

**TOWN OF SAN ANSELMO PLANNING COMMISSION
MINUTES OF JANUARY 20, 1998**

The San Anselmo Planning Commission was convened at 7:30 p.m. in the Council Chamber, 525 San Anselmo Avenue by Chairman Wittenkeller.

A. CALL TO ORDER

Commissioners Present: Harle, Israel, Dowd, Wittenkeller
Commissioners Absent; Cronk, Zwick

Staff Present: Planning Director Chaney, Senior Planner Wight, and Associate Planner Griffin

B. OPEN TIME FOR PUBLIC EXPRESSION

No one spoke during this time.

C. CONSENT AGENDA

1. MINUTES: January 5, 1998

2. **V-9746/DR-9734 - Ken Chase, 240 Redwood Road, A/P 7-095-01, Design Review** to build a new 2,491 square foot, three story home. A Variance to build a 21'6" wide driveway parking deck within 0' of the front property line (20' required) and within 3' of the westerly side property line (8' required). Existing house to be demolished and removed. Proposal includes landscaping and street improvements, on property located within the R-1 Zoning District (above the 150' mean sea level). (Staff person: Griffin)

M/s Harle/Dowd, and passed (3-0-1 Israel to abstain), to approve the Consent Agenda for Item C1.

At the request of a resident, 240 Redwood was removed from the Consent Agenda and placed it on the public hearing.

D. PUBLIC HEARINGS

V-9746/DR-9734 - Ken Chase, 240 Redwood Road, A/P 7-095-01, Design Review to build a new 2,491 square foot, three story home. A Variance to build a 21'6" wide driveway parking deck within 0' of the front property line (20' required) and within 3' of the westerly side property line (8' required). Existing house to be demolished and removed. Proposal includes landscaping and street improvements, on property located within the R-1 Zoning District (above the 150' mean sea level). (Staff person: Griffin) (Taken from Consent.)

Mr. Griffin presented an overview of the project, noting the issues that have been resolved since the last meeting are: the legal access to 238 Redwood Avenue, fencing along the easterly property line, additional tall screening trees added to the northerly portion of the property, color of trim, recommended speed on the street sign, street sections and financial contributions.

Ken Chase, applicant, stated that the architect has discussed these issues with staff and they support the conditions.

David Lakes, 249 Redwood Road, wanted to further discuss the paint scheme. All new homes in the neighborhood have been of natural wood siding. He feels that this house would be much more attractive and in keeping with the neighborhood to also be in shingles. Therefore, he would strongly support natural wood siding.

Commissioner Dowd agrees with the neighbor at 249 Redwood although it is the personal taste of the applicant that has been submitted and he can also support the proposed palette.

Commissioner Harle stated that unless there is a malicious intent, the taste of the owner should come first. In this case the colors seem appropriate and well within the requirements of the General Plan guidelines and would not require that.

Commissioner Israel stated that because he was not present to the previous meeting, he would abstain, although he did comment that wood siding is much more costly than painted siding. There is no question that a natural siding is more natural in the setting but it is a personal preference. There is not much difference between the two samples submitted by the applicant and he did not feel the Commission should make a decision on such a detailed level.

Chair Wittenkeller agreed that the color is a personal preference and it does not seem to be the neighborhood preference, just one opinion by the neighbor.

Ms. Chaney stated that there were two submittals by the applicant because of the discussions at the last meeting by the Commission about the trim color.

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M/s Harle/Dowd and passed (3-0-1 Israel to abstain), to approve the application based on the findings and conditions as set forth in the staff report with the additional condition that the easement be recorded.

