

**SAN ANSELMO PLANNING COMMISSION
MINUTES OF NOVEMBER 2, 1998**

COMMISSIONERS PRESENT: Chair Zwick, Commissioners Harle, Israel, Wittenkeller, House, Cronk

COMMISSIONERS ABSENT: Commissioner Dowd

STAFF PRESENT: Planning Director Chaney, Senior Planner Wight and Associate Planner Griffin

OPEN TIME FOR PUBLIC EXPRESSION

No one spoke during this time.

CONSENT AGENDA

1. Minutes – September 14, 1998, October 5, 1998 and October 19, 1998
2. **U-9808/V-9851 – Sharon Oliver, 15 Ross, A/P 7-284-12, Use Permit to allow a wholesale warehouse use in an existing building for alcoholic beverages; and a Parking Variance to reduce the number of spaces from 9 (required) to 3 side by side compact spaces (8'2" x 17') and 2 spaces in tandem for a total of 5 compact spaces, on property located within the C-3 Zoning District. (Staff person: Chaney).**
3. **V-9848 – Karen Behnke, 65 Summit Road, A/P 7-031-28, Variance to construct a retaining wall for the driveway turnaround up to 7' in height and located within 16' of the rear property line (20' required) on property located within the R-1H Zoning District. (Staff person: Wight)**
4. **V-9849 – Mike and Janice Marovich, 42 Barber Avenue, A/P 6-191-03, Variance to install a hot tub within 2' of the rear and side property lines on property located within the R-1 Zoning District (staff person: Griffin).**
5. **V-9844 – Peter Horn and Lizellen LaFollette, 33 Echo Court, A/P 7-231-43, Variances to: 1) convert the existing garage to a family room within 0' of the front property line and locate the uncovered two-car parking area within 0' of the front property line (20' required); 2) for the existing parking to be substandard by one space (3 required); and 3) to construct an 8.5' trellis structure within 0' of the front property line (20' required), on property located within the R-1 Zoning District (above 150' msl) (Staff person: Wight)**
6. **V-9852 – Gizela Geisler, 32 Monterey Avenue, A/P 6-013-16, After-the-fact Variance to allow: 1) a hot tub within 3' of the westerly side property line, and 2) an overhead trellis within 3' of the easterly side property line, on property located within the R-1 Zoning District. (Staff person: Griffin)**

M/s Israel/Wittenkeller/ and unanimously passed (6-0-1 Harle to abstain on 33 Echo Court/Israel to abstain from Minutes of 10-3-98), to approve Consent Agenda.

Chair Zwick advised all parties of interest of the ten-day appeal period.
Conditions of approval:

15 Ross Avenue

1. That approval for a use Permit to allow a wholesale distributor, and a Parking Variance to reduce the number and size of parking spaces from 9 to 3 (8'2" x 17') spaces is hereby granted provided that: No more than five (5) employees are working from this facility at any one time; 2. Within any given month, the average number of truck deliveries and pick-ups shall not exceed 10 per week. 3. Truck size does not exceed that of a normal produce truck; 4. Truck loading and unloading occurs on site and that double parking in the street is not permissible; 5. The forklift is stored inside the building; 6. The use is not open to the general public; 7. That approval is based on plans date stamp received by the Town on October 5, 1998 except that no more than two hooded motion sensor lights be placed on the building to provide security to the parking lot area. 8. That consideration be given to replacing the existing chain link/wooden slated fence with a more attractive fence per the review and approval of the Planning Director. 9. Applicant shall apply for and pay all appropriate fees for building permits, plan checks and inspections. 10. This permit and each condition contained herein shall be binding upon the applicant and any transferor, or successor in interest. 11. 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.

65 Summit Road

1. That the approval is based on the plans date stamped received by the Town on October 9, 1998; 2. Applicant shall apply for and pay all appropriate fees for building permits, plan checks and inspections for the approved project; 3. This permit and each condition contained herein shall be binding upon applicant and any transferor, or successor in interest; and 4. Should construction not commence within one year from the

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date of this action, the variance becomes null and void. However, this discretionary action may be renewed by the Planning director for a maximum 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.

42 Barber Avenue

1. That the request for a variance be granted to locate a hot tub in accordance with the plans date stamped September 11, 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. 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 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.

33 Echo Court

1. The two parking spaces shall be adjacent to the west wall of the garage, rather than 2 feet away, so that the spaces are further from the two trees; 2. Receipt of a report from a certified arborist stating that the two parking spaces can be accommodated without damage to the heritage tree. 3. The all weather surface material on the parking pad recommended by the arborist will be subject to approval by the Public Works Director. Some materials, such as a gravel, are not considered by the Public works director to be an acceptable all weather surface; 4. That the approval is based on the plans date stamped received by the town of July 31, 1998; 5. Applicant shall apply for and pay for all appropriate fees for building permits, plan checks and inspections for the approved project; 6. This permit and each condition contained herein shall be binding upon applicant and any transferor, or successor in interest; and 7. Should construction not commence within one year from the date of this action, the variance becomes null and void. However, this discretionary action may be renewed by the Planning director for a maximum 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.

