

**SAN ANSELMO PLANNING COMMISSION
MINUTES OF AUGUST 17, 1998**

CALL TO ORDER

Commissioners Present: Commissioners Wittenkeller, Dowd, Harle, Israel, House and Cronk
Commissioners absent: Chair Zwick
Staff Present: Planning Director Chaney, Associate Planner Griffin

OPEN TIME FOR PUBLIC EXPRESSION

No one spoke during this time.

CONSENT AGENDA

1. Minutes – August 3, 1998 - Continued
2. **TOWN OF SAN ANSELMO – Amendment to Oak Avenue Development Agreement** – Amend the Oak Avenue Development Agreement to remove the requirement for a road maintenance agreement due to the lack of all parties wishing to participate. (Staff person: Chaney)
3. **DR-9827 – Chris Albrick, 575 Oak Avenue, A/P 7-154-14**, Design Review of alterations to the previously-approved design of a single family dwelling, on property located within the R-1 H Zoning District. (Staff person: Wight)
4. **V-9834/DR-9828 – Dan and Elsa Corr, 105 Spring Grove Avenue, A/P 6-212-49**, Design Review and Variance to build a 310 square feet, first story addition within 8' of the front property line, on property located within the R-1 Zoning District. (Staff person: Griffin)

M/s Israel/Wittenkeller, and unanimously passed (6-0), to approve the Consent Agenda.

Conditions of approval:

575 Oak Avenue: Resolution 3307, amending Resolution No. 3263.

105 Spring Grove: 1. That the request for Design Review be granted to build a new house in accordance with the plans date stamped May 14, 1998 received by the Town of San Anselmo Planning Department. 2. Applicant shall apply for and pay all appropriate fees for building permits, plan checks and inspections. 3. A soils report by a geotechnical engineer shall be performed for the site and shall include recommended design parameters for the approved addition. Such report shall be submitted with building permit application. 4. Building Plans should include landscape and automatic irrigation for the area between Spring Grove and the front fence. 5. This permit and each condition contained herein shall be binding upon applicant and any transferor, or successor in interest. 6. 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 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.

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

D. PUBLIC HEARING

1. **V-9829/DR-9822 – Kevin Collins, 23 Madera Avenue, A/P 6-116-25**, Design Review for reconstruction and expansion of a dwelling, increasing the size by 1,398 square feet on the first floor and 849 square feet on the second floor; and setback variances; a) a front yard variance for dwelling to be within 16' of the front property line; b) a front yard variance for an uncovered landing and stairs to be within 5' of the front property line; c) a front yard variance for a covered porch to be within 10' of the front property line on the first floor; and d) a parking variance for the third required parking space to be within 13' of the rear property line on property located within the R-1 Zoning District (above 150' mean sea level). (Staff person: Wight)

Ms. Chaney presented the staff report.

Commissioner Israel asked about a survey for the new home. Ms. Chaney responded that because the applicant is proposing a new house on this site, a survey is required at time of building permit issuance.

Mr. Collins stated that a portion of the front of the house will remain but there is enough of a demolition that staff considers it a complete demolition. He presented a color rendering of the house. The proposed colors are the same as what exists now. He stated that they are intending to change the entry. He has showed his neighbors his proposal and he would top and brace the cedar tree and remove the pine tree.

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The Commission was in support of staff recommendation of approval for this project.

M/s Dowd/Wittenkeller, and unanimously passed (6-0), to approve the application based on the findings and conditions as set forth in the staff report.

3. **3.V-9835/DR-9829 - Susan and William Bryant, 33 Grove Hill South, A/P 6-112 03,** Design Review and Variance to: 1) convert a 348 square foot garage to living space; 2) a 770 square foot of carport deck with 577 square foot canopy over a portion; and 3) a 75 square foot exterior deck along the northerly side of the existing house, on property located within the R-1 Zoning District. (Staff person: Griffin) Taken out of order

Mr. Griffin presented the staff report.

William Bryant, applicant, stated that this is phase two of a remodel. Phase I was in the rear of the house. The exterior was changed to Keystone Beige and they want to continue that color. The trim will be the same, Sierra White. He is proposing a charcoal gray color for the canopy, which will not reflect light and will blend in. The trellis will be natural redwood. Part of the reason for the project is to obtain three off-street parking spaces. He noted that although the current garage looks like a two-car garage, it could not accommodate two cars. He stated that he would like to defend his original plan to keep the canopy rather than setting the canopy back.

