

**SAN ANSELMO PLANNING COMMISSION  
MINUTES OF APRIL 19, 1999**

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Vice Chair Cronk convened the meeting to order at 7:30 p.m. in the Council Chamber, 525 San Anselmo Avenue, San Anselmo, CA. 94960.

**CALL TO ORDER**

**Commissioners Present:** Vice Chair Cronk, Commissioners Wittenkeller, Dowd, House and Israel

**Commissioners absent:** Chair Zwick

**Staff Present:** Senior Planner Wight and Associate Planner Griffin

**OPEN TIME FOR PUBLIC EXPRESSION**

Commissioner Israel asked for a moment of silence in honor of Commissioner Oliver Harle who recently passed away. Commissioner Harle served on the Commission for 22 years and the Commission will miss his wisdom.

**CONSENT AGENDA**

1. Minutes – April 5, 1999

M/s Wittenkeller/House, and unanimously passed (5-0), to approve the Consent Agenda.

**PUBLIC HEARINGS**

1. Master Plan Amendment – San Francisco Theological Seminary, 2 Kensington Road, - Proposed revisions to the Master Plan regarding the catering service, and the parking lot for Montgomery Hall, on property located within the SPD Zoning District (Staff person: Wight)

Ms. Wight presented the staff report.

Scott Schaefer, Vice President, San Francisco Seminary, stated that they are adding additional landscaping and are loosing parking because of it. Regarding the kitchen at Alexander Hall, a lot of time as been spent on this issue and they have worked very hard to minimize the impact. He agreed that there will be an increase in traffic but they cannot be viable without food service.

John Colteaux, 55 Kensington Road, stated that the Zoning Code does not permit a commercial catering use in this residential zone and also does not permit it with the use permit. He pointed out that it would be a serious mistake to approve this application – the allowance is for 30% commercial off site and it will take tremendous amount of staff time to monitor. This use is too intrusive on a residential area and too difficult to monitor. The reason the applicant says he needs a commercial site is that it is necessary to have the use but there are no facts to support that. He wondered how the number of caterers on site could be monitored. Sometimes there is more than one caterer and there is nothing in the approval that addresses that.

In response to Commissioner Wittenkeller, Ms. Wight stated that the Town Attorney has reviewed the legality of the use and has made the following comments: San Anselmo Municipal Code 10-3.303 provides that the following accessory uses shall be permitted: "(a) The operation of necessary service facilities and equipment in connection with schools, colleges, and other institutions when located on the lot of the primary use;" thus, catering conforms with the General Plan land use designation of Special Use Area and the underlying zoning designation of Specific Plan Development (SPD) – single family and high density residential. Mr. Roth further stated in his letter of January 28, 1999, to the Planning Commission, that: "The precise question is whether the proposed off-campus catering service, limited to no more than 30% of the total food service conducted by the caterer each year, places this "accessory use" beyond the permission granted by Sec 20-3.303. This is a judgement call. It is my understanding that the proposed catering service will not be available unless this additional off-site campus catering service is allowed to the caterers. Thus, it can be argued the catering service is in substantial conformance with the applicable land use and zoning designations given the fact that the planned off-campus catering service will have no or a minimal impact on the zone."

Commissioner Israel asked about the overlapping uses with non-Seminary caterers. Ms. Wight stated that staff was not aware that this was happening but there is nothing in the Master Plan language that prohibits that at this time.

Mr. Schaefer responded that it is not essential to have other caterers on the Seminary grounds and he would agree to that condition.

Commissioner House stated that it appears that the issue is the use of the catering for Alexander Hall. Therefore she could support other caterers using other areas on the Seminary grounds, but limiting one caterer only to Alexander Hall.

Commissioner Wittenkeller agreed, and added that it would be better to be competitive and probably less disruptive. The Town's overall benefit to having the Seminary in the community is an important

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relationship. Since the Seminary's future is somewhat reliant on the food service, he believes it is important for the Town to make it work. He does not downplay the nuisance to the neighbors that the catering service can be but on the other hand he has not seen a petition from the neighborhood opposing the project.

Commissioner Israel stated that he had nothing to add except to include under support services: catering at Alexander Hall would be provided exclusively by one caterer. He is sensitive to the monitoring issue but he does not think there is a choice. He would agree that a column be added the Vendor Delivery of Rental Items Log to include an events" column.

