

TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES OF JUNE 2, 1997

The regular meeting of the San Anselmo Planning Commission was convened at 7:30 p.m. in the Council Chamber by Vice Chair Wittenkeller. Staff present was Planning Director Ann Chaney, Senior Planner Lisa Wight and Associate Planner Chip Griffin.

A. CALL TO ORDER

Present: Wittenkeller, Harle, Zwick, Dowd
Absent: Cronk, Israel, Mihaly

B. OPEN TIME FOR PUBLIC DISCUSSION

No one spoke during this time.

C. CONSENT AGENDA

1. MINUTES: May 19, 1997

2. V-9718/DR-9715 - Eileen Lynch and Lawrence Lafresnage, 22 Southview Terrace, A/P 6-144-44, Design Review, to enclose an existing carport and add floor and deck area to the house. Variances to construct a first floor house and garage addition within 13' of the front property line (20' required); and to construct a second floor deck within 9' of the front property line (14' required), and Design Review to increase the maximum allowable dwelling size from 2,446 square feet to 2,683 square feet, on property located within the R-1 Zoning District (above 150' sea level).

3. DR-9716 - Patrick and Laurie Martinez, 90 Oak Knoll Avenue, A/P 5-154-32, Design Review of a 520 square foot second story living addition with a 131 square foot roof deck, on property located within the R-1 Zoning District.

M/s Dowd/Harle, and passed (4-0), to approve the Consent Agenda based on findings and conditions as set forth in the staff report.

Conditions of approval - 22 Southview Terrace: 1. That the construction be in accordance with plans date stamped received by the town of San Anselmo on March 19, 1997; 2. That the siding be horizontal Hardi-plank, non-combustible, wood grained siding. Paint color shall be "Wind Chime" #3A12-3 (light to medium brown/taupe color) and the trim be of new spruce wood and painted with Behr "Beaverwood" #3A12-5 (medium to dark brown color). 3. Applicant shall apply for and pay all appropriate fees for building permits, plan checks and inspections. 4. This permit and each condition contained herein shall be binding upon the applicant and any transferor, or successor in interest. 5. If construction is not commenced within one year from the date of final action, the permit becomes null and void. However, this discretionary action may be renewed by the Planning Director for a maximum period of one (1) year provided the applicant places such a request in writing to the Planning Director showing good cause prior to the expiration of the discretionary action.

Conditions of approval - 90 Oak Knoll Avenue: That the garage remain available for parking one vehicle in a 9' by 19' space, and that the garage not be used for a home occupation; and 2. That the applicant maintain the existing screening of the addition from the windows of No. 100 Oak Knoll Avenue. Should it be necessary to remove or severely prune these plants, that additional screening plants be installed. Such species shall be approved by the Planning Director.

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

D. CONTINUED HEARINGS

1. DR-9713 - Mr. And Mrs. Edward Heavey, 405 Sequoia Drive, A/P 6-117-08, design review of a new single family dwelling on property located within the R-1 Zoning District. (above 150' mean sea level) CONTINUED TO 6/16/97

2. U-9707/V-9720/DR-9715 - Sprint Spectrum - 324 Sir Francis Drake Boulevard (Tamalpais Theater), A/P 6-251-04, Use Permit and Design Review to locate (3) Personal Communication Systems (PCS) antennas and associated cabinetry on the roof and parapet walls of the former Tamalpais Theater. Height Variance to locate equipment up to 47' above grade (30' maximum allowed), on property located within the C-2 Zoning District. CONTINUED TO 6/16/97

3. V-9713 - Seidelman Associates for Geoff Koblick 6-42 Red Hill Avenue and Jeffrey Johnston, 22 Island Drive, A/P 6-201-02 and 6-201-54, proposal to construct a 15' high, 142' long retaining wall across a portion of 22 Island Drive (no variances needed for this section). Rear yard Variances are required to construct: 1) an 88' long

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west "side" retaining wall, varying in height from 15' (as it connects with the upper wall) to 0' (as it connects with the lower wall) located within 0' of the rear property lines for 22 Island Drive and 6-42 Red Hill Avenue (20' setback required); 2) a 46' long east "side" retaining wall, varying in height from 15' to 0', located within 0' of the rear property lines for 22 Island Drive and 6-42 Red Hill Avenue (20' setback required); and 3) a 136' long, 5' high "tie-back" retaining wall located within 1' of the rear property line of 22 Island Drive on property located within the C-3 and R-1-C zoning district.
CONTINUED TO 6/16/97

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E. PUBLIC HEARINGS

1. DR-9717/V-9717 - Niz Brown, 61 Sais Avenue, A/P 6-074-30 - a Variance request to replace an existing house and build a 9' high trellis and a 1,500 square foot second story addition within 12' from the front property line (20' required); and Design Review for the second story addition for property located within the R-1 Zoning District.

