was 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: Wittenkeller, Duys, Harle, Israel

B. CONSENT

1. Minutes - November 6, 1995 - Continued
2. V-9555 - Don and Mary Russel, 88 Ross Avenue, A/P 7-281-14, a 5' west side yard variance to reconstruct a carport to a garage within 3' of the west side property line, on property located within the R-2 Zoning District.
3. DR-9526 - Papa Murphy's Pizza, 21 San Anselmo Avenue, A/P 7-302-17, review of two new signs on property located within the C-3 Zoning District.

Item (1) was removed from the consent agenda.

Regarding Item (3), Planning Director Chaney said Papa Murphy's is not asking for a variance for the size of the sign, just design review for the signs themselves. Neighbors are concerned about the brightness. The item was pulled off the consent agenda to be discussed later.

MS, Harle/Wittenkeller, to approve Item (2) on the consent agenda. Ayes: All.

C. OPEN TIME FOR PUBLIC DISCUSSION

No comments were received from the public.

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, on property located within the R-1H Zoning District. CONTINUED TO THE MEETING OF 12/4/95
2. 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. CONTINUED TO THE MEETING OF 12/4/95
3. 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 12/18/95
4. Environmental Review/Z-9504/GPA-9503/V-9559, Shelagh Kew Barker, 1108 Sir Francis Drake Boulevard, A/P 6-031-09, 1) Environmental review; 2) Amendment to the General Plan Map. The current General Plan land use designation for this property is Single Family. This designation would have to be changed to Medium Density; 3) A variance to Footnote 4 of Table 4A of the Development Standards; and 4) Rezoning from R-1 (Single Family Residential) to R-2 (Two Family Residential). CONTINUED TO THE MEETING OF 12/18/95

E. PUBLIC HEARINGS

DR-9526 - Papa Murphy's Pizza, 21 San Anselmo Avenue, A/P 7-302-17, review of two new signs on property located within the C-3 Zoning District.

TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES OF NOVEMBER 20, 1995

Roger Farrow, 98 Sir Francis Drake Blvd., Ross, said he would like the brightness of the signs to be taken into consideration.

Planning Director Chaney showed a picture of the proposed sign and pictures of the signs at the current location on Sir Francis Drake Blvd. Chaney said there are two differences between the Papa Murphy signs and the Broadway Video signs that were there before. The video sign was larger and had a white background, which appears brighter. Papa Murphy's sign will be green and red and will be turned off at 10:00 or when the store closes down.

Commissioner Duys asked if there are any brightness requirements in the building code. Chaney said there are not.

Commissioner Wittenkeller asked about the type of lighting. Chaney said they appear to be florescent tubes.

Commissioner Israel asked if Chaney has seen the existing sign at night. Chaney said she has not.

Commissioner Wittenkeller said he has been by the existing signs hundreds of times and they seem fine. He feels the new sign will be fine too.

Commissioner Israel said he has looked at Murphy's sign at night, too, and thinks this will be fine.

M/S, Harle/Duys, to approve DR-9526 - Papa Murphy's Pizza, 21 San Anselmo Avenue, A/P 7-302-17, review of two new signs on property located within the C-3 Zoning District. Findings are as follows: Design Review: 1. Is functionally and aesthetically compatible with the existing improvements and the natural elements in the surrounding area. The use will be located in a commercial shopping center, surrounded by commercial and residential uses. As conditioned, the signs will be compatible with the shopping center and surrounding neighborhood. 2. Provides for protection against noise, odors, and other factors which may make the environment less desirable. This commercial take out and bake pizza use, located within an existing shopping center, will be consistent with the current activities occurring in this neighborhood and will not cause undue noise or odors. 3. Will not tend to cause the surrounding area to depreciate materially in appearance or value or otherwise discourage occupancy. Occupancy of this vacant tenant space with a take out and bake pizza use will not cause any long term impacts that discourage occupancy. Nor will it cause the depreciation of property values in the surrounding area. This activity is consistent and compatible with the activities presently occurring in the commercial portion of this area. 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. This use will not create unnecessary traffic hazards, distractions to motorists or hinder emergency access in that the use is situated next to major roadways with adequate on-site parking being provided. 5. Will not adversely affect the health or safety of persons using the improvement or endanger property located in the surrounding area. The proposed use will conform with all established codes controlling building, plumbing and electrical construction. These standards have been adopted to ensure that all new development in San Anselmo will not create any adverse or hazardous conditions during construction and after completion. Condition of approval: 1. That no more than two signs, not exceeding 54 square feet in total area, are permitted to be located facing San Anselmo Avenue and above the main entrance. 2. That the illuminated signs be turned off at closing time or 10:00 p.m., whichever is first.