240 Redwood Conditions of Approval:

1. That the request for Design Review be granted to build a new house in accordance with the plans date stamped Oct. 21, 1997, and the revised site plan dated 1/12/98, 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. Proposed street improvements shall also include a minimum 1' shoulder unless otherwise approved by the Public Works Director. If onsite improvements or other roadbed building structures are required, those plans shall be submitted prior to issuance of building permits for the dwelling unit.
4. Street signs shall be posted at each end of the curve along subject property which say, "15 MPH CURVE AHEAD". Signs shall be shown on the revised street plans identified in above condition No. 3, and shall be installed to the satisfaction of the Public Works Director, and to the cost of the applicant. Signs shall include black letters on a yellow background.
5. A check for \$2,900 shall be submitted to the Town for the Redwood Road Improvement Account prior to issuance of building permits. This requirement may be waived by the Planning Director when required (proposed) street improvements are completed.
6. Applicant shall perform tests of the sewer lateral and repair or replace to the satisfaction of the Ross Valley Sanitary District.
7. Conditions outlined in the Soils Report (Salem-Howes Associates Sept. 24, 1997) on pages 3-9 shall be incorporated during design and construction of foundation and any onsite retaining wall.
8. (5) 25 gallon, coast Redwood (*sempervirens*) to be planted in the locations depicted in said plan shall be planted prior to Final inspection. Applicant may change the type of tree to the satisfaction of the Planning Director. Trees shall be replaced if death or disease occurs within 1 year of planting.
9. Demolition, removal of all rubble, and rehabilitation to the entire building site of existing house shall occur prior to Final Building Inspection. Rehabilitation includes neighboring property and fences. Work done to neighboring properties shall receive the consent of the property owner prior to performance. Deer fencing shall be erected along the easterly property line, adjacent to the "Gade" property.
10. Color scheme shall be: from Color Option No. 2, the roof trim (Kelly Moore M39-3) and door and window color (Kelly Moore V20-3). From Color Option No. 3, the door and window trim color (Benjamin Moore No. 234).
11. All onsite and offsite construction and demolition associated with this project shall be subject to the Construction Management Standards, known as "Exhibit B" of the Bald Hill Area Plan and shall be attached to these conditions of approval.
12. This permit and each condition contained herein shall be binding upon applicant and any transferor, or successor in interest.
13. 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 of the Planning Director showing good cause prior to the expiration of the discretionary action.
14. Record the easement that has been drawn and described by the surveyor.

1. **V9742 - Jocelyn Olivier, 34 Elm Avenue, AP 7-053-02**, a Variance request to build an accessory structure (studio) within 1'6" of the rear property line (20' required) and within 3'8" of the southerly side property line (8' required), on property located within the R-1 Zoning District. (Staff person: Griffin)

Mr. Griffin presented the staff report, noting that staff is requesting denial of the variance.

Chairman Wittenkeller asked about the previous variance approval for the kitchen addition. Staff is not sure.

Commissioner Israel stated that it appears that the up slope is very consistent until the rear portion of the lot. The primary structure is built on the slope and is therefore troubled by staff statement about not being able to support the shed that is on the flat portion of the lot. Mr. Griffin responded that the shed is being proposed in a somewhat logical place but not impossible to build anywhere else on the lot.

Chair Wittenkeller asked about the public easement behind the lot. Mr. Griffin stated that it does not look like there is a path.

Jocelyn Olivier, applicant, stated that she would still like to build the garden studio in the back yard. It is too cramped to build an interior staircase. She would also like to have a guest bedroom in her house. The shed is used more as a separate, private space. She approached

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the adjoining neighbors prior to construction of this project and no one objected to it. The shed is in a location that would not be obtrusive to her neighbors.

Bonnie Eastus, 43 Elm Avenue, presented pictures of the platform, noting that they show to be as close as to one foot of the wire fence, which is visible from her patio. Her main concern is the use of the studio. She does use the studio for clients and the illegal second unit is also used by the tenant as a business and parking is a major issue. She is concerned that the structure will expand the applicant's business and exacerbate the parking. She is unclear how the owner could be allowed to have a shed, when she has not had her illegal second unit abated.

William DeBishop, 91 Elm, stated that the owner has excessive traffic coming and going. This house also has an illegal second unit, and there are many other illegal second units on Elm, which also add to the traffic problems. Cars also park on the sidewalk.

Ms. Olivier said she does the best to get along with her neighbors, but the allegations that she has created to the excessive parking problem is not correct. She does have four clients a week, but she can do that according to home occupation ordinance. Her private practice is in the process of disappearing while she takes on other roles.

In response to Commissioner Harle, Mr. Griffin stated that there is a history of a business called "Alive and Well" at the site however, there is now no legal record of a home occupation. Ms. Chaney stated that the Town Ordinance does allow home occupations as long as the owner resides on the property, the owner has no more than one employee, and there are no more than four clients per day.