Paul Nii, architect representing the applicant, stated that they are thinking of painting the top redwood, with medal decking that would be painted red for the deck. They want to paint the underside of the deck beige.

In response to Commissioner House, Mr. Nii stated that they would like to keep the carport canopy in the event of inclement weather.

Commissioner Wittenkeller asked about stepping back the canopy from the property line. Mr. Nii responded that if it were stepped back, the cars would not be covered.

Mike Brawer, 22 Grove Hill South, stated that he was concerned about the height of the addition, noting that he did not want it any higher than the current roofline. If vegetation were planted on the trellis, it would extend the roofline even more. In general he supports the application with the addition of off street parking.

In response to Commissioner Wittenkeller, Mr. Nii said the canopy is up to 7'6" in height but he would be willing to reduce it by 6".

Commissioner Wittenkeller supported the application with the modification of bringing the carport down vertically to just the legal limit for overhead clearance. He is not adverse to extending the canopy out so it is functional. He supports the colors.

Commissioner Harle was in agreement with Commissioner Wittenkeller.

Commissioner Israel was reluctant to take parking out of the garage and move it to the front of the property. With regard to the overhead trellis, he does not know why the applicant needs such a large canopy. He stated that there might be other solutions, such as widening the current garage. He only sees the front of the property to be hard surface and he is not in support of that.

Commissioner Dowd had nothing further to add.

Commissioner House said the slope to the driveway is very steep and not functional. Although she is not in support of parking in the front, she does not think the current situation is workable. She would like the canopy stepped back but still be functional.

Commissioner Israel stated that if there were more landscaping outside the breakfast area he would be more in favor of it.

Commissioner Cronk was supportive of reducing the canopy and with the addition of more landscaping.

Commissioner Wittenkeller suggested a 7' vertical clearance and a 20' x 18' length.

M/s Wittenkeller/Dowd, and passed (5-1 Israel to vote no), to approve the application based on findings and conditions as set forth in the staff report with the following changes: the carport canopy be lowered to the maximum extent but still provide a legal clearance, and the carport canopy be reduce to 18' x 20' in length and held back as far from the front property as possible.

Conditions of approval:

- That the request for Design Review and Variances be granted to construct the carport and garage conversion in accordance with the plans date stamped August 11, 1998, received by the Town of San Anselmo Planning Department with the following revisions:

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- The applicant shall submit a colors and materials board to be approved by the Planning Commission, or by staff via direction of the Planning Commission for all portions of the approved project. Colors shall be applied prior to final building approval.
- Building Plans shall include a drainage solution for the carport and existing driveway area, to the satisfaction of the Public works Director.
- Applicant shall apply for and pay all appropriate fees for building permits, plan checks and inspections.
- This permit and each condition contained herein shall be binding upon applicant and any transferor, or successor in interest.
- If construction is not commenced within one year from the date of final action, the permit becomes null and void. However, this discretionary action maybe renewed by the Planning Director for a maximum period of one 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.

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

2. V-9828/DR-9821/S-9801 – Eric Layton for Dan and Donna Streckfus, 6-42 Red Hill Avenue, A/P 6-201-55, 1) Design Review to construct a new 2,000 square foot commercial retail/office building on an existing parking lot between 42 and 60 Red Hill Avenue; 2) Sign Review to construct a free-standing monument sign; and 3) Parking Variance to reduce the size of one parking space from 9' x19' required to 8' x 16' proposed, and a possible Parking Variance to allow fewer than the 7 required parking spaces, on property located within the C-3 Zoning District. (Staff person: Chaney)

Ms. Chaney presented the staff report.

Commissioner Israel stated that he did not think the Commission could approve a project that would require access from another parcel without the authorization of the adjacent property owner.

Commissioner Wittenkeller asked why the applicant abandoned the original approved project when the lot was subdivided.

Commissioner Israel stated that the current proposal is a better solution but it would only work if it has shared access and approval from the adjacent property owner. He is also concerned about the overlap of the compact space and handicapped space.

In response to Commissioner Cronk, Ms. Chaney stated that the current proposal only has one driveway access.

In response to Commissioner Wittenkeller, Ms. Chaney said that there is an open area in the rear that lends itself to maintenance and she would like to discuss it with the contractor who is repairing the slide above.

