

**TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES OF JANUARY 6, 1997**

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

A. CALL TO ORDER

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

B. OPEN TIME FOR PUBLIC DISCUSSION

No one spoke during this time.

C. CONSENT AGENDA

1. MINUTES: December 16, 1996

2. 40 Tomahawk Drive, A/P 177-250-63, Request by Laurence Bartone 1) to amend or interpret the Quarry Mountain subdivision CC&Rs and Map to permit a driveway access across the private open space easement on 40 Tomahawk Drive. This property is located within the Town in the R-1-H Zoning District. The purpose of the driveway would be to access a single family lot located in the County jurisdiction (A/P 177-171-06) directly from Tomahawk Drive; and 2) grant a private open space easement to the Town of San Anselmo over the undevelopable portion of A/P 177-171-06 located in the County.

3. U-9504 - Tom and Lilka Areton, Cultural Homestay International, 104 and 106 Butterfield Road, A/P 5-072-17 and 5-072-18, required review of the use permit granted in October, 1995, to allow this non-profit social service institution to operate on property located within the R-1 Zoning District.

4. 2 Bridge Avenue, A/P 6-083-09:

U-9701 - A, Jack Olive, applicant for a Use Permit request to allow a painting studio (studio) at the subject commercial space. No retail use is proposed except an occasional gallery exhibition, and

U-9701 -B, Jerry Draper, Use Permit to allow the establishment of a wine broker and off-sale of wine, on property located within the C-3 Zoning District.

5. **San Domenico School (end of Butterfield Road)** - Draft recommendations and comments by Planning Commission regarding San Domenico School Master Plan.

Chair Israel removed item 1, Minutes of December 15, 1996, as they are not ready.

M/s, Harle/ Cronk, to approve the balance of the consent agenda. Ayes: All. Abstain: Wittenkeller.

Commissioner Mihaly complimented staff on their work on San Domenico School Master Plan. He asked that it be indicated that the Town Council may want to explore a joint powers agreement, which may allow the Town say in the approval of this project. He commented on item 2, 40 Tomahawk, that the drawing ought to be reviewed by the Town Attorney to ensure it is a recordable document.

Ms. Chaney said that Town Attorney Roth has not yet had the time to go through the easement agreement, but will do this soon. She suggests noting that the Commission approves this with the understanding that it has not been fully reviewed, and that Exhibits A and B are incorporated.

D. CONTINUED ITEMS

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: environmental review; General Plan amendment to amend the 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. CONTINUED TO 1/21/97.

2. V-9644 - Kevin McGee, 5 Jordan Avenue, A/P 6-166-04, Variance to reduce the parking space length within a garage from 19' (required) to 16'6" to accommodate a new interior addition, on property located within the R-1 Zoning District. CONTINUED TO 1/21/97.

E. PUBLIC HEARINGS

1. V-9644 - Peter Serchia, 50 Park Drive, A/P 6-043-36, a Variance to locate a parking space and construct a 1st floor living room within 5' of the northerly side property line; and construct a garage addition within 5' of the southerly side property line (8' required).

Proposal also includes a 2nd story addition which is consistent with required setbacks on property located within the R-1 Zoning District.

Mr. Griffin presented his staff report. The applicants want to demolish an existing carport to add a living room and a new garage within the sideyard setbacks and a second story addition within required setbacks. The building envelope for this property is very narrow and staff recommends approval. This building is in a flood zone, and since it is more than a 25% addition, it will require a flood elevation certificate.

It was the consensus of the Planning Commission to support the staff recommendation.

Chair Israel said he supports the staff recommendation because the parking space is within the front yard setbacks. He would like the 9' x 19' dimensions of the parking space checked as it would have to be noticed again if it is over the setback.

M/s, Mihaly/Wittenkeller, to approve the request for a variance (V-9644) due to the narrow lot width, subject to the following conditions. Conditions: 1) That the request for a variance be granted to construct garage and living space additions in accordance with the plans date stamped October 9, 1996, received by the Town of San Anselmo Planning Department. 2) A Flood Elevation Certificate shall be submitted to the Building Department, in accordance to SAMC 9-17, prior to issuance of building permits. 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 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. Ayes: All.

