

**TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES FOR APRIL 15, 1996**

The regular meeting of the San Anselmo Planning Commission was convened at 7:30 p.m. in the Council Chamber by Chairman Israel. Staff present was Planning Director Ann Chaney and Associate Planner Lisa Wight.

A. CALL TO ORDER

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

B. CONSENT

1. Minutes - April 1, 1996

2. Town of San Anselmo - San Anselmo Library, 110 TUNSTEAD AVENUE, A/P 7-213-70, Advisory design review for a 806 square foot, one story addition to the rear of the building which will connect Town Hall with the Library. No parking variance is required because the addition is primarily for circulation corridors and no new functions assembly areas or staffing will be added, on property within Marin County.

C. OPEN TIME FOR PUBLIC DISCUSSION

No one spoke during this time.

D. PUBLIC HEARINGS - CONTINUED

1. 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-II Zoning District. CONTINUED TO MAY 6, 1996

2. PDP-9505/Parcel Split - 9503/V-9549/DR-9525 - Carlos Castro, 444 REDWOOD ROAD, A/P 7-191-10, 1) a land division, 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 bay trees between 6" and 22" in diameter and one 15" walnut tree), on property located within the R-1H Zoning District. CONTINUED TO MAY 6, 1996

3. V-9604/DR-9606/U-9603 - Pacific Bell (applicant), 1509 SIR FRANCIS DRAKE BOULEVARD, (Seventh Day Adventist Church), A/P 5-153-03, a variance to increase the height of the church tower by 5' (currently the Tower is 33'-6" tall, it will be increased to 38'-6") and a use permit to locate a cellular phone site at this location, the panel antenna will be located within the tower addition, on property located within the R-2 Zoning District. CONTINUED TO MAY 6, 1996

4. V-9603/DR-9602 - Pacific Bell (applicant), 324-330 SIR FRANCIS DRAKE BOULEVARD, (Tamalpais Theatre) A/P 6-251-04, a variance, use permit and design review request to establish a cellular phone site at this location. The proposed cellular antenna will be located on a section of the building that exceeds the 30' height limit, on property located within the C-L Zoning District. CONTINUED TO MAY 6, 1996

E. PUBLIC HEARINGS

1. 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.

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The applicant was present.

Ms. Wight stated that at the request of the applicant, the illuminated sign will be continued.

Bob Buckner, Color Consultant, explained the proposed colors. He noted that his client likes earth tones. He suggested starting with darker colors and making the colors lighter as they go up the buildings. If he was required to provide darker trellis tops he suggested they be the same as the body color. He recommends getting away from the dark look.

Commissioner Mihaly said the trellis almost disappears against the sky but in fact it shows against the hills. He is worried that it might stand out too much against the hills.

Mr. Buckner responded that it would look great to have a light color even though it might have some contrast. It will not be harmful and jarring.

Commissioner Mihaly wondered why so many colors are proposed. Mr. Buckner responded that the colors are popular for the 1990's.

Commissioner Mihaly stated that he liked the color scheme however he would like the applicant to consider the trellis top the same color as the building because the original proposal would be too light. He was concerned about the teal because it is so widely used.

Commissioner Harle stated that he respects Staff's opinion about the trellis top but would go along with the applicant unless the color is really objectionable.

Commissioner Wittenkeller stated that the colors are in good taste and does not want to tinker with any changes.

Commissioner Duys stated that her eye would question the lightness of the trellis top although does not have strong feelings about it.

Commissioner Sargent concurs with Commissioner Duys, especially since it is difficult viewing the true color under florescent lights.

Chairman Israel stated that the colors proposed at the meeting are very good but the sample colors on the site do seem a little different. He thought that the three different tones on the trellis will break up the mass.

Ms. Wight suggested that it would be a good idea to continue this item until they could also approve the signage.

Ms. Spinozzi stated that she would like to have the Commission take action on the exterior colors and she will come back with the colors for signage at a later hearing.

Ms. Wight stated that she did not have the findings of approval in the Staff Report.

M/s Harle/Wittenkeller, and unanimously passed, to continue this item to May 6, 1996.

2. V-9605 - Chris Hamilton, 33 ROSEMONT AVENUE, A/P 5-071-54, setback variance to construct a front wall and deck facade for a second story addition with an uncovered roof deck over an existing detached garage that is within 2' of the west side property line (8' is required), on property located within the R-1 Zoning District. Ms. Wight presented the staff report.

Ms. Wight presented the Staff Report.

Matthew Anderson, Architect, stated that the facade is necessary to balance the addition and will not be viewed looking up from the street because of vegetation. By concentrating the addition in the rear will leave the impression of an open feeling in the front of the lot.

Commissioner Harle was inclined to approve the application because it was diminimus. He noted that on several occasions the Commission has approved trellises and other structures closer to the property line and this does not seem to be substantially different than a trellis

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Commissioner Wittenkeller felt the variance was minor and that the adjacent structures are forward on the lots and will not be affected.