M/s Israel/House and unanimously passed (5-0), to approve the negative declaration and to recommend approval of the catering amendments to the Town Council based on the findings and conditions as set forth in the staff report. And with the additional condition that an additional column be added to include events and that catering at Alexander Hall would be provided exclusively by one caterer.

Staff noted that the Town Council will hear this item at their meeting of April 27, 1999 and that the parking would be heard at a future meeting.

2. PDP-99/DR-9915 - Andrew Bachich, 541 Oak Avenue, A/P 7-201-08, Precise Development Plan and Design Review to build a new 4,256 square foot three story house, 921 square foot attached garage, and a driveway with retaining walls on 2.72 acres, on property located within the R-1-H Zoning District. (Staff person: Griffin)

Mr. Griffin presented the staff report. He noted that staff received a letter from Mr. Hochstrasser today in response to the staff report. Staff agrees with the removal of Condition 1B because there is no scotch broom on the site. With regard to Condition 1A, Staff would defer to the Town arborist regarding the suggestion that the tree replacement be shrubbery instead of trees. With regard to Condition 10, the replacement of oaks is 4-1. Although he is not recommending that, it should be more than a 1 to 1 replacement. With regard to planning entitlements, the approval is for one year, with a one-year extension. This has been adopted by ordinance and is not subject to a variance. Therefore the Commission cannot override it. Also, there is language in the subdivision improvement that indicates the applicant can bond instead of put in the improvements. Staff concurs.

In response to Commissioner Israel, Mr. Griffin stated that the retaining wall just beyond the bay trees is 5' high.

Andy Bachich, applicant, stated that the project has been dissected over the last 12 years. He has spent \$20k on the driveway alone and have approval from the Fire Department.

Harold Nachtrieb, 555 Oak Avenue, stated that the house is beautifully designed and he is happy to have the project in the neighborhood. He can't tell however, what will happen to the road and how the retaining walls will be treated and screened. He would like the opportunity to comment on them. He is specifically concerned about the grading of the road by the driveway.

Jonathan Braun, 479 Scenic Avenue, stated that he has no comments on the architecture but has concerns about the landscape plan. The Bald Hill Plan requires a replacement of 78 trees (oaks at 2:1). Below the driveway would be a nice location for oak trees or other plantings and he would also like to see some contribution of landscaping elsewhere because there are so many trees on the site. Another issue is the utility line. The water tank is located to the west and uphill and there will be a need for a long water line. There is no indication of where the water tank will be located or what it will look like. The Bald Hill Plan has incorporated the cross-country utility lines. This should be incorporated for the water line and sewer extension. He is also concerned about the rock outcropping. There is a large bay tree and excavation would be within the root system. There are some engineering details for the retaining wall that include eye beams, which can be utilitarian. Some measures should be taken to soften the wall. He would like the lagging boards to be at a diagonal so plantings can be on the face of the wall. These should be screened with native vegetation. With regard to the scotch broom, he would encourage the Commission not to omit that from the conditions. Finally, changing the building has spread the building out and lowering it, has pushed it out.

Paul Nave, 545 Oak Avenue, said he was present to show his support. He stated that the improvement plan will be recorded shortly. This includes the location of the utilities. On the revised building envelopes, the engineer and town peer review engineer stated that this is the best location.

Scott Hochstrasser, Planner representing the applicant, stated there are about 500 trees on the two lots and they are removing 67 trees; and some are just being removed for fire safety. The current staff report states replacement on site and off site. They want clarification. Sheet 6 of the engineers drawing states Boston ivy will be planted on the retaining wall. Trenching for water and sewer has already been addressed. Also, there is an arborist report that states they can hand trench. Even with the additional 3,000 square feet, which is needed for the fire turnaround, they are avoiding the rock outcropping and they will also not touch the bay tree. 86% of the lot will be open space and not developed. There is a tremendous amount of open space between the Nave and Bachich houses. With regard to his letter, he suggested a way of tree replacement and the applicant will make a contribution of trees; if it has to be some ratio, maybe 8-10 trees donated to the downtown revitalization. Secondly, it would assure the Town that there would be some trees that would survive. The offsite mitigation is beneficial to the Town as a whole. With regard to the removal of scotch broom from as a condition, the broom has been removed off the property but they have no

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objection to leaving the condition in. With regard to the two-year time frame, they would encourage the Commission to grant additional time if they need it. They are ready to submit final improvement plans for the tentative map. This takes time as well as the time it takes to file and get approval of the building permit. This project complies with all policies of the General Plan and the Bald Hill Plan and staff supports the project. He noted that the water tank is 6' high and was previously approved as part of the subdivision.