2. V-9702 Matt Stone, 130 Woodland Avenue, A/P 7-221-14, A Variance request to add a 145 square foot office to an existing 1,766 square foot home. The proposed addition is 4.6" from the westerly side property line (8' required) and 17' from rear property line (20' required), on property located within the R-1 Zoning District.

Mr. Griffin presented his staff report. The applicants want to add a 145 square foot home office, with no interior access, within the sideyard setbacks. Staff recommends that interior access be added to the plans.

Commissioner Mihaly asked why there has to be interior access. Mr. Griffin said the Building Inspector advises the Uniform Building Code requires interior access. Accessory buildings are not recognized as attached.

Commissioner Wittenkeller asked about the neighbors on either side. Mr. Griffin said they have submitted letters saying they have no objection to this addition. The rear neighbor on Crescent Road whose property backs up to this property does have some objection.

Commissioner Mihaly asked about Mr. Griffin's alternative ideas. Mr. Griffin said there is space in the rear yard that would be available for such a structure without a variance requirement.

Polly Stone, Applicant, said a home office is a great way to reduce traffic and keep a parent at home. The present office is in the basement which floods regularly. This is a logical place for the addition and allows them use of the rest of the yard. Both neighbors have buildings very close to the property line, and they would be 17' from the rear property line. They would be willing to have access through their bedroom. This is a tiny little space that would really be inadequate for a second unit.

Commissioner Harle asked if they've had professionals look into the basement problem. Ms Stone said the previous owners did drainage work, but it hasn't worked. There is a possibility of making a huge drain that might handle the problem.

Kathryn Anderson, 260 Crescent Road, said her property is directly behind this property. It feels very tight in the rear to her; she lives in a rear house and rents out the front house. She wishes there could be an alternative to this plan.

Commissioner Wittenkeller said he feels this is a nice use of the property. He asked if this is a legal second unit on the neighbor's property. He is sensitive to the adjacent property owners', but in this case, the neighbor overlooks this property and is within three feet of the property line anyway. Putting the addition elsewhere on the property would break up the backyard. The drainage in the basement is also a unique circumstance

Commissioner Harle said he supports the project and it meets most conditions for appropriateness. The impact on the rear (Crescent Road) neighbor can be disregarded to

some degree because that building is so close to the property line. He is inclined to support the application.

Commissioner Cronk said she leans toward the staff recommendation and feels it could be very tight in the rear.

Commissioner Sargent said this issue is going to be coming up more frequently. He is uncomfortable with the side setback variance, but would recommend approval for the rear yard setback. Access through the bedroom should be added if required by code.

Commissioner Mihaly said he feels there are going to be more home offices in the future and it is a unique situation. He would rather not force access through the house. Regarding the sideyard setback, the open space is in the front yard, not the rear yard. Every house on the street is moved over. This is a good solution considering the circumstances.

Chair Israel said he is in support of the home office concept. He feels there may be a simple solution to the drainage problem. The lot doesn't really have any special circumstances. He doesn't see any rationale for findings for the variance.

Commissioner Harle said this is a case where the house was built when there were no setbacks in effect, a situation that has been discussed at length.

M/s, Wittenkeller/Harle, to move approval, due to the uniqueness of the lot with the rear sloping upwards, the existing drainage problems and the fact that all the adjacent buildings are held towards one property line, granting a sideyard does not seem to be a special privilege as it is an old neighborhood and a five foot setback is common, with conditions as indicated in the staff report with interior access added if required by the Uniform Building Code. Ayes by roll call: Harle, Wittenkeller, Sargent. Noes by roll call: Cronk, Mihaly, Israel.

Chair Israel asked how the drainage findings relate to the findings of special circumstances.

Commissioner Mihaly said if it were clear that the drainage problem was unfixable and the project was within the side setbacks he might be more open to the project.

The application was denied. The applicant was advised on the ten day appeal period.