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

1. Design Review Amendment, Tamalpais Theater, Ned MacDonald, 330 Sir Francis Drake Boulevard, A/P 6-251-04, request to change awning colors/pattern and general discussion of building facade changes, on property located within the C-2 Zoning District.

Planning Director Chaney said the applicant has requested a change in the proposed awning color and style and also to replace tile which has been removed, with a larger tile. Originally a green awning was proposed for the front of the building. During the plan check process, some disability modifications had to be made to adjacent doorways, which in turn necessitated some changes to windows. An old striped awning was uncovered in the demolition process and so the applicant would like to replicate this instead of the planned green awning. Regarding the tile question, the applicant wants to replace the tile removed with a sand colored 2" tile.

Commissioner Duys asked if the planned awning will be the old one or a new one similar to the old one. Ms. Chaney said it would be a new one, but of a rollup type, while a fixed awning was originally approved.

Ned MacDonald, Applicant, showed a picture of the theater the way it was. The awning was retractable because there is insufficient space to have a fixed awning without blocking a lot of light from the lower tenants. He proposes that the majority of the awning be solid colored, and just the front valance portion striped.

TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES OF NOVEMBER 20, 1995

Peggy Wertz, merchant, said she will be a new tenant in the building when it is renovated. She hired a designer who recommended a solid color with a striped valance. She liked a purple color because most awnings are green. Green, however, would be all right, as long as they could have the scalloped striped valance.

Commissioner Duys asked if the stripes are what will show when the awning is retracted. Wertz said yes.

The meeting was opened to the public.

Commissioner Harle said he feels this is a subjective judgment, and he doesn't feel strongly one way or another. The applicant's tenant will have to live with this every day.

Commissioner Duys said she hoped we don't set a precedent of allowing people to use any colors they want in the future.

Commissioner Wittenkeller said he feels diversity is a big part of the Town and he won't quibble about this as it is in good taste.

Chairman Israel expressed annoyance with how many changes have been made to the original plans for modifications to the storefront. He feels a great deal of history was lost in the facade through this process. He said he doesn't have a problem with the retractable awnings or the color scheme, but he is concerned with the awnings having two different materials. He would rather see the awning one color or the striped fabric darker (more than 50% of a dark tone).

Ned MacDonald, Applicant, said their preference is to have the body dark and the valance striped. From across the street, very little of the solid color will be seen. His tenant has hired a designer to come up with this scheme.

M/S Wittenkeller/Harle, to approve Design Review Amendment, Tamalpais Theater, Ned MacDonald, 330 Sir Francis Drake Boulevard, A/P 6-251-04, request to change awning colors/pattern and general discussion of building facade changes, on property located within the C-2 Zoning District. Approval is for a 2" x 2" beige tile that is to be installed beneath the two storefront windows. The awning shall have a dark green body and striped valance as proposed by the applicant.

Ayes: Duys, Harle, Wittenkeller

Noes: Israel.

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

Chairman Israel said he would like specific measurements on the awning.

2. 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.

Planner Washington said this is a four-part variance request on lot coverage, height, extending a front wall, and constructing a new deck. There is presently a one-car parking space. The overall height of the house would be increased by four feet total. The addition to the front of the house will serve as a new garage; presently there is no garage. The proposed deck will increase the lot coverage. The neighboring house is just five feet away from this house, but with just one window on the affected side. The other neighbor is about 17 feet away and won't be impacted. The problem is that this addition increases the lot coverage and that's why staff cannot support it. Staff would support the project if the deck was eliminated, reducing lot coverage. This, however, would decrease the available parking space inside. Staff would go for a height variance if the deck was eliminated. This addition would double the square footage of the house.

Commissioner Harle questioned if this is essentially a jack-up of the house, but with no plans submitted for the lower floor. Planner Washington said that is why he put in a standard deed restriction against a second unit.

Chairman Israel asked what grounds we have for the increase in allowable floor area. Washington said there is no floor area ratio requirement in the flatlands.

John Blackwell, Architect for Alan Voigt, said the applicant would like to have the house up off the slab, have a garage, and the deck will create a sunny place for the applicants to be outside, and it doesn't

TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES OF NOVEMBER 20, 1995

infringe on neighboring properties. They are well under the maximum footprint for the lot. He said the lot coverage was not an issue initially. He feels there should be some flexibility.

Commissioner Wittenkeller asked if the large tree in the front yard will remain. Blackwell said it will remain.

Commissioner Israel asked why there couldn't be a different floor solution on the lower floor that wouldn't raise the building so much.

Blackwell said the applicant would like to have crawl space to keep the house dryer and warmer.

Commissioner Duys said she doesn't have a problem with raising the house four feet, but she is concerned with the mass. The garage jutting out does soften the front, but creates a dilemma with lot coverage. An eighteen foot space is a very small space for a garage.