Commissioner Israel asked where the Town has sat historically with parking on Red Hill. Ms. Chaney stated that anytime there is a request for a new building, staff feels that there should be adequate parking on site. Also, the 1994 approval of the land division provided adequate parking.

Commissioner House stated that this proposal is friendlier than the previous proposal but it would not work with the current parking proposal.

Eric Layton, architect on the project, stated they first brought in a design that did not require a parking variance so they mirrored the design. At the end of the last meeting the property line was to be marked and staff was to meet with the adjacent property owner. Staff has met with the adjacent property owner twice and they have talked with him several times with no avail. The original submittal has a lot of merit with a parking solution that works. It also gives the adjacent owner the ability to back out and use the applicant's property. The parking solution does work. There is a standard width and length and it is evaluated by American Graphics Standards. He presented engineering standards that indicate standard car sizes in the industry. He used those standards to see if they worked in the proposed parking spaces and it did work. He noted that there was a survey of the property and the documentation that he used was based on accurate measurements. They are not interested in placing a fence on the property line. He noted that he has never seen documentation with regard to Commissioner Israel's concern about the ADA issue).

Commissioner Cronk stated that it looks like a car in parking space number 7 would have to back out onto Red Hill in space number seven if there are no other spots available. Mr. Layton stated that they would have to back into the street, but that is not unusual. He does not want to have parking underneath the building and the applicants want to have their showcase on the first story. With regard to an extension to the Subdivision Act, he would recommend that if they waive the time requirements, they would ask for a continuance no later than one month and base it on a graphic representation.

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Ms. Chaney stated that the Public Works Director could review the information presented but she still feels he would still have problems with it. The continuance granted on July 6th is only a 90-day continuance, at which time the applicant could ask for another continuance or the Commission must make a decision.

Commissioner Wittenkeller could go with the current plan based on the condition it was workable with the Public Works Director.

Commissioner Israel said that if this applicant puts up a fence, the adjacent parcel would have no workable parking. Also, he would be willing to support an 8' compact parking space, which would move the parking away from the property line. He would also suggest consideration of a depth of 18' for the standard stall, which is used for many jurisdictions. There are other standards that can be used to support the proposal. Low speed access onto a high-speed street is dangerous. He would like the application continued to allow time to approach the adjacent property.

Commissioner Cronk stated that she is supportive of a continuance but she would like to see the common driveway preserved because that was how the lot line adjustment was approved.

M/s Wittenkeller/House, and unanimously passed (6-0), to continue the project until August 31, 1998, so staff could discuss the handicapped space with the Public Works Director and discuss the loss of parking spaces with the adjacent property owner if access is not allowed. Staff should research the number of accidents in this area and check with the Town Attorney about the mutual prescriptive rights.

4. U-9806 – Mary Ann MacDougall, 148 Calumet Avenue, A/P 6-075-01, a Use Permit for a large family day care on property located within the R-1 Zoning District (Staff person: Wight)

Ms. Chaney presented the staff report.

Mary Ann MacDougall, applicant, stated that she has removed the sign in front and the play equipment to the side and she said she checked with the manufacturer and the play toys do not have rubber wheels. She will comply with the request to keep the children in the house until 9:30. She would be willing to have a good neighbor fence but would not want the ivy on her side. They do have a pool, and they want it used at any time for family members. She would like the opportunity to bring the children out prior to 9:30 if the neighbor is on vacation.

In response to Ms. MacDougall, Ms. Chaney said she would be exempt if she does decrease her day care to six children.

Catherine Finecoff, neighbor, stated the family is very fair and they are fine people and have made many adjustments in their lives. Day care is very important and the applicant is very careful and caring for the children.

Cori Kelly, 26 Sunview, found her to be outstanding after doing a great deal of research. Her concern is if the day care is reduced to 6 full time children, she would not be able to have flexed time for childcare and it would sharply curtail her.

Chris and Laurie Lopin, 236 Butterfield Road, were in support of the day care and they have had two of their children in the day care.

Christen MacDougall, niece of the applicant, stated that the children need to be allowed to play outside, and she was told as a child by the same neighbor, that noise was an issue.

Wanda Stafford, 150 Calumet, stated that the houses are very close together and she is very affected by the noise. She realizes that day care is needed but she would like to have some quiet time in the morning. She also felt it is unnecessary for her to have to call each morning if she leaves prior to 9:30 a.m. She is eager to resolve this and has moved her sleeping to the back bedroom and has refrained from using her porch.