3. DR-9701 Taylor and Jeannine Smith, 677 Redwood Road, A/P 7-182-10, design review of: 1) a dumbwaiter addition on the north side of the existing dwelling; 2) enclosure of a portion of the rear upper deck; 3) a new upper deck railing; and 4) 1' roof height increase over a 8.5' wide by 36' deep area in the center of the dwelling between the entry door and rear door on property located within the R-1 Zoning District above the 150 mean sea level.

Associate Planner Wight presented her staff report. The applicants wish to enclose a rear deck and raise the roof one foot in the center of the dwelling between the entry door and rear door, and to add a dumbwaiter to the north side of the existing dwelling. The building has been painted light gray; the owners did not realize they were required to keep the wood the natural color and the Planning Commission approved this after the fact. Staff is concerned that the 3 foot overhang remaining once the portion of the deck is enclosed will not be usable as a deck. The roof raising should not impact neighbors. Staff would like to encourage the property owners to use a darker tone paint in future paintings, to be recorded on the deed so future owners would know of this requirement.

Commissioner Harle asked if approval for a color change wouldn't be required anyway. Ms. Wight said the light gray is approved so they could repaint it the light gray.

Taylor Smith, Applicant, said the small balcony wouldn't be usable for sitting, but would be convenient for washing windows and it does break up the boxy appearance of the house.

Commissioner Harle said he supports the staff report, with the addition of the paint condition. Commissioners Cronk, Wittenkeller, Mihaly, and Sargent agreed.

Chair Israel said the inset that is presently the deck relieves the mass of the home. He would like a mitigating measure, perhaps in the paint change. He would like to at least see the south wall pulled in.

Ms. Chaney said this could have been done administratively but staff was concerned with the massing issue. Because it was a visible lot it was given an SPD designation. A design review condition was a requirement.

M/s, Harle/Wittenkeller, to conditionally approve DR-9701 on the grounds that the required findings for approval can be made for a dumbwaiter addition on the north side of the existing dwelling; enclosure of a portion of the rear upper deck; and a 1' roof height increase over an 8.5' wide by 36' deep area in the center of the dwelling between the entry door and rear door.

Conditions of Approval: 1) At the time that 50 percent or more of this dwelling is repainted, that the tone be significantly darkened to be consistent with other properties obtaining design review at this time. The color change can be reviewed administratively and would be subject to the review and approval of the Planning Director. A statement to this effect shall be recorded with County Recorder to ensure that future property owners are apprised of this condition. 2. This approval is based on the plans received by the Town on November 21, 1996. 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. Ayes by roll call: Cronk, Harle, Mihaly, Sargent, Wittenkeller. Noes: Israel.

Commissioner Israel asked about the inset of the south wall. Mr. Smith's engineer said this is not possible because of the engineering below with a vertical load and shear wall problem. There is a leaking problem below the deck because it is living space.

4. V-9701 - Stephen Levine, 15 Entrata Avenue, A/P 6-241-34, a front yard variance to construct an addition to an existing bedroom within 2' of the front property line (20' required) on property located within the R-1 Zoning District.

Ms. Wight presented her staff report. The lot is an odd shape but staff feels there are other ways to accomplish the applicant's needs without a variance. The proposed addition doesn't affect neighboring properties and they have signed a petition to that effect.

Commissioner Cronk asked about the special circumstances for the previous variance granted on this property in this area. Ms. Wight said it was granted to "preserve substantial enjoyment of property rights and would not be a detriment to the neighbors, and due to the size and shape of the lot." A rearyard deck was denied at that time (1987). A variance was also granted for the frontyard fence.

Chuck Weasner, Architect, said the lot shape and the way it is placed on the lot together are a special circumstance. Staff's suggestion of moving to the rear would entail moving the bathroom and wouldn't gain much space.

Chair Israel asked about implications for on-site parking. Ms. Wight said there is no impact.

Steve Levine, Applicant, said this is just moving the front of the house in a straight line and won't impinge on neighbors.

Commissioner Sargent said the closets can be reconfigured to make the bedroom to an acceptable size. He would support the staff report.