Commissioner Israel wondered if parking would still be required for the accessory structure if the second unit did not exist. Mr. Griffin explained that if a room was proposed that could be used for a bedroom, parking would be considered.

Chair Wittenkeller asked if the downstairs unit is the same area as upstairs. Mr. Griffin stated that it looks like about 650 square feet.

Commissioner Harle stated that hearing the comment of the next door neighbor, and considering the points by Commissioner Israel, he does not see a way to allow the encroachment of this structure because it could be placed elsewhere on the lot. He does feel uncomfortable linking this with the second unit and should not be a consideration when making the decision on the accessory structure. In any event, he felt the second unit should be abated.

Commissioner Israel agreed, this application has no bearing on the second unit and should be evaluated independently. He was interested in whether or not the structure would be used for a bedroom. He is uncomfortable given the current parking situation in approving additional living space. The Second Unit Ordinance, which allows for certain second units, does not allow for distribution in each neighborhood, and the burden is placed on certain streets. He is unable to approve the findings based on topography and cannot support it without adequate parking.

Chair Wittenkeller said the smaller, tighter areas of the community are the most interesting residential areas and yet, parking is a constant battle. However, to add space that could encourage additional parking, and the fact that there are negative comments from the neighbor, he cannot consider the shed. He concurs with staff on the second unit.

Commissioner Dowd had nothing further to add.

Ms. Olivier said parking is a main objection, but this is diminishing the need for parking. Therefore it seems like the need for space is creating more parking, but that is not true. She appreciates that the building may be obtrusive, but she is willing to move the shed away from the property line.

Chair Wittenkeller asked staff if this project was denied without prejudice, could the applicant come back within the year with a different proposal. Ms. Chaney agreed, however, if the shed was moved within the allowed setbacks, it could be approved by right.

M/s Harle/Israel, and unanimously passed, (4-0), to deny the application based on the fact that the encroachment of the accessory structure in the setbacks is a detriment to the neighbor.

Chair Wittenkeller said that although there is no direct connection between the illegal second unit and the accessory structure, he would like the Commission to make a statement on it in the motion.

Commissioner Israel stated that the second unit should not be addressed in the motion; staff is already taking action to abate the illegal second unit.

Mr. Griffin stated that he has spoken with the Town Attorney and has agreed that there is a nexus between the illegal second unit and the accessory structure because if the second unit

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was not present, the intended use for the new studio could be established in that space, which would erase the need for the accessory building.

Chair Wittenkeller asked if a motion is necessary to abate the illegal second unit. Ms. Chaney stated that the Council was aware of the many illegal second units on Elm Avenue and has asked staff to research this. \

Commissioner Harle explained that Elm Avenue was really the impetus to the Second Unit Ordinance because of the many illegal second units.

M/s Wittenkeller/Harle, and unanimously passed (4-0), to direct staff to enforce the abatement of the illegal second unit.

Chair Wittenkeller informed all parties of interest of the ten-day appeal period.

2. V-9801 – Tom Restaino and Jan Becker, 72 Alder Avenue, AP 7-041-26, a variance request to construct a guest cottage within 3' of the west side property line (8' required), on property located within the R-1 Zoning District. . (Staff person: Wight)

Ms. Wight presented the staff report, noting that staff is recommending denial of the variance request because there are other locations to place the cottage on the lot and still accommodate the 8' side yard setback. The Cassin's at 76 Alder, have agreed to meet with the applicants to build a fence to shield the cottage

Commissioner Israel wondered if the bedroom was connected to the house with the same setback, would this still need a variance. Staff affirmed,

Tom Restaino, applicant, said this is their second attempt to expand the house. The first was in 1990, which did not need a variance. It has been agreed upon with his family and the Cassins at 76 Alder, that the current fence will constitute the property line. They do need more room and have looked a many alternatives such as expanding into the back yard and adding to the corner of the house. The house is currently 1.5 stories and if they expand up, it would be more obtrusive and more expensive. If the cottage was moved closer to the house, they would lose access to the backyard. They would also lose light that comes into the basement. The only other place is in the middle of the backyard, which they prefer not doing. The cottage will be visible from the street but there is foliage and it will be heavily screened. The neighbors are planning to do a landscape plan but will not involve bringing a structure closer to the cottage.