Commissioner Wittenkeller asked for an explanation on the landscaping for the wall.

Carl Euphrat, civil engineer representing the applicant, stated that originally there were some retaining walls up to 20' high. That was not satisfactory because they were too high. They generated good topographic maps and was able to evaluate the property. The only way to get to the property is to achieve an elevation and still achieve the fire department requirements. He wants to keep grading to a minimum. Regarding the wall, a timber wall is the most aesthetic way to build a retaining wall. The beams are 6' on center, with timber lagging in the middle. They want a landscape strip that will eventually grow over the wall.

Commissioner Israel stated that he wanted the wall canted out so vegetation can be planted behind it.

Mr. Nachtrieb commented that the hill is filled with deer and they love ivy.

Mr. Bachich responded that he would be willing to plant anything. He thought creeping fig would have a lovely red color. He wants the wall to be painted black but has no problem to changing it. The wall is only 3' high and then goes to 5'. The only people who will see a small section will be the Knocktrees. He will even plant a trellis. He tried to pay close attention to preservation of the trees. There are detailed plans on the design and construction of the driveway and a great deal of thought was put into it as well as the landscaping.

Commissioner Israel stated he has no problems with the revision to the building envelope and no problem with the driveway alignment. He is a little concerned about the 40" oak at the bend of the road. Generally he is in support of the application. With regard to the tree removal, any trees under 12" are appropriate for removal under fire guidelines; that leaves 25 trees and he does not want to waiver from the Bald Hill Plan. He would like to see some allowance for replacement off site. He likes the gesture of supporting the downtown. He is not sure he wants to look at it at 4 to 1 replacement however. With regard to the retaining wall, the concerns about ivy are appropriate, but the lower portion of the wall is the only portion of any visible concern. He suggests the canted methodology unless the engineer states it cannot be done. He also supports maintaining the broom condition. The house is well designed and the roof pitch is no longer a concern because of the tree growth and seclusion. With regard to the unutilized basement, it seems like it will become area that can be changed into livable area and could be converted. If converted, it would go over the FAR. The same applies for the attic. Therefore he would like to restrict the area from becoming conditioned space.

Commissioner House had nothing to add.

Commissioner Wittenkeller supported the application, stating that this is a good site location for the building. He does not share Commissioner Israel's concern about the added square footage in the basement. He suggested that Mr. Bachich consult with a local landscape architect to ensure the right kind of plants go on the site. There is a tremendous deer problem and he is concerned about the filled slope and there is no erosion control for the hillside. Selecting plants for this site is very tricky and this landscape plan does not indicate a plant palate that will work.

Commissioner Dowd stated that he would encourage the applicant to replace at least 10 trees.

Vice Chair Cronk stated that she was swayed by the arborist report in that there is no need for trees to be planted on site and they would clearly benefit the downtown. She would agree with a replacement of 10 trees.

Commissioner Israel stated that the normal replacement would be 28-15 gallon trees for this site. Downtown is using 24" box trees. Therefore 10 trees would be okay. Commissioner Wittenkeller concurred.

Commissioner Wittenkeller did not feel a deed restriction was appropriate and cumbersome and would not affect the Town.

Commissioner Israel stated that when a house is approved close to the maximum allowed FAR, everything has to be optimal. This is within 300 feet of the maximum allowed. There is a lot of excavation and he does not want the house to be bigger.

Vice Chair Cronk and Commissioner Dowd stated that they were also supportive of the deed restriction.

M/s Israel/House, and unanimously passed (5-0), to approve the Preliminary Development Plan and Design Review based on the findings and conditions as stated in the staff report except that Condition 1A shall be deleted. The following additional conditions shall be added: that tree replacement be accommodated via 10 trees to the downtown revitalization program with the species and size based on the downtown plan; a deed restriction be required for the unconditioned space under the house (per FAR); the lower retaining wall (to a point where it is no longer visible from the remainder of the driveway) shall have canting or other

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appropriate beautification unless such use is inappropriate by the engineer; alternatives should be reviewed with neighboring property owners.