Commissioner Mihaly said he supports the staff report. Front yard encroachment is very difficult. He understands that this is a solution to their problem, but it is not appropriate as a variance.

Commissioner Wittenkeller said he would support the staff report.

Commissioner Harle said he supports the application due to the configuration of the lot and the way the house is squeezed on it.

Chair Israel said he would like to see the addition done elsewhere within setbacks. The lot is clearly unusual.

M/s, Mihaly/Sargent, to deny V-9701 for a front yard variance to construct an addition to an existing bedroom within 2' of the front property line. Ayes by roll call: Israel, Mihaly, Sargent, Wittenkeller. Noes by roll call: Cronk, Harle.

The applicant was advised of the ten-day appeal period

5. DR-9609 - Heidi Krahling, Insalata Restaurant, 120 Sir Francis Drake Blvd., A/P 6-241-02, a design review amendment to paint the remaining natural green stone columns an off-white color on property located within the C-3 zoning district.

Ms Chaney said this is a paint change request. The colors that were approved were actually different than what were finally used. The architect apologized for not letting staff know about the changes. During the painting process, the natural green rock columns were painted over with an off-white color. Three columns remain green; Ms. Chaney said the columns give the building texture and complement the mustard color.

Commissioner Mihaly asked if the horizontal lines shown on the plans have been painted. Ms. Chaney said they have not as the architect felt it was too busy and confusing.

Heidi Krahling, Applicant, apologized for the misunderstanding over the paint. She would like to see the rocks painted as it will complete the building. People feel it isn't finished. They plan to grow ivy to break up the walls.

Commissioner Sargent congratulated the applicant for a job very well done.

Commissioner Mihaly agreed on the job well done. Now that the painting has begun, he thinks it should be finished on the green columns. He feels that the back of the building doesn't relate at all to the front of the building.

Commissioner Wittenkeller said he doesn't like to see natural materials painted, but the green stone is ugly. He agrees that it has a mass that isn't broken up. Perhaps landscaping can handle this problem. The three columns look unfinished and should be painted.

Commissioner Harle said he feels the applicant's outlook should control the design details. He doesn't like the green stones and does like it painted. The planting to break up the walls is good.

Commissioner Cronk said it does look incomplete with the three columns unpainted. She would like the big white walls relieved with planting or otherwise.

Chair Israel complimented the applicant, but said the color has been the subject of a number of questions. The contrast of the columns was nice, but there are a number of alternatives to tie it all together. He would like to see the remaining green columns painted over.

Ms Chaney said there are some things planted but are not big enough yet.

Commissioner Mihaly said that now that the restaurant is operating it is time to review the plans. He would like the applicant to put together a plan for finishing off the design aspects of the building.

Commissioner Sargent said he would approve the request to paint the columns and request the applicant to come back with a more definitive plan on landscaping when the patio area is underway.

Ms. Chaney said she has heard that there is a problem with the blankness of the wall. The commission would like to see this blankness mitigated somehow.

M/s, Sargent/Harle, to approve applicant's request to paint the three columns when desired, and to come back to the Planning Director with a plan to mitigate the massing of the walls.
Ayes: All.

F. GENERAL DISCUSSION

Due to upcoming holidays, the second meeting in January will be Tuesday, January 21. The second meeting in February will be Tuesday, February 18, due to the President's Day holiday. Other meetings will be as usual.

Commissioner Sargent announced that he is resigning from the Planning Commission.

Mihaly said the issue of a new Chair should be put on an upcoming agenda.

G. REPORT OF UPCOMING APPEALS TO TOWN COUNCIL

Chair Israel said he would like to know about the timing of the appeal of the Woodland project. He would like to attend.

Ms. Chaney said she expects the appeal of 80 South Oak to be decided tomorrow night, after a neighborhood meeting. In addition Ms. Barker on Sir Francis Drake Blvd. has appealed the second unit residence requirement.

H. ADJOURNMENT TO JANUARY 21, 1997. (TUESDAY)***

M/s, Cronk/Wittenkeller, to adjourn at 10:25 p.m. to the meeting of Tuesday, January 21, 1997.
Ayes: All

Debbie Stutsman