\Commissioner Israel stated that he has not had an opportunity to visit the site because he has been out of town until shortly before the meeting. This addition however looks to be a practical solution but would have a difficult time to make the variance findings but could if it were design review.

Commissioner Dowd is in support of the proposal if there is a way to make the findings. This is the best scenario, based on the several other attempts by the owner. Perhaps tie the findings into the flood plan and no other location on the lot.

Commissioner Harle stated that given the situation, this is the best solution available. The detriment finding is not an issue.

Chair Wittenkeller concurred with his colleagues.

Commissioner Israel would feel more comfortable to see if there is a way to see if it falls into a design review if they added a second story, which would have more of a negative impact.

Commissioner Harle stated that this would really be a 3' setback and would not fall into the 5' setback category and require design review. If the surveyor determines the property line is in a different location, it could make a big difference.

Chair Wittenkeller stated that he feels comfortable asking for a survey to determine the property line. He does not feel a decision should be made on an undefined property line.

Commissioner Dowd concurred with Chair Wittenkeller.

Ms. Chaney commented that this house does not fall within the Ordinance that allows for design review of a house that is currently within 5' and 8', nor is the lot very narrow.

Commissioner Harle stated that even if the survey indicates a 5' setback, that does not mean that Commission could still make the findings.

M/s Wittenkeller/Dowd, and passed, (3-1 Harle to vote no) to continue the application to the meeting of 2/2/98 to require a property survey of the applicant so a specific variance request can be made.

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3. **DR-9801/U-9801 – Dennis DeCota, 631 Sir Francis Drake Boulevard, A/P 6-101-05,** for an automotive service and repair facility, on property located within the C-3 Zoning District. (Staff person: Chaney) **NOTE: Final action cannot be taken at this meeting pending environmental review.**

Ms. Chaney presented the staff report.

Commissioner Israel asked about the parking requirement of 9 cars and wondered if the number of required spaces are consistent with the use. He also wanted staff to evaluate the probable length of the queues by checking with other jurisdictions and businesses that have a similar use. Ms. Chaney explained that the Parking Ordinance is based on the size of the building.

- Commissioner Harle was concerned that there is not adequate parking on site, and wonders if 5 spaces are reasonable, with four of the 9 spaces being utilized by the employees.

Dan Goltz, architect representing the applicant, explained the proposal as follows:

- The traffic report, on page 3, should be 25, not 24.
- He felt the proposed concept would really work.
- He wanted to create a green space around the site and give back to the community.
- He tried to keep the front as a public area and the scale low and gradually increase the scale.
- He wanted the public side, the best for climate, which he has turned into a garden.
- The Center Boulevard side will work well with Creek Park landscaping. There used to be a fountain on Sir Francis Drake which was removed in 1962; they are proposing to add the fountain again.
- The building will have quality materials with low key bronze signage.
- With regard to the queuing question, that was considered and the reason the parking is on the back of the lot to allow for circulation of the cars entering the site. They can probable queue up to 6 cars on site at a time.
- Some of the soil will be removed and they will create a berm in the front of the lot facing the HUB.
- The office is 8' by 7.5'.
- The mechanic bay is 24' and is necessary to maneuver the equipment.
- The color proposed is only a paint sample but the final colors will be chosen later by staff.
- With regard to the mixture of deciduous trees, the instillation of the trellis on the south east side provides shadow and shading
- The existing retaining wall has a footing that sticks out and it is difficult to have anything grow. They have therefore proposed another wall in front of the retaining wall, which will allow for landscaping to be planted. The wall will then be covered with ivy and shrubs.
- A lighting plan will be provided to the Commission at the next meeting.

Dennis DeCota, applicant, said that they will be able to queue up to 6 cars. There will not be heavy auto repair. The first bay will be for a smog bay. The other bays will be for brake jobs and other mechanic work.

Commissioner Dowd said that for a service station, this project is very well designed and the architect has addressed many of the concerns of the Commission. He liked the signage and the fountain. The building seems to blend nicely and the landscape blends nicely. He wants to see the lighting plan and likes the retaining wall on Center Boulevard. He was in support of the concept if a service station is approved.

Commissioner Harle had nothing to say at this time.