Commissioner Wittenkeller asked if the stairway is part of a bearing wall. Blackwell said the stairway does not presently exist.

Planning Director Chaney said the standard length of a space is 19 feet. Covered spaces are not required, so technically 38' is required and met here, as long as the garage door is open.

Alan Voigt, 35 Sierra Avenue, said he likes the front pushout aesthetically. He would also like the stairwell to be a standard size. The pushout gives him a little more privacy.

Commissioner Wittenkeller said this plan would improve this property considerably. This kind of improvement should be encouraged. He said there are no neighbors here upset with the project. He feels this project will be a big improvement to the neighborhood. The garage pushout goes well and the deck seems reasonable to him.

Commissioner Harle said this is an old neighborhood with very small houses. People don't sell and buy bigger ones anymore. He feels this is considerable overbuilding on this small lot.

Chairman Israel said he agrees with Harle. He is less concerned with the protrusion than with the added bulk. The neighbors are very close. It is inconsistent to require second stories to step in, but to let someone raise a whole house up. He would support the small protrusion but not the dramatic increase in height. He suggested digging out the basement area rather than raising the house.

Planning Director Chaney said some kind of trellis might break up the flatness of the building. For a variance there must be something unique about the property that gives this applicant special circumstances.

A motion was made by Wittenkeller to move special circumstances in light of smallness of lot, topographic slope that creates a moisture problem necessitating raising the building. Before a second or a vote, it was decided to take a straw poll of the commissioners.

Commissioner Duys said she would vote as recommended by staff, hoping to diminish house height by two feet.

Commissioner Harle said he wouldn't allow sideyard variances for a jackup.

Chairman Israel told the applicant that the vote appears to be tied, which means the motion would be denied for lack of majority. The option would be to continue the item, to give him an opportunity to reconsider and come back.

Planning Director Chaney said under current zoning laws you can raise a house more than two feet without a variance.

Alan Voigt, Applicant, said he would like to have the item continued.

Commissioner Wittenkeller will withdraw his motion.

MS, Duys/Wittenkeller, to continue this item to December 18. Ayes: All.

3. V-9554/DR-9527 - First Baptist Church, 921 Sir Francis Drake Boulevard, A/P 6-073-09, A design review and variance to erect a 30' tall tower and cross 9' from the front property line (20' required), on property located within the R-3 Zoning District.

Planner Washington said this is a design review and variance request to erect a 30 foot tall tower and cross that will be set back 9' from the front property line; 20 feet is the required setback for this zoning district. This site is directly across from the UNOCAL station. The applicant says he will move the tower back to allow for just a 2 foot variance. Currently there is a free-standing sign in the proposed space. The tower will be two open-framed glue-lams, wood finish, with no external illumination. There are several

TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES OF NOVEMBER 20, 1995

mature trees on the property that do not appear to be in the way of the tower. Staff couldn't find special circumstances to permit the front setback variance. No general comments have been received from the neighbors. Staff recommends the tower be built within the allowable 20' setback.

Commissioner Harle asked if the tower is symbolic, not functional. Planner Washington said that is right. Harle asked why the applicant didn't want to go back the additional two feet to avoid the need for a variance? Washington said the applicant seemed willing to meet the minimum setback requirements.

Chairman Israel asked if the sign will be perpendicular or parallel to the street. Washington said it will be parallel to the street. The freestanding sign will still be visible.

Warren Holmes, Church Member, said the foundation will be hidden by the sign.

Chairman Israel asked about the cross members on the drawings. Warren Holmes said the braces don't show; there would be plywood on the sides.

The public hearing was closed.

Commissioner Wittenkeller said the original location was projecting too far forward. He feels it could be placed back within the variance requirements. If the tower is placed without a variance, some mature plants would be lost.

Commissioner Harle said he would suggest moving it back if it didn't harm planting. A two foot variance seems reasonable.

Commissioner Duys agreed, and said perhaps a motion could be worded that a two foot variance would be allowed if necessary to ensure that planting is not lost.

M/S, Wittenkeller/Duys, to grant the variance for up to two feet, if required, to save established plantings as determined by staff, denying the original application for nine foot setback, noting also that the monument will be parallel to Sir Francis Drake Blvd. For the record, the date of the plans is 11 May 1995, as modified. Ayes: All.

4. Town of San Anselmo - Environmental Review and Amendment to the Zoning Ordinance to allow residential uses in CL (Limited Commercial) and C-3 (General Commercial) zones.