Vice Chair Cronk advised all parties of interest of the ten day appeal period.

4. V-9914 – Burton Hem, 72 Magnolia Avenue, A/P 7-212-45, A Variance request to build an in-ground swimming pool that is within 0' of the front property line (20' required), within 7' of the side yard property line (8' required), and within 10' of the street side property line (12' required), on property located within the R-1 Zoning District. (Staff person: Griffin) Taken out of order.

Mr. Griffin presented the staff report. Staff has now recommended approval based on the conversation from the Public Works Director that the area of the Town right-of-way could be used as setback. Therefore staff can recommend approval based on the special circumstances.

Vice Chair Cronk asked why the Town would be willing to enclose the right-of-way for the exclusive use of the property owner. Mr. Griffin responded that the Public Works Director is not interested in selling any right of way to the owner but would allow a revocable encroachment

Bert Hem, applicant, stated that in 1973 when he bought the house there was no disclosure about this small piece of land. It came to his attention when he wanted to do the pool. Regarding the sidewalk, it has not been done because there are three signs (city signs) in that area. Regarding the cut of the fence at the street side, he has no problem with how the wall will need to be cut. The plantings would go away if the sidewalk goes away.

Commissioner Wittenkeller stated that he was concerned about the 6' fence in the right-of-way. Having a pool in that location requires a non-climbable fence. It would also prohibit landscaping unless there are landscaping pockets. He suggested Boston ivy, because of the color and how it will grow on stucco.

Commissioner Dowd stated the house is stucco and the wall would be compatible with the house and provide privacy. He was inclined to support the project.

Commissioner Israel stated that he would like to see an 18" vine pocket, even if the fence has to slide back 1 foot. He noted that the wall does step down at the front of the house and it is the rear wall that goes to 6'.

Vice Chair Cronk stated she too supports the vine pocket idea. She is concerned about exclusive use of public land for private use but it is not in the Town's interest to use the land now and there is a requirement for a revocable encroachment so she could support the application.

M/s House/Wittenkeller, and unanimously passed (5-0), to approve the application with conditions that a new sidewalk be installed on Magnolia with vine pockets to be added with a drip irrigation system; obtain a revocable encroachment; and cut off the fence as required by the Public Works Director. This approval is based on the current image that was presented at the meeting by the applicant

3. Review of U-9803- Ted Janko, 218 Sir Francis Drake Boulevard, A/P 6-525-02, Review of Use Permit for possible violation related to required improvements and use of the front "patio" area, on property located within the C-3 Zoning District. (Staff person: Griffin).

Mr. Griffin presented the staff report.

Ted Janko, applicant, stated that his intention was to have a small outdoor patio for people to eat, sit and drink and smoke. The ABC was showed the plans and they had no problem with his proposal. The concrete slab was not feasible so the contractor recommended a wood platform. They did move out 9" farther then they got approval for but they have more than 48" clearance, which is what the Public Works Director stated was required. The Police informed him that there is a Municipal Code that prohibits it. He does not need a rail because no one eats out there. He would be willing to put benches outside but it is not as nice. He can also move it back a foot if necessary.

In response to Commissioner Wittenkeller, Mr. Griffin stated that to staff's knowledge, there are no safety issues from the Police Department. He noted at there is a distance of 48" from the edge of the platform to the tree grate.

Commissioner Wittenkeller stated that the outside area is visually attractive but that he would require the applicant to take care of the previous conditions..

Commissioner House stated that there was an approved use permit but the applicant chose to build something that is totally different. On the other hand, the space is very attractive. She is opposed, however, to the area being used for smoking and should be reduced in size.

Vice Chair Cronk thought it was approved for outdoor dining and was a proponent of railing and benches.

Commissioner Dowd stated that he was leaning towards accepting it but he wanted the striping in the back done.

Commissioner Israel stated that he is a strong supporter of Ted's but is not sure he would have supported the proposal if it were not for outdoor dining. Ted will have to take care of the previous conditions of

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approval. He wondered if the Public Works Director could work with Ted regarding the right-of-way. He noted that there is less clearance in other areas where benches are on San Anselmo Avenue. He would rather not have the railings if it were not required.

Commissioner House stated that she would like input from the Public Works Director about the safety issue. The application could come back on consent if it is a safe encroachment and the previous conditions have been met. Second Wittenkeller.