Commissioner Israel made the following observations:

- They need to provide a van handicapped parking space, which may eliminate two parking spaces.
- It seems like the waiting and trellis area should be on the Sir Francis Drake side - would benefit the building more than on the Center Boulevard side.
- No problem with hours of operation.
- The use is a welcome addition to the community if done appropriately.
- Okay with the low retaining wall with adequate landscaping if the Town is fine with revocable permit.
- He would like the HUB to be taken into context. - the issue of the sign is very nice but the design and the graphics should be reviewed by the Downtown re-vitalization – also be in context with the other sign at creek park.
- Has concerns about the doors – wants the applicant to look at the Ferrari dealership.
- Would like to see the building softened a bit - florescent lights will be very bright through the bays.
- Ginko grows too slowly - Integrate the downtown trees.
- Completely agree with the setbacks and would not require anymore setbacks.

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- Stucco should have graffiti coat for protection.
- Want a photomontage
- Want some of the preliminary sketches to go to the IJ – want community input early.
- The 4' hallway will not provide the handicapped clearance – will need to be a 5' corridor.
- The square roof is probably a little static – wish it was a true hip.
- Wondered if the trellis detail will be the same as at Creek Park.

Chair Wittenkeller commented on the following:

- The architect and applicant should be commended on how sensitive the design is to such a difficult site.
- He wondered what kind of additional sales would take place (such as tire sales, etc.) and would additional signs be required.
- He was a bit concerned about the site distance on Drake, going southeast.
- Check landscaping and the building. Need a way to exit in the landscaping. Need a way to have landscaping lighting.
- Would like to see more parking but it is not a requirement.

M/s Israel/Dowd, and unanimously passed (4-0), to continue the item to the meeting to 2/17/98.

E. DISCUSSION ITEM

1. Conceptual Review of Seminary Conference/Learning Center, San Francisco Theological Seminary, 25 Kensington Road. The purpose of the meeting is to acquaint the Commission and public with the proposed facility that is located on property within the SPD Zoning District. (Staff person: Chaney)

Ms. Chaney stated that the applicants have asked for a continuance to the meeting of 2/2/98.

F. CONTINUED ITEMS

1. U-9304/V-9744 – Wyn Hoag, 22 Magnolia Avenue, A/P 7-212-34, amendments to the 1993 approved use permit and parking variance: 1) to change the use from one 1,694 square foot residence and one 586 square foot professional office to the use of 2,280 square feet of professional offices; and 2) to retain the existing 4 tandem parking spaces in the front yard, but change the parking variance request: the previous use had required 7 on-site parking spaces, and the current use requires 8 on-site parking spaces on property located within the Professional (P) Zone. (Staff person: Wight) **CONTINUED TO 2/2/98**

2. DR-9713 – Mr. and Mrs. Edward Heavey, 405 Sequoia Drive, A/P 6-117-08, Design Review of a new single family dwelling; setback variances: a) rear yard and north side yard variances to construct a parking deck for a third parking space within 6' of the rear property line and within 0' of the north side property line; b) rear yard, north side yard, and south side yard variances to construct a dwelling within 15' of the rear property line, within 6' of the north side property line, and within 11' of the south side property line (20' rear required; 12' street side required) on property located within the R-1 Zoning District (above 150' mean sea level) (Staff person: Wight) **CONTINUED TO 2/2/98**

3. ER-9701 - Curtis Eisenberger, A/P Nos. 5-031-35, 5-081-07, and 5-081-19. Review of Negative Declaration regarding Environmental Impact. Environmental review of a proposal 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 2/2/98**

4. SR-9705 – 3 Tunstead Avenue, Wells Fargo Bank, A/P 7-253-01, Design Review to replace the two existing signs with: 1) an internally illuminated projecting sign near the San Anselmo Avenue entrance; and 2) an internally illuminated cabinet sign on the Sir Francis Drake Boulevard side of the bank building, on property located within the C-2 Zoning District. (Staff person: Chaney) **CONTINUED TO 2/2/98**

G. GENERAL DISCUSSION

No one spoke during this time.

H. REPORT OF UPCOMING APPEALS TO TOWN COUNCIL

The Martinis proposal will be heard at the next Town Council meeting.

I. ADJOURNMENT

The regular meeting was adjourned at 10:50 p.m. to the next meeting on February 2, 1998.