Mr. Griffin presented the staff report.

Commissioner Zwick asked about the flood zone requirements. Mr. Griffin stated that this site is situated within the "A" flood zone and is the owner is required to provide an elevation certificate, indicating they are above the Base Flood Elevation (BFE) or raise the floor to be above the BFE. This will be a requirement if the addition/improvements are substantial improvements.

Niz Brown, applicant, explained that she represented the buyers in 1989. It had been remodeled prior to their purchasing the property. It was then resold with just some cosmetic work being done. The current owners wanted to raise the house and it has been determined that there was a significant amount of dry rot. She has taken over the project in an attempt to fix an eye sore in the neighborhood. She stated they decided to relocate the entry to the side with a two-story entry hall, and they sacrificed a bedroom for the entry hall. There will also be a big living room, the back bedroom will become a family room that will overlook the garden. All the public spaces of the house will be located downstairs. There is a two-car garage. They are changing the roof pitch and removing the stucco. There is a flagstone patio, which will be saved. There are some lovely Japanese Maples and they will add additional landscaping.

Barbara Marksbury, 55 Sais, stated that she is very concerned about the height, noting that it is currently the same height as their house, and the roof is supposed to be raised. She also asked for clarification on the location of the 9' trellis.

Staff explained that the trellis is along the garage doors and will not extend more than 2' from the wall. The building height will be 27' at the peak, which is a 6' height increase. The height of the eve will be 21', and the height of the existing structure is 21'.

Gene Marksbury, 55 Sais, wondered if the house would be raised or torn down. He was also not sure about the location of the trellis.

Jon Pey, 29 Nokomis, stated that he will be most affected by the project and has not been getting any public notices. There is a second unit on the parcel now and wondered if it will remain. He would like to see the second unit abated. He was concerned about the 6' height increase from the last proposal and this proposal is still 6' higher. He was also concerned about the drainage system and there does not seem to be any proposal to address the drainage issues with this application. Therefore, nothing has changed since the last proposal. He will lose privacy from his two bedrooms and swimming pool. He is shocked that this house has 45 percent lot coverage and there does not seem to be much discussion about it. He was not allowed to exceed the lot coverage. He wondered why a ranch style house could not be considered, instead of building a two-story addition. He requested that there be interaction between the applicant and the community to come up with a compromise.

Jane Hall, 31 Nokomas, stated that the second unit is very close to the fence and too close to her property. She is opposed to the 45 percent lot coverage. She also urged that a community meeting take place with the applicant.

Mrs. Marksbury spoke again, stating that the second unit was allowed because a previous owner needed the income and he was a good neighbor. She would like to see that, if it continues to exist, it should look better.

Mr. Marksbury, stated that the heights are in dispute because of the attic space and wondered why it is necessary to increase the house to such an extreme. The contractor stated that the attic space is to be removed.

Frieda slepnoll, objected to the 6' height increase.

Ms. Brown stated that the existing height of the stucco is the same as the height they will have, excluding the roof. They will be reducing the mass because of the hipped roof. Also, the previous owners had at least 3" of water in the basement and because of that, they could not build below grade.

Mr. Griffin added that there are two, 8' floors with 18" floor joists.

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Ms. Chaney explained that this proposal is to lift up the existing house. As it appears now, the house could be a tear down. There are professional building inspectors that can help people determine the extent of the project. Secondly, the notification process is provided to the Town on an annual basis from the Assessor's Office, so if the neighbor did not get a notice, it is because the Assessor's records are not current. In terms of the registered unit, that was grandfathered, and is not subject to rent control. The Commission did encourage the previous applicant to meet with the neighbors to resolve some issues and staff will be willing to facilitate a meeting if necessary.

