

TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES OF MAY 5, 1997

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

A. CALL TO ORDER

Commissioners Present: Harle, Wittenkeller, Cronk, Mihaly, Israel
Commissioners Absent: Duys

B. OPEN TIME FOR PUBLIC DISCUSSION

No one spoke during this time.

C. CONSENT AGENDA

1. MINUTES: April 21, 1997

2. Town of San Anselmo - Proposed Ordinance Amendment to place certain limitations on fences between 3'6" and 6' in height and located within the front yard and street side setback. Currently, solid 6' high fences are allowed by right. This amendment would allow 6' fences that are visually open.

3. DR-9703 - William and Janet Johnson, 64 Fernwood, A/P 7-131-09, design review of a new single family dwelling on property located within the R-1 Zoning District (above the 150' sea level).

4. V-9717 - John and Maureen Geoghegan, 61 Sais Avenue, A/P 6-074-30 - a Variance request to 1) increase the height of an existing house 6' to be within 12' from the front property line (20' required) and; 2) construct a new one-car carport within 3'6" from the southerly side property line (8' required), on property located within the R-1 Zoning District.

5. V-9716 - Ernest Giono, 1624 San Anselmo Avenue, A/P 5-191-17, a Variance request to: 1) build a new 800 ± square foot, single story house within 6' of the northerly side property line (8' required) and within 10' of the street side property line (12' required); and 2) a variance for 1 parking space (2 required), to be located within 3' of the side yard property line. The house will be located along the northerly side of Klare Avenue, between San Anselmo Avenue and Sierra Avenue, on property located within the R-1 Zoning District.

Consent Agenda Items 3 and 4 were removed for discussion at the request of Commissioner Wittenkeller.

Regarding Item C3, Ms Wight said there is still a question on the exact location of the turnaround required by the Fire Department. She would like the resolution to include that the location of the turnaround is subject to Fire Department approval. Regarding the drainage study, the intent is that the Commission is acknowledging their concerns about drainage and soil and wants the Public Works Director to review the plans and the resolution should say this. This will be resolved before the building permit is issued and will be subject to administrative review.

Commissioner Wittenkeller asked if the drainage plans will be looked at by the downhill neighbor. Ms Wight answered affirmatively.

Commissioner Wittenkeller asked if there are any neighbors who wish to speak to this item. There were none.

Regarding item C4, Planning Director Chaney said this item was approved several years ago but the addition was never built. Now it is subject to an administrative design review as it is a second story addition. She said the Commission cannot take action, but it would be good to discuss any concerns tonight.

Commissioner Israel asked if the neighbors who object to this project are here. Several people raised their hands.

Regarding Item C2, the fence ordinance, Commissioner Mihaly said he has some technical objections to the language and would like these discussed.

M/s, Israel/Mihaly, to remove items C2 and C4 for discussion and to approve items C1, C3 and C5. Ayes: Cronk, Harle, Wittenkeller, Mihaly, Israel (except Item C1). Absent: Duys. Abstain: Israel (from Item C1).

Conditions of Approval (Item C5)

1. That the request for a variance be granted to construct garage and living space additions in accordance with the plans date stamped March 17, 1996, received by the Town of San Anselmo Planning Department.

2. Applicant shall apply for and pay yall appropriate fees for building permits,

plan checks and inspections.

3. This permit and each condition contained herein shall be binding upon applicant and any transferor, or successor in interest.

4. 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.

Regarding Item C4, Mr. Griffin presented his staff report. This project was approved with a variance in 1994, was never built, and the variance expired. Since that time, new policy has been adopted that requires this project to receive design review. The applicant wants to raise the existing building six feet to gain space underneath for living space. A variance is required because the front of the building intrudes on the frontyard setback.

Commissioner Israel asked if the submittal is completely unchanged from the earlier approved plans. Mr. Griffin answered affirmatively.

Commissioner Mihaly suggested the Commission open the public hearing to allow the interested neighbors to speak this evening, even though no decision can be made tonight. He noted that in the 1994 approval one commissioner voted against this project because driveway access would be denied to the second unit resident. Mr. Griffin said that as it is a carport that is in question, the resident could drive through when a car is not parked blocking the drive, regardless of whether the carport is there or not.