32 Monterey Avenue

1. That the request for a variance be granted to locate a hot tub and trellis in accordance with the plans date stamped September 30, 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. 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 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.

PUBLIC HEARING

1. **SR-9802 – Beacon Gas, 750 Sir Francis Drake Boulevard, A/P 6-091-40**, sign review of two internally-illuminated signs (channel lettering) on both the East and West facing sides of the canopy over the fuel pumps (Staff person: Wight)

The applicant was not present.

M/s House/Israel and passed (6-2 Noes: Harle/Cronk), to continue the application to the next meeting and if the applicant is not present, the Commission would vote to deny the project without prejudice.

2. **V-9846/DR-9836 – Sean OHeidhin, 324 Scenic Avenue, A/P 7-024-16**, 1) Design Review to build a new, 1755 square foot, 3-story house; 2) Variance to construct house within 0' of the front property line (20' required) and is 42' tall (35' maximum allowable); and 3) Parking Variance to reduce on-site parking from 3 to 2 spaces, on property located within the R-1 Zoning District (above 150' msl) (Staff person: Griffin)

Mr. Griffin presented the staff report, noting that staff is recommending approval of the variance and design review. He also pointed out that the deck has been reduced 300 square feet, not 245 square feet as stated in the staff report.

Mohamad Sadrieh, architect representing the applicant, explained the changes:

- The garage level has been lowered by 3.6 feet. They could not drop the plate height of the garage any more because they would have problems with ingress and egress and the garage door height. They have lowered by garage depth to 21' from 24'. These changes have enabled them to not require a height variance.
- The maximum roof height has been lowered 4' by lowering the pitch of the roof.
- The mass has been reduced by reducing the square footage.

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- The decks have been reduced by approximately 300 square feet, and a portion of the lower deck has been eliminated.
- A low profile of the house is visible from the street and there is a great deal of tree density that should screen the house. Therefore the impact of the mass is minimal.
- The lower level ceiling height has been reduced by one foot.
- A civil engineer is working on a detailed drainage plan for the project.
- There are two covered spaces and two on the driveway apron but he did not think the Town would ever use the steep portion of the property.
- The guardrail is only 3' high, open, and similar to other guardrails in San Anselmo and would not be a sight distance issue.
- They want to retain as many trees as possible, and any disturbed area would be hydroseeded and planted with wildflowers.

In response to a question by the Commission, Mr. Sadrieh stated that he has made a substantial effort to redesign the house. They could further reduce the garage height by 4" - 6" but it would make the driveway steeper and more difficult to access the garage, and drainage could be an issue. With regard to landscaping the area of right of way between the property and Scenic Avenue, they are intending to plant wildflowers, not decorative planting.

Peter Pomalia, owner of parcels 17 and 18 on Scenic Avenue, stated that he used to own parcel 16, now known as 324 Scenic. In 1984 the Town Council stated that the three lots were not subdividable and were unbuildable and wondered how the lot can now be built on. He also said there is a drainage culvert fronting lot 17, from Scenic Avenue to Humboldt Avenue, which has caused duress to the front of his property.

Mr. Griffin explained that staff also has knowledge that the Council said the lot was unbuildable, however there is a certificate of compliance for the lot. Ms. Chaney further explained that there is a lot of research done prior to a certificate of compliance on a parcel and this lot has been deemed a legal lot.

Chair Zwick stated that he shares the view of the writer that the lot is very steep and hard to build on even though the lot has been deemed buildable. He also noted that any drainage problems should be addressed to the Public works Director.

Commissioner Israel stated that the Town has deemed this parcel a legal lot and the Commission can only look at it from a planning standpoint.

Richard Tierney, 380 Scenic Avenue, was not sure how the house would impact his view even though the story poles are up. He also wondered if the oak trees would be removed. Parking is an issue on Scenic Avenue and there would be no extra space for visitor parking. He also wondered if the Fire Department would require additional fire pressure.

Jonathan Braun 479 Scenic Avenue, did not think that this lot should ever be built on. If this project were approved, he would like to see a condition added that the Town Attorney should verify the legality of the lot. He does approve of the efforts to reduce the building height and the condition to provide an approved water intake to the culvert on the uphill side. He would like to see a deed restriction regarding the tree removal and would like to see a construction management plan in line with the Bald Hill Management Plan.

Mrs. Pomalia, Scenic Avenue, was also concerned about the landscaping issues.

Mr. Sadrieh responded that two parking spaces exist on the driveway apron as well as two in the garage. With regard to the staging of construction vehicles, the first thing would be to build the parking apron to hold the construction vehicles and materials. They want all trees to be saved with the exception of those trees that the Fire Department would want pruned.

Commissioner Israel stated that the house is a modest size and thanked the applicant for the dramatic reduction to bulk and mass. He felt that the lot must be validated and a condition of approval must state that. He could support the additional 4"-6" of the apron. In the hillsides, the Commission has allowed parking variances into the right of way. The plans do not note the roof height or slope and should be added to the plans. If the open rail is important then it also should be noted on the plans. The downslope landscape should be protected and there should be a landscape buffer. Drainage, fire and water have been addressed in the conditions of approval. A construction plan for staging and construction should be addressed.

