

**SAN ANSELMO PLANNING COMMISSION
MINUTES OF NOVEMBER 5, 2001**

CALL TO ORDER

Commissioners' present: Chair House, Vice Chair Jochum, Commissioners Harris, Morita, Wittenkeller and Zwick

Staff present: Interim Planning Director Wight, and Planning Technician Chambers

B. OPEN TIME FOR PUBLIC EXPRESSION

Delores Scott, 1441 Sir Francis Drake Blvd was upset that the bus shelter near her home has been removed without notice to the residents. She was also upset about the noise from the construction on Drake and that the residents were not notified.

CONTINUED ITEMS

1. **V-0140/DR-0136 – Steven Atwater, 24 Knoll Road, APN 6-115-05**, design review; floor area ratio variance for a new, two-story single family dwelling to have a floor area of 3,048 square feet, which has a floor area ratio of 31.75% (Code: 2,960 sq ft = 30.83% FAR); and a setback variance for the approach ramp to be up to 4' above grade within 3' of the front property line; on property located within the R-1 zoning district above 150 MSL. (Staff person: Faw) **CONTINUED TO 11/19/01**
2. **SR-0101 – Bob Chapman and John Marchant, 780 Sir Francis Drake Boulevard, APN 6-091-41**, sign review of a freestanding sign and planter to be erected on subject property at the intersection of Loma Robles Drive and Sir Francis Drake Boulevard, and a sign on the building, located within the C-1 Zoning District. (Staff person: Wight) **CONTINUED TO 11/19/01**
3. **U-0113 -Sprint PCS, 820 Sir Francis Drake Boulevard, APN 006-061-13**, use permit to install three antennas on the building, located on property located within the C-3 Zoning District. (Staff person: Wight) **CONTINUED TO 11/19/01**
4. **U-0109 – Metro PCS, 330 Sir Francis Drake Boulevard, APN 6-251-04**, use permit to install three antennas on the building, and a height variance for the antennas to be 41'-7" above grade at the height of the existing roof of the building (Code: 30'), located within the C-3 Zoning District. (Staff person: Wight) **CONTINUED TO 11/19/01**

PUBLIC HEARING ITEMS

CONSENT AGENDA

1. **MINUTES – October 1, 2001 and October 15, 2001**
2. **DR-0141 Bonnie Conkling, 39 Tomahawk Drive, APN 177-250-62**, design review of a 6' tall wood fence in the rear and east side yards, on property located within the R-1-H Zoning District. (Staff person: Wight)
3. **DR-0142 – Phillip Diehl for Maloca Shoes and Sandals, 1117 San Anselmo Avenue, APN 007-111-01**, design review to add a 9'-11" tall, 200 square foot accessory structure, located within the C-1 Zoning District. (Staff person: Chambers)
4. **V-0143 – Thomas Tewell, 22 Skyline Road, APN 005-082-40**, setback variance for a 6' tall retaining wall within 0' of the front property line and within 18" of the north side property line, located within the R-1 Zoning District. (Staff person: Wight)
5. **V-0103 Amendment - Annette Holloway and Guy Ashcroft, 112 Crescent Road, APN 007-221-28**, amendment to allow the entry porch to extend further toward the front property within 4'-9" of the east side property line, located within the R-1 Zoning District. (Staff person: Wight)

Commissioners' Harris and Morita asked to remove 22 Skyline and 39 Tomahawk from Consent and open the items for discussion.

M/s Wittenkeller/Zwick and unanimously passed (6-0) to approve Consent Items 1,2 and 5.

39 Tomahawk

Commissioner Morita questioned if there is a reference in the General Plan regarding policy to allow for an opening in fencing for wildlife to pass through when there is a significant wildlife area. Ms. Wight responded that it is only necessary if it were a boundary fence.

**SAN ANSELMO PLANNING COMMISSION
MINUTES OF NOVEMBER 5, 2001**

Steve Murch, architect representing the applicant, presented a revision to the fence location based on discussions with the neighbors. He explained that it has been moved farther away from the neighbors at the south and west property lines by approximately 6' to 8'. The neighbors wanted the fence behind trees so it would not have an impact on the trees or the neighbor's property. They no longer will touch the wire fence to the west. He is unable to respond to the question about requiring open areas for wildlife.

Commissioner Morita said that when she visited the site she saw deer and rabbits and the backyard and this property is different than other properties in the suburban area. She would like an open area for deer to get through.

Ms. Wight explained that a fence in the open space easement must be wire as stated in the CC&R for Quarry Mountain, however, there is no open space requirements on this lot.

Mr. Murch stated that his client would rather not provide an opening.

M/s Wittenkeller/Jochum and passed (5-1 Morita to abstain), to approve the application based on the findings and conditions as set forth in the staff report; and amended plan submitted at tonight's meeting.

22 Skyline

Commissioner Harris stated that he would like the dirt area to be planted as a condition of approval.

M/s Harris/Wittenkeller, and unanimously passed (6-0) to approve the application based on the findings and conditions as set forth in the staff report and amended to include the following condition: The area between the retaining wall and the road shall be planted

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

REGULAR AGENDA

6. **V-0142 – Chris Emge, 417 Greenfield Avenue, APN 006-211-16, variance to place a 9'-8" tall, 126 square foot accessory structure within 15' of the rear property line (code: 20') and 4' of the side property line (Code: 8'), on property located within the R-1 Zoning District. (Staff person: Chambers): After-The-Fact**

Planner Chambers presented the staff report, noting that the required findings for the rear yard variance can be made; however, the side yard variance findings cannot be made.

Commissioner Harris questioned the outcome of a denial, to which Planner Chambers explained there is an appeal period and if such an appeal were denied, the applicant would be instructed to remove the shed. Commissioner Zwick noted permits had not been issued.

Planner Chambers advised that the applicant inquired about whether permits would be required to construct a 120 square foot shed a few years ago, to which he was advised he did not, but this location does not satisfy Planning setback requirements. She added that the Town