Commissioner Harle stated that it might be premature to evaluate the project because Commission does not know if the house will be torn down or if it will be an addition/remodel. He questioned the lot coverage, noting that it does not look like the coverage is 45%.

Commissioner Zwick noted that his calculations indicate that 35% lot coverage would allow a 2,729 square foot house.

Commissioner Dowd stated that he would like to see the rear windows addressed.

Commissioner Harle was sympathize with the arguments of the neighbors however, there is ample precedent for two story houses in the neighborhood and would not feel comfortable denying a two-story house. While the house is within the setbacks and a large distance from the house on the south and north, and at least the same as others in the neighborhood, he would not feel comfortable denying this application. He is curious about the lot coverage and has trouble with the calculations.

Commissioner Zwick stated that this is new construction, does not obey the setbacks, and is a 50% intensification of use; plus it has a second unit. He would have an issue with lot coverage if it exceeds the allowable coverage. He is disappointed that the applicant did not meet with the neighbors. From a design review standpoint, this is still a boxy house and has room for more articulation. It would be incumbent on the applicant to advise the Commission if it is new construction or a remodel.

Vice Chair Wittenkeller stated that the history of the property is playing a role in the process. This proposal is much better than the previous application. He stated that the drawings are difficult because they do not show the existing and proposed. He felt that many of the issues have been resolved.

Ms. Chaney stated that her calculations indicate 31.6% lot coverage, which means they are within the allowable lot coverage.

Commissioner Harle would like resolution as to whether or not it should be new construction or a remodel. Commissioner Zwick concurred.

Ms. Brown responded that she has every intention of keeping the second story.

M/s Dowd/Harle, and passed (3-1), to approve the application based on staff findings and conditions, with the added condition that the rear window should be raised so people in the bedrooms could not see out to the adjacent neighbors' rear yard but so light will be preserved in the bedroom.

No: Zwick
Absent: Israel, Mihaly, Cronk

The audience was advised of the ten day appeal period.

2. Environmental Review/GPA-9601/Z-9601 - All Limited Commercial (C-L) zoned properties (located between 606 and 820 Sir Francis Drake Boulevard. Review of Negative Declaration of Environmental Impact, proposal to amend the General Plan and the Zoning Ordinance to permit the following uses: 1) Gasoline Sales; and 2) Combined Use of Gasoline Sales and Convenience Market. This request is being initiated by Russ Johnson, Chevron Service Station owner, in order to convert the service bays to a convenience market.

Ms. Wight presented the staff report.

No one from the public spoke on this matter.

Commissioner Harle complimented staff on the staff report and recommended approval as proposed by staff.

Commissioners' Zwick, Dowd and Wittenkeller were also in support of the staff recommendation.

M/s Harle/Dowd, and unanimously passed (4-0), to approve the proposal based on the

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staff report.

Absent: Israel, Mihaly, Cronk

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

3. U-9608 - Russ Johnson, Chevron, 750 Sir Francis Drake Boulevard, A/P 6-091-40, Review of Negative Declaration, use permit and design review to construct an addition and operate a combined use of gasoline sales and a convenience market on property located within the C-L zoning district.

Ms. Wight presented the staff report.

Vice Chair Wittenkeller recommend that the applicant provide design details of the addition for the next meeting.

Mr. Johnson stated that the addition will be used for storage and refrigeration. The rock may be difficult to match and therefore was going to paint it gray.

Carla Overburger, 37 Nokomis, stated she is concerned about the proposed lighting and wondered if the noise from the refrigeration issues have been addressed.

Mr. Johnson responded that there are compressors on at night now and there will be no lighting changes to the outside of the building, just the inside. The compressors will go behind the building. He thought the noise would be minimal but will provide information on it. He noted that he currently has air conditioning and the noise from the compressors will not exceed the noise from the air conditioning units.

Vice Chair Wittenkeller stated that he would like to see signage for the next meeting and noise levels on the equipment.

Mr. Johnson stated he would provide a nighttime photo of the building, indicating the amount of glare from the lights.

In response to Commissioner Harle, Mr. Johnson stated that the retaining wall at the rear of the storage shed would be approximately 3.6 feet in height.