Planning Director Chaney said Items 4 and 5 go hand in hand. When the Housing Element was approved, one of the policies was to open commercial properties to residential use. The proposal tonight is to open up some areas in commercial zoning. Chaney said she should have done a negative declaration and noticing, so further action will need to be delayed. This will have to be continued to December 18, 1995, to do noticing. Residential uses were originally precluded along Red Hill and Drake, possibly due to increases in traffic. Staff feels residential use in these areas is all right because these areas are already developed and no significant new development is anticipated. This provides for a live/work arrangement which actually reduces traffic. This would mean a change in the text of the general plan. For zoning restrictions staff would recommend residential on the land use table.

MS, Wittenkeller/Duys, to continue this item to the meeting of December 18, 1995. Ayes: All.

5. U-9510 - Rob Erteman, 727 San Anselmo Avenue, A/P 6-083-07, a use permit to allow a single family residential use on property located within the CL Zoning District.

Planning Director Chaney said this applicant asked if he could occupy the house next to his business. He proposed, pending general plan changes, renovating the home and using it for his house. The house has plenty of parking and has been vacant for a long time. This is a live-work arrangement, single-family use, and staff feels it can support it. If this is denied, Erteman can use this space as his office.

Commissioner Duys asked if all residential uses would be conditional, requiring Planning Commission approval. Chaney said this is correct.

Chairman Israel asked what the grounds for revoking a use permit would be. Chaney said if it were remodeled for two or three families, the permit would have to be renewed. Israel said he would hate to see a commercial site used specifically as a single-family dwelling, while we're really trying to foster a live-work environment. When he might sell, it no longer has the benefit, most probably, of a live-work situation.

Planning Director Chaney said this zone provides for a number of different uses, offices, commercial, etc. If Mr. Erteman sells, someone else can use it for commercial use. The conditional use permit goes with the transfer upon sell; if the buyer is planning to use it as a single family dwelling, the question is whether the Planning Commission could review it. This condition could be placed on Erteman's approval. She would like the Commissioners' feedback on how they feel about this situation.

TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES OF NOVEMBER 20, 1995

Commissioner Wittenkeller asked about the intent of this, was it for low cost housing. Did they suggest rent controls? Chaney said they were required to provide greater opportunities for low income housing in their Housing Element work. Second units weren't enough, but opening up commercial zones to housing could provide an opportunity for affordable housing.

Commissioner Wittenkeller asked what the recourse is if we don't meet these goals. Chaney said ultimately the penalty is holding back federal funds; however, at this point we don't have much federal funding to hold out. We are low on moderate income housing and we may pick some up with this ruling.

Commissioner Duys said her concern is what will happen if the property is sold to someone in a different situation that would increase traffic on Drake.

Chairman Israel said he supports staff's position.

Commissioner Wittenkeller said residents who know the area are probably the better use for these types of properties than customers who are unfamiliar with the area.

Chairman Israel said perhaps the live-work, multi-family language ought to be included in the ordinance to ensure the intent is clear.

Commissioner Wittenkeller said his concern would be a trend to buying up small commercial properties to build big apartment complexes.

Chairman Israel said he would support the multi-family dwelling instead of marginal commercial use.

Rob Erteman, Applicant, said he understands that if he sells the building, it loses its use as a home. He doesn't anticipate selling; but it would give him more flexibility if that condition wasn't there.

Chaney said it could be sold into a similar situation but just not exclusively as a single-family dwelling.

M/S, Wittenkeller/ Harle, to approve the Use Permit pending an amendment to the General Plan and Zoning Ordinance allowing residential uses in all commercial areas; that conditional use is granted subject to the use by the resident of an adjacent commercial establishment. Ayes: All.

F. GENERAL DISCUSSION

1. Proposed meeting dates of January 8, 1996 and January 22, 1996.
2. Discuss earlier start time for meetings.

Planning Director Chaney said a dinner was discussed to honor outgoing Commissioners. Restaurants that are open on Monday night are the Orchid Thai, Ming Garden, May Lee's, or Alberto's. The dates would be December 4 or 18th. Chaney checked with H. Roth and it is fine with the Brown Act to get together socially.

Due to holidays, January Planning Commission dates need to be changed. The same problem occurs in February. She would suggest February 5 and 20 (a Tuesday) to get around President's day holiday and January 8 and 22 due to the New Year's holiday.

Chaney asked if people would like to meet earlier than 8:00 p.m. in order to finish a little earlier. 7:30 p.m. works for Wittenkeller and Duys. Chaney will consult those absent. Perhaps the new timing could start at the new year.

G. REPORT OF UPCOMING APPEALS TO TOWN COUNCIL

Planning Director Chaney reported that the Lucas matter has been appealed to the Town Council by neighbor Nancy Morita.

H. ADJOURNMENT TO December 4, 1995

The regular meeting of the San Anselmo Planning Commission was adjourned at 10:45 p.m. to the next meeting on December 4, 1995

MS, Harle/Duys, to adjourn to the next regular meeting. Ayes: All

Debbie Stutsman