Commissioner Wittenkeller concurred with Commissioner Israel with the exception that the applicant be required to have a deed restriction for the landscaping. If the Town wants it made a conservation zone that would be fine, but he did not feel it should be on the deed. He would like Condition 8 to shall be submitted sizes on site on Scenic Avenue and downstream to Humboldt, or farther if required by the PW Director.

Commissioners' Cronk and Harle supported the comments of the other Commissioners.

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Commissioner House also supported the project but questioned staff's comments about the front landscaping.

Mr. Griffin envisioned the landscaping to be maintained in a natural state.

Chair Zwick said that although he was very appreciative of the changes made, the lot is very steep and the third story side is monolithic and would change the neighborhood character. Also, the certificate of compliance should be verified. If the project is approved, the staging area should be a condition of approval.

Commissioner Israel wondered if Chair Zwick would support a bay window to soften the façade. In response, Chair Zwick stated that he was not supportive of that either.

M/s Israel/ Wittenkeller and passed (no: Zwick), to approve the application based on the findings and conditions as set forth in the staff report with the following amendments: height and to be added to plans; the rails on the railing shall be open; the garage floor elevation (overall building height) be allowed to be increased by 6" for the improved drainage in the garage; Modifications to the approved conditions are: 1. Add to Condition 1: "Upon confirmation of the legal status of the parcel and its certificate of compliance...the request for Design Review be granted..." 8. First sentence should be modified to read: "A drainage plan shall be submitted detailing types, sizes and routes for all drainage facilities as required to mitigate project impacts on or off site." 9. Add additional sentence to the end: " Vehicle staging plan to be required prior to issuance of the building permit and approved by staff."

4. Add: " Landscaping beyond 25' of the rear of the house is to be maintained in a natural state subject to requirements of the Ross Valley Fire Service."

Chair Zwick advised all parties of interest of the ten-day appeal period.

3. U-9809/DR-9840 – Ned MacDonald for 1st Commercial Leasing, 14-20 Greenfield Avenue, A/P 6-251-07, A Use Permit and Design Review to allow an automotive sales use and new signage within the existing building (formerly San Anselmo Tire and Brake), on property located within the C-3 Zoning District (Staff person: Chaney)

Ms. Chaney presented the staff report.

Ira Ideil, applicant, said they would be bringing money into the community. They will not create any disturbances in the neighborhood.

Wittenkeller: there is a drainage problem in the front of the driveway and would like that looked into by the Town Engineer. He noted that the front doors are wide enough to get a vehicle inside the show room. There will be a need for security lighting but will comply with the Town guidelines.

Commissioner Israel stated that this use is wonderful and consistent with the vision for the downtown. If there will be a display in the windows he would like to see glazed roll up doors if possible. If the ten car display area should be viewed at night, he would want to make sure they are on poles no higher than 12' 10 15' in height. The building mounted security lights are flood lights and should be reviewed by staff to make sure they are not offensive to the neighbors. He noted that he could probably support a parking variance in the future.

Commissioner House said she supported the antique car dealership but did not want it to become a used car lot. She would like to see the outside of the building change because the building is not very attractive. The fence is not attractive. Would like the building to look high end.

Commissioner Cronk is encouraged with the thought of the glazed doors also. She said that paint could also change the image of the building. She is supportable of this use but would not want it just used as a used car lot.

Commissioner Harle supported the application.

Commissioner Wittenkeller supports the use but the building is not interesting. He would like the exterior changed to help, and perhaps, even an awning to help the façade.

Mr. Ideil stated that he has discussed the glazed doors but they are investigating the cost at this point.

Chair Zwick stated that the garage doors seem more expensive than he would like to condition but the paint job is a good idea; and the awning might be a good idea.

Commissioner Israel stated that he does not feel at this time he would like to burden the applicant with additional conditions.

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Commissioner Wiltenkeller would like to see some trim details around the windows and doors.

The Commission was unanimous in its distaste for the business name.

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

Hooded, motion sensor lights, and located..... and that the 20' high light pole either be removed or not used.

Chair Zwick advised all parties of interest of the ten-day appeal period.

CONTINUED ITEMS

1. **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 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 11/16/98**

2. **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 12/21/98**

3. **PDP-9801/DR-9838/V-9850 - Pacific Coast Ventures, 565 Oak Avenue, A/P 7-201-02, Precise Development Plan, Design Review, and Variance to construct a new 4,538 square foot, two-story single family and 741 square foot garage on a 2.3 acre lot. Variance required to allow a 9' tall retaining wall within 0' of side property line on property located within the R-1H Zoning District. CONTINUED TO 11/16/98**

ADJOURNMENT TO MONDAY, NOVEMBER 16, 1998.

The meeting was adjourned at 10:15 p.m. to the next meeting on November 16, 1998.

BARBARA CHAMBERS