John Geoghegan, applicant, said the construction was not done because he is involved in litigation. The lower floor has a termite infestation and it floods every winter. His neighbors have been allowed to have two story homes and he didn't object to their plans.

Commissioner Israel asked why six foot additional is needed to get a floor and standard room downstairs.

Mr. Geoghegan said they need the floor to be raised 18 inches to preclude flooding. You step down when you go into the downstairs area; it is below grade.

Commissioner Wittenkeller asked if the applicant could submit a drawing with dimensions and sections to show what is existing and what is to be added for the next meeting.

Jonathan Peay, 29 Nokomis, located directly behind the applicant's property, said he just learned about this proposed construction. He regrets that he has never received notices on these plans. He and several neighbors object to a number of items. The additional height will tower over his home and eliminate their views. The increased height will terminate his backyard, dining room, kitchen, den and bedroom privacy. They object to the numerous variances that are required. Neighbor Frieda Schlepnot also objects and is unable to attend but did send a letter to Mr. Griffin. This construction is too extreme and will detract from his and his neighbors' privacy and views.

Gene Marksbury, 55 Sais Avenue, said his main objection is the height of the addition. He doesn't believe six feet is absolutely necessary to gain the objective.

Raymond Feel, 31 Nokomis, said he also objects to the height of the addition.

John Geoghegan, applicant, said he wants privacy, too, and is planning to put screening in landscaping. He is willing to work with the neighbors.

Commissioner Mihaly said he feels there is a solution here. The applicants and neighbors should get together, get an architect to see how the height can be reduced and come back to the Commission. He has no problem approving the variance. This applicant should be able to build up and should be able to get himself out of the flood zone. The volume of the building should be kept to a minimum.

Commissioner Harle said he feels this can be built somewhat lower and he feels a solution can be reached.

Commissioner Israel said he would like to see a garage put in the lower story, precluding the need for the carport and the sideyard variance. He would like to ensure that the height of the house is minimized; there are other ways to take care of water problems than height. The existing house is boxy and he would like to see the plans

correct that somehow.

Commissioner Wittenkeller said he believes the applicant has the right to add to his house. Perhaps some other way can be discovered that will achieve the purpose with less than six feet.

M/s, Mihaly/Cronk, to continue this item to the meeting of June 2, 1997. Ayes: Cronk, Harle, Wittenkeller, Mihaly, Israel. Absent: Duys

Commissioner Israel said he has a hard time with the front yard setback variance due to lot shape because many lots in San Anselmo are irregularly shaped.

Regarding item C2, Commissioner Mihaly said he has some technical wording changes to Table 4B of the ordinance and he read them out loud. It was the consensus of the Commission to accept these changes.

In addition, Commissioner Wittenkeller said he feels that the words "air access" should be deleted from Table 4B and in the ordinance, "visually open agricultural fences" should be replaced with "open welded wire fences."

Ms. Chaney noted this ordinance will not regulate any change to street, sideyard fences. These fences protect people's backyard privacy. If someone has a three foot high retaining wall, the fencing above three feet high must be open.

M/s, Israel/Harle, to approve the Negative Declaration and recommend that the Town Council adopt the Ordinance Amendment on fence heights in front yards, as provided by the staff report and amended by Commissioner Mihaly. Ayes: Wittenkeller, Mihaly, Harle, Israel. Absent: Cronk (this item only), Duys.

D. ITEM WITHDRAWN

1. DR-9708/U-9703 - Aslam Hussain, 807 San Anselmo Avenue, A/P 7-162-17, Use Permit to extend hours of operation to 24 hours a day, 7 days a week. Current allowable hours are 6:00 a.m. to 11:00 p.m. daily. Design Review to consider proposed landscape and lighting, on property located within the C-2 zoning district.

E. CONTINUED HEARINGS

1. 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 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 districts. CONTINUED TO 5/19/97

F. PUBLIC HEARINGS

1. Environmental Review/GPA-9601/Z-9601/U-9608 Russ Johnson, 12 Loma Robles and 750 Sir Francis Drake Boulevard, A/P 6-091-41, 770 and 760 Sir Francis Drake Boulevard, A/P 6-091-38, 754 Sir Francis Drake Boulevard, A/P 6-091-39, and 700 Sir Francis Drake Boulevard, A/P 6-091-40: Review of traffic study prepared for the proposal to amend the General Plan Land Use designation from Limited Commercial to General Commercial; Zoning Ordinance amendment to amend the zoning from C-L (Limited Commercial) to C-3 (General Commercial) or to revise the list of allowed uses (Table 3A) in the C-L zone to permit a mini-mart food store. This request is being initiated by the Chevron Service Station owner in order to permit a mini-mart at that service station.