Ms. MacDougall stated that she would comply with 9:30 but would like to know when she goes on vacation.

Commissioner Dowd stated that the person who brought the complaint forward had valid Reasons for doing so and it is a reasonable request to keep the noise down.

Commissioner Wittenkeller had nothing further to add.

Ms. Chaney stated that the condition placed on a previous approval of a day care was that a rubber mat be placed on the ground to muffle the sound of the toys.

Commissioner House stated that even though it is not a problem with the current neighbor, it might be a problem for future neighbors. Therefore, she would like to keep that a condition.

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Commissioner Israel stated that it is a reasonable request of the neighbor. Calumet is a beautiful street and he is very sensitive to the number and size of the equipment because it provides a very non residential look. He would like to see a solution to screening the play equipment, perhaps a higher hedge or lattice or some other type of screening. The notion of the neighbor having to notify the applicant on a daily basis is neighborly but not an obligation of the Use Permit.

Commissioner Harle had no objection to the play equipment and should not be part of the condition. He is not sure should that a rubber mat should be imposed at this time, but could look at in six months.

Commissioner House said she could support the staff report with elimination of number 5.

Commissioner Israel could support structures under 4' tall. And would like a fence or plant material to screen the equipment. He would have no problem to have staff working with the applicant for a solution.

Commissioner Wittenkeller would not care about the screening.

Commissioner House said she would not want to see a tall fence.

Commissioner Wittenkeller suggested keeping Condition 1 of the Resolution and see if it improves.

Commissioner Harle was opposed to that because it would not be a functional day care.

M/s House/Dowd, and unanimously passed (6-0), to approve the application with conditions as set forth in the Resolution with the amendment that the owner minimize the visual impact of play equipment in the front yard. This use permit should be reviewed again in another six months. try for six months.

CONTINUED ITEMS

1. V-9827/DR-9820 - Louis Huerto-Rojo, 45 Sunview Avenue, A/P 5-165-66, 1) Design Review to build a 1,900 square foot, three-story home and a 493 square foot attached garage. 2) Variance to build the house and garage within 0' of the front property line (20' required). A portion of the proposed driveway and entrance stairs is located within the public right-of-way (revocable encroachment permit required); and 3) a Variance to decrease the number of off-street parking spaces from 3 to 2, on property located within the R-1 Zoning District.(Staff person: Griffin) CONTINUED TO 8/31/98

2. ER-9701/PDP-9803 - Curtis Eisenberger, A/P Nos. 5-031-35, 5-081-07, and 5-081-19. Review of Negative Declaration regarding Environmental Impact and Precise Development Plan to subdivide a 21.66-acre parcel of land into four home sites on 5.95 acres and dedication of 15.71 acres for public open space. The project site is located at the end of the Traxler and Valley Roads and covers the steeply sloping hillsides on either side of the drainage course, on property located within the R-1-H Zoning District. (Staff person: Wight) CONTINUED TO 8/31/98

3. PDP-9505/Parcel Split-9503/V-9549/DR-9525 - Carlos Castro, 444 Redwood Road, A/P 7-191-10, 1) Land Division, Precise Development Plan, Density Determination, and Design Review to split an existing property currently developed with a single family residence in order to construct a new house; 2) a Variance to construct a retaining wall a total of 60' long along the uphill side of Redwood Road (within 0' of the property line) in order to widen Redwood Road to 15' of paving for fire safety reasons; and 4) remove one heritage tree (30" bay) on property located within the R-1-H Zoning District (above 150' mean sea level) (Staff person: Chaney) CONTINUED TO 10/5/98

4. V-9836 - Lexie Plate and Tim Smith, 147 Meadowcroft Drive, A/P 5-142-04,a Parking Variance to remove a one car carport in conjunction with adding a family room and master bedroom suite and maintaining the existing one car garage and one car parking space on the driveway, on property located within the R-1 Zoning District. (Staff person: Wight) CONTINUED TO 8/31/98

GENERAL DISCUSSION

- Commissioner Israel recommend that staff research the parking spaces from 9'x19' spaces to 9' x 18'. And 24' back out. He would also like staff to look at a parking in-lieu fee for commercial districts.
- Commissioner House asked staff to contact the Unocal and liquor store on Sir Francis Drake for excessive signage.

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ADJOURNMENT

The meeting was adjourned at 11:45 p.m. to the next meeting on August 31, 1998.

BARBARA CHAMBERS