M/s House/Wittenkeller, and unanimously passed (5-0), to continue the application to the meeting of 5/3/99 to have staff talk to the Public Works Director about the encroachment into the right-of-way and to allow the applicant time to take care of the previous conditions of approval.

Mr. Janko stated that he would also screw down the benches, which will make them more sturdy.

**E. CONTINUED ITEMS**

1. DR-9842/PDP-9805/V-9904 – Chris Albrick, 370 Redwood Road, A/P 7-360-05, (Old Lot A) Precise Development Plan building envelope amendment, Design Review of a single family residential dwelling, and Variances for: 1) height of chimney to be 41.25' above grade and the roof peak to be 39.75' above grade (35' Code maximum); and 2) dwelling size to be 4,488 square feet (4,045 square feet Code maximum) on property located within the R-1-H Zoning District (above 150' msl) (Staff person: Wight) **CONTINUED TO 5/3/99**

2. DR-9843/PDP-9806 – Chris Albrick, 376 Redwood Road, A/P 7-360-06, (Old Lot B) Precise Development Plan building envelope amendment and Design Review of a single family residential dwelling, on property located within the R-1-H Zoning District (above 150' msl) (Staff person: Wight) **CONTINUED TO 5/3/99**

3. DR-9844/PDP-9807 – Chris Albrick, 398 Redwood Road, A/P 7-360-07, (Old Lot C) Precise Development Plan building envelope amendment and Design Review of a single family residential dwelling, on property located within the R-1-H Zoning District (above 150' msl) (Staff person: Wight) **CONTINUED TO 5/3/99**

4. DR-9845/PDP-9808 – Chris Albrick, 392 Redwood Road, A/P 7-360-01, (Old Lot 1) Precise Development Plan building envelope amendment and Design Review of a single family residential dwelling, on property located within the R-1-H Zoning District (above 150' msl) (Staff person: Wight) **CONTINUED TO 5/3/99**

5. DR-9846/PDP-9809 – Chris Albrick, 394 Redwood Road, A/P 7-360-02, (Old Lot 2) Precise Development Plan building envelope amendment and Design Review of a single family residential dwelling, on property located within the R-1-Zoning District (above 150' msl) (Staff person: Wight) **CONTINUED TO 5/3/99**

6. DR-9847/PDP-9810 – Chris Albrick, 396 Redwood Road, A/P 7-360-03, (Old Lot 3) Precise Development Plan building envelope amendment and Design Review of a single family residential dwelling, on property located within the R-1-H Zoning District (above 150' msl) (Staff person: Wight) **CONTINUED TO 5/3/99**

7. V-9861/DR-9850 – Jeff & Diane Ramsey, 14 Spruce Avenue, A/P 7-024-05, Design Review and Variance to build a new 2,014 square foot, three-story house and a 423 square foot attached garage. Variances are requested as follows: 1) To build the house and garage within 11' from the front property line (20' required) this request also includes the allowance of all parking spaces within the front setback area, 2) to allow a 36'-5" building height (35' allowed), and 3) build an elevated driveway within 0' of the front property line, on property located within the R-1 Zoning District. (Staff person: Griffin) **CONTINUED TO 5/3/99**

8. DR-9912V-9912 - Dan Kelly, 580 Redwood Road, A/P 7-181-10, design review of a single family dwelling and front and west side yard variances to construct a driveway retaining wall up to 9.75' high within 9' of the front property line and within 2' of the west side property line (20' front and 8' Code required) on property located within the R-1 Zoning District. (Staff person: Wight) **CONTINUED TO 5/3/99**

9. S-9901/V-9915 - Charles Schwab, 201 San Anselmo Avenue, A/P 7-284-39, Sign review and variances to permit: 1) 4 window decal signs measuring a total of 9 square feet; and 2) 4 awning signs measuring a total of 35 square feet and internally illuminated, on property located within the C-3 Zoning District. (Staff person: Wight) **CONTINUED TO 5/3/99**

**F. GENERAL DISCUSSION**

Commissioner Wittenkeller said he did a site check on the San Anselmo Storage Facility on Greenfield Avenue at the request of staff. The vines are growing horizontally and should be trimmed and the trees are also leaning toward the building and should be restocked. He does not see the canopy as a problem.

**G. ADJOURNMENT TO MONDAY, MAY 3, 1999**

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The San Anselmo Planning Commission was adjourned at 10:45 p.m.