Commissioner's Duys and Sargent concurred with Commissioner Harle.

Commissioner Mihaly stated that it is a minor intrusion and an overall benefit and design feature and could approve for the reasons stated by the architect. He noted that the topography slopes up and the adjacent structures are below the bulk of the lot.

Chairman Israel stated that he would do a service to the applicant to deny without prejudice and have the applicant reapply after the Zoning Ordinance is changed. He had no objection to the original proposal.

The Commission discussed the merits of this application and the proposed amendment to the Ordinance as proposed.

M/s Mihaly/Wittenkeller, and unanimously passed, to approve on the grounds. the downslope of the property is a special circumstances; and that the configuration and placement of the adjacent houses provide open spaces on an otherwise difficult lot. The addition is extremely small and to required to enhance the design which will have no adverse affect on neighboring properties. The approval is based on the plans received by the Town on March 28 1996 and that the applicant be required to obtain a deed restriction at the building permit stage.

Chairman Israel asked Staff to obtain clarification from the Town Attorney about consideration of surroundings and special circumstances and clarification as to whether the structures are on adjacent properties. .

Chairman Israel advised the public of the ten day appeal period.

3. V-9610 Seamus and Michele McGuinness, 12 HAMPTON AVENUE, A/P 5-241-05, a variance to construct: 1) an addition within 5'6" of the west side property line (8' required); 2) new front stairs within 4'6" of the east side property line; and 3) a 3' high retaining wall within 0' of the front property line (20' required) and 0' of the east side property line (8' required), on property located within the R-1 Zoning District.

Ms. Chaney presented the Staff Report.

The owner stated that the retaining wall could be 2'6" if the Commission was opposed to 3 feet.

M/s Duys/Sargent, and unanimously passed, to approve the finding in the Staff Report.

The audience was advised of the ten day appeal period..

4. WORKSHOP: Town of San Anselmo - Ordinance Amendment - Evaluation of the 8' interior side yard and 12' street side yard set back requirement in residential zoning districts for additions to existing structures which do not meet current set back requirements.
What properties it could apply to?

There was discussion on only requiring design review on those homes built prior to 1968 which is when the Zoning Ordinance was changed from 5' to 8' for the side yard setback

Ms. Wight raised the fairness issue about those homes that have been grandfathered in and those that are required to have the 8' side yard setbacks. Commissioner Harle: responded that the houses built at 5' were presumed legal at that time whereas the owner that comes along later should comply to the 8'. Therefore a pre existing condition is granted a special circumstance.

Ms. Wight stated that non conforming uses are limited in that the improvements have to be less than 50%.

Chairman Israel felt that the issue was very clear; approve the 5' setback for the old homes that currently have a 5' setback.

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Commissioner Sargent: suggested that the homes with the 5' setback be required to have a design review, not variance. Chairman Israel concurred with that proposal.

Chairman Mihaly felt that the property owner with the 5' setback has a right to continue the addition at the same setback. Another approach would be that if the property owner is encroaching closer than 5', then a variance would be required, but if the addition is between 5' and 8', it would only require design review and could be approved at the Staff level.

Commissioner Sargent suggested that the Town maintain the variance with the ability to grant a variance..

Chairman Israel stated that typically the Commission grants most variances. He stated that there should be FAR imposed.

Commissioner Mihaly: supports the idea of a more conservative approach; . supports the idea of either design review on a band of 5' and 8' or Staff's proposal of only those pre 1968. He also concurs that the Staff would consider FAR.

Commissioner Wittenkeller did not concur with going to the 5' setback; and would rather prefer to look at the implementation process.

Ms. Chaney suggested 5' for first story and second story be set back to 8'

Commissioner Mihaly: suggested the second story be a certain percentage of the first floor. He again suggested FAR and allow conditions for second story additions.

Chairman Israel stated that most towns and cities that have design review have design guidelines.

Commissioner Mihaly stated that if variances are not approved, eventually some of the structures, such as garages, need to be replaced and if the variance is not granted, eventually there will be more open space.

Commissioner Duys stated that Mill Valley has a good set of rules. A certain criteria for first floor, and another for second floor and also FAR guidelines.

Commissioner Israel suggested looking at Larkspurs FAR Ordinance.

Staff suggested looking at what historically has been approved in San Anselmo.

Commissioner Wittenkeller suggested contacting other communities.

F. GENERAL DISCUSSION

Marin County City Managers Technology workshop May 22, 1996. - need one Planning Commission representative.

Tour of Planning Commission approved projects is scheduled for May 20th, at 4:30.

Staff has suggested a joint meeting with the Town council.

G. REPORT OF UPCOMING APPEALS TO TOWN COUNCIL

H. ADJOURNMENT TO Monday, May 6, 1996.

The regular meeting was adjourned at 10:45 p.m. to the next meeting on May 6, 1996.

BARBARA CHAMBERS