Staff suggested that the applicant provide design information as well as signage and noise levels for the next meeting.

M/s Zwick/Harle, and unanimously passed (4-0), to continue to the meeting of June 16, 1997.

4. U-9706 - San Francisco Theological Seminary, 40 Kensington Road, A/P 7-292-03, 7-291-01, Use Permit request to allow a food catering service (Ann Walker Catering) to operate from the kitchen at Alexander Hall. This catering business will serve the Seminary's food service needs as well as cater to outside clients, on property located within the Specific Planned Development (SPD) Zoning District.

Ms. Chaney presented the staff report.

Commissioner Harle wondered if the catering service delivered to customers off site. If so, that could be a potential problem because it could grow. Staff suggested that the question be deferred to the applicant.

Commissioner Dowd wondered how the catering service would be monitored to ensure that it only serves the Seminary. Ms. Chaney said that their books could be monitored or they could submit a list of their customers.

Scott Shafer, representing the Seminary, stated that the Seminary believes there is no change in the master plan. This service has been used, both on site and off site. The change that occurred was in 1993. They eliminated the food services at the Seminary, as well as 1,500 positions. This had a negative impact on the Seminary. They do not have the critical masses of students to employ a full time catering service like Dominican College. They now lease the kitchen to Ann Walker Catering, to provide on site service as well as off site catering. He did feel there is a change in 1993 to the Master Plan. There has been a greater use since the catering service has been in use. There is also a lot more recycling taking place. The recycling company does not have scheduled pick up times, and sometimes they arrive at 6:30 a.m. They are proposing to have the cardboard recycle moved to Kensington Court, the area that most serves Alexander Hall and which will not create a noise problem for the neighbors. There were several issues about deliveries and now none come prior to 7:00 a.m. They have a once a week garbage company. He noted that Alexander Hall is mentioned three times in the Master Plan, not one time, as stated by staff. In 1990, there was no proposal to change the dining room. The County of Marin issued the Seminary a cafeteria permit

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to be used for commercial purposes. There was an extensive food service in 1990. There was a commercial catering services at the Seminary in 1990, although they were Seminary employees.

John Colteaux, 55 Kensington Road, stated the Seminary was in existence prior to the zoning laws, and therefore has a legal, non-conforming use. He provided a history of the property. The Seminary needs to be rezoned with an overlay, which would guarantee to the neighborhood what the plan is for the Seminary. In 1990, a Master Plan was created. If he knew that there would have been an approval for the commercial use, the Council would never have approved it, and he was on the Council at the time. The use is a concern, and this could then also be used in other areas of the Seminary. If this use is pursued, the Master Plan should be changed and should be studied and go before the Seminary Advisory Board. There does not seem to be any way to limit the use; there are several trucks coming and going. The use is in a residential area and is a commercial use. A business is being operated in a non-commercial zone. The employees show up after 7:00 a.m. but the trucks show up prior to 5:30 a.m. and takes the aluminum and glass and that happens twice a week and the garbage company comes at least 4 days a week, prior to 7:00 a.m. There are also deliveries of refrigerator trucks early in the morning. There are no deliveries that go from the catering service to the Seminary, it all goes off site. He presented photographs of the delivery trucks. The catering employees park on the street so they can keep the on site parking area clear for delivery trucks. He believes that the issue should go to the Seminary Advisory Board prior to any further use.

Frnk Shellings, 59 Austin Avenue, agrees that there is a lot of noise, traffic and is also concerned with the odor.

Elene Robertson 38 and 46 Austin, stated that the garbage pick up is noisy and is disturbed that the Seminary wants to promote commercial activity. They also have yoga and it is now being promoted as a convention center. This is too intense a use for a residential area. Bolinas Avenue is also getting additional traffic from Branson School. She supports the comments of Mr. Colteaux. She stated that she is on the neighborhood advisory committee for the Seminary but there has not been a meeting called in three or four years; this should be a discussion item for the advisory board.

Scott Shafer stated there are a number of commercial activities, such as the Community Play House, a counseling center, a childrens' center, and a book store. It is therefore erroneous to state that no commercial use has taken place prior to the Master Plan. He spoke to all the distributors and they say they are not arriving prior to 7:00 a.m. The garage company will try to work with them and not come until after 7:00 a.m., although the Town allows recycling from 5:30 a.m. They cannot support a full time food service and therefore did not think they were making a change from the Master Plan. He agreed that a change did take place in 1993. He also stated that the garbage is now picked up only once a week.

Mr. Colteaux spoke again, stating that the activity is at least ten times greater than in the past. When the Seminary was operating its own kitchen and doing outside catering, there was very little activity outside catering.

Mr. Shafer stated that the kitchen has always had a lot of activity, but does not agree that it has increased ten percent.

In response to Commissioner Zwick, Ms. Chaney stated that the Master Plan does not mention outside catering.

Commissioner Zwick stated that he was in favor of the Seminary's plan but if they want to promote these activities they should be promoted in the Master Plan, and they should meet with the neighbors first. He would also like to review the loading docks for truck deliveries;

Commissioner Dowd stated the college seems willing to cooperate and understands the concerns of the neighbors. The college needs to have food; this is similar to living next to a school or a church. There is a way to limit the use by approving the number of employees, hours of operation and pick up and deliveries. He would also like to look into the noise issues.

Commissioner Harle stated that this is a commercial catering in a residential area. He does not think he could support a use permit for the outside catering and would have to know a lot more about the need for the Seminary to have the outside use.

Vice Chair Wittenkeller stated that the Seminary is one of the absolute jewels in San Anselmo, a community asset, and they have been good neighbors. However, he does not believe that a catering service doing outside work is appropriate. Would like them to find a solution that the neighbors could live with; does not mean elimination of all outside catering but he will not approve an open ended catering service. He would like

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to deny it without prejudice.

Ms. Chaney commented that the Commission could just deny the use permit. The Seminary could provide a catering service on site which would not require a use permit and would be permitted.

Commissioner Harle said that to deny without prejudice would allow practical ways of limiting the use and in ways it would be enforceable. Perhaps the use should be re-defined. He would like a full Commission present if it is continued and comes back again.

Commissioner Zwick commented that the turning radii of the driveways and trucks should be addressed. This use should be looked at comprehensively and documentation should be provided and the Master Plan should include the use,

Mr. Shafer said that there is documentation that the enrollment has decreased.

M/s Harle/Dowd, and passed (4-0), to deny the application without prejudice due to the findings in the staff report.

Absent: Cronk, Israel, Mihaly

The audience was advised of the ten day appeal period.

5. V 9721- Mike and Tania Helbig, 46 Park Drive, A/P 6-043-03, A 6' south side yard variance for a gazebo to be within 2' of the south side property line; and a 4.5' south side yard variance for a hot tub to be within 3.5' of the south side property, on property located within the R-1 Zoning District. (AFTER-THE-FACT)

Ms. Chaney presented the staff report.

Mike Helbig, applicant, stated that the gazebo is in line with the garage and will not impact anyone. The trellis is built under the roofline. He was led to believe that he did not need a permit. The location of the tub was also placed in the location because of the electrical outlet that is in the garage. He has support of the adjacent neighbor at 50 Park.

Dean Larson, 17 Lincoln Avenue, is a friend and confirms the fact that they had no knowledge that permits were necessary. It was placed in the location because of the retaining walls.

Commissioner Dowd had no comment.

Commissioner Harle stated that his impulse was to approve but was unsure of the findings.

Commissioner Wittenkeller felt the structure was really diminutive and the adjacent neighbor is not opposed to the structure. He would require rigid insulation on the mechanical equipment for noise protection.

M/s Wittenkeller/Dowd, and unanimously passed (4-0), to approve the application based on the fact the structure is in close proximity to the creek and the view on the site is unique to the property, and that the existing garage is already in the setbacks.

Absent: Cronk, Israel, Mihaly

The audience was advised of the ten day appeal period.

F. GENERAL DISCUSSION

Election of Chair and Vice Chair
Continued to a future meeting when there is a full Commission.

G. REPORT OF UPCOMING APPEALS TO TOWN COUNCIL

H. ADJOURNMENT TO JUNE 16, 1997.

The regular meeting of the San Anselmo Planning Commission was adjourned at 11:30 p.m.

BARBARA CHAMBERS