Ms. Wight presented her staff report. Mr. Johnson would like to close his repair bays and turn the area into a convenience store. A traffic study has been done as a result of requests at a previous meeting. The traffic study concluded that rezoning all the parcels would have a significant negative impact on traffic, although rezoning only 4 parcels would not have a significant increase. She summarized other conclusions of the traffic study. Staff recommends that the Zoning Ordinance be modified to conditionally permit uses which do not generate more peak hour traffic than existing uses. A combination gas station/convenience store would be all right under this configuration, but not a convenience store alone, providing the trip generation doesn't increase. Staff recommends an environmental review to amend the General Plan Land Use Element to change the threshold of trip use to equal or less than existing use. Several other changes would have to be made as well and a Use Permit application

would be required.

Commissioner Israel asked if a negative declaration is required. Wight said an environmental review is required. Potentially the Zoning Ordinance and the General Plan need to be changed.

Commissioner Israel asked what mechanism we have to control the traffic flow. Ms Wight said the applicant would have to ensure that it was not a use that would typically generate any more traffic than the present use.

Ms Chaney said gasoline stations are generally considered pass-through stops, i.e. people just stop on the way, they don't make a special trip.

Commissioner Israel asked about turning movements into and out of the station.

Russ Johnson, Applicant, said he is essentially on a one-way street. In the morning there is very little traffic on his side of the street. It is easy to pull into his station from the street. He doesn't believe a convenience store generates much more traffic, if any. It is difficult to limit the number of customers a retailer can have in his store. If he changed to an independent gas station, he could double his volume in the station, but that isn't what San Anselmo wants.

Margaret Fawcett, representing Mr. Johnson, said the traffic study is very interesting in that it indicates that the gas station/convenience store will actually reduce traffic. She would like them to leave the zoning as suggested by the consultant and just permit the combined use.

Commissioner Israel asked about left turns into the station from Sir Francis Drake Blvd.

Ms Chaney said this information should be in the report and will be addressed with the consultant by Ms Wight.

Mihaly asked how you calculate the existing number of trips. Ms Wight said you would use the standard figures on Table 2 from the consultant.

Commissioner Harle asked the applicant his view of staff's recommendations.

Mr. Johnson said he has a hard time understanding the recommendations. His attorney said the staff recommendation was fine.

Commissioner Harle said he would like to see the applicant receive permission to do what he proposes to do. He supports the staff recommendations; he would not like to get involved in more traffic studies.

Commissioner Cronk said she supports the staff recommendation, with the understanding that there isn't an actual traffic count made, but rather it is based on generally accepted numbers of trips.

Commissioner Israel said he agrees with what has been said. He would like to ensure there is no misinterpretation of the allowed generated traffic. Will this be a use permit that is potentially revocable and may haunt this applicant?

Commissioner Mihaly supports the staff recommendation and these issues can be resolved as we go along.

Commissioner Wittenkeller said he likes this approach better than rezoning.

Ms. Wight said the applicant signed a time extension letter until tonight, so she will need another time extension letter from the applicant. The earliest this item could be heard is June 2, 1997. The zoning changes will have to go the Town Council. The entire process could take three months. The applicant agreed to a time extension for 2 weeks.

M/s, Israel/Cronk, to continue to the meeting of May 19, 1997, and direct staff to make changes as recommended in staff report; the applicant has agreed to an extension until May 19, 1997. Ayes: Cronk, Mihaly, Israel, Wittenkeller, Harle. Absent: Duys.

2. 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)

This item was continued to May 19, 1997.

3. V-9715/SR-9703 - Ross Valley Community for Schools, a Variance from Sign Ordinance to permit two, temporary "thermometer" type fundraising signs at northbound and westbound approaches to San Anselmo limits within the public median right-of-way on Sir Francis Drake Boulevard and Red Hill Avenue. Said signs would be erected generally from October 1997 to June 1998.

Ms. Chaney presented her staff report. The proposed sign would be 8 feet high and two feet wide. These signs are proposed to be located in the public right-of-way, which is prohibited by our municipal code. An encroachment permit would have to be approved by the Public Works Director. This is a unique situation and staff is concerned with setting a precedent. Code does allow the Planning Commission to grant exceptions. The applicant wants signs at two locations. Mill Valley has the similar type signs in the public right-of-way without objection. The Commission may grant a variance. Staff could not find any unnecessary hardships. The applicant argues that they are a unique organization, raising money for the public schools, and this would not be precedent setting. They are, however, a non-profit foundation, that raises money for the schools. Should this be approved, conditions are suggested by staff for approval by the Public Works Director. This will also have to go to the Town Council.

Commissioner Harle asked if the variance can be avoided by concluding that it is not a private use and is essentially a public function.

Commissioner Wittenkeller said his only concern is the proliferation of other requesters.

Jean Magistrale, RCVS Board Member, said the signs are to be located as people approach the Town. These signs are necessary to maximize their fundraising, which is driven by budget issues. RVCS funds music, art, enrichment programs, drama, etc. for the public schools. They have investigated alternative sites but none have been identified that work. They believe RVCS is the only private group that supports a public entity.

Commissioner Mihaly asked if these signs would be up every year for the school year.

Ms. Chaney said staff is in favor of this effort, but couldn't find a way to authorize it. Other non-profit groups involved in public fundraising in San Anselmo are Downtown Revitalization and the Red Hill School Fields Task Force.

Commissioner Cronk said she is supportive of not granting a variance but letting the signs go up, but wouldn't like to see two or three more of these types of signs.

Commissioner Israel agreed with Cronk.

Commissioner Mihaly said he supports putting up the signs. The problem is an aesthetic one. He would like to see a permanent sign that is done in good taste. Littering the median with temporary signs is terrible. The sign should include landscaping and lighting to look really good.

Commissioner Harle said he supports the idea of having these signs.

Commissioner Wittenkeller said he would like to see this approved without a variance, declaring it a quasi-public use. Perhaps other public groups could share.

M/s, Israel/Harle, to approve the thermometer type sign requested by RVCS, located as indicated in the staff report, erected from October 1 to April 1, 1998, until a permanent sign can be designed and reviewed to take its place, based on the determination that RVCS is an entity serving the public and is therefore deemed not a private use but a public use, as it has only the function of promoting public school district programs. The final sign location shall be subject to approval by the Public Works Director to ensure that the signs do not obstruct clear and free vision along the major roadway. Ayes: Cronk, Harle, Mihaly, Israel, Wittenkeller. Absent: Duys.

Conditions of Approval:

1. That Sign Review approval is limited to two (2) signs, a maximum of 8' in height; and dimensioned at 2.5' wide by 5' high, and placed on a 3' post. Sign design shall be as shown on plans date stamped received by the Town of San Anselmo on February 11, 1997.
2. Sign location shall generally be;
Location No. 1 - Sir Francis Drake Blvd, median, north of intersection of Bolinas Avenue/Sir Francis Drake. Sign would face northbound traffic (approximately 20 feet

south of wooden "Welcome to San Anselmo" sign.

Location No. 2 - South side of Redhill Avenue, west of Ross Valley Drive and Redhill Avenue intersection, approximately 25 feet west of "San Anselmo Town Limits" sign (roughly opposite Case Lucia Market).

Final sign location shall be subject to approval by the Public Works Director to ensure that said signs do not obstruct clear and free vision along the major roadway.

3. This permit and each condition contained herein shall be binding upon the applicant and any transferor, or successor in interest.

4. Said temporary signs may not be erected until October 1, 1997, and shall be removed no later than June 1, 1998.

Commissioner Israel said he doesn't want this to encourage any other public type fundraising signs. Changes may be deemed necessary when the full component of that is realized. He doesn't want to give one of these organizations precedence over any of the others.

Commissioner Mihaly said he doesn't believe temporary fundraising efforts are the same as the permanent ones we are talking about.

G. GENERAL DISCUSSION

H. REPORT OF UPCOMING APPEALS TO TOWN COUNCIL

I. ADJOURNMENT TO MAY 19, 1997.

M/s, Harle/Israel, to adjourn the meeting at 10:45 p.m. to the meeting of May 19, 1997.
Ayes: All. Absent: Duys.

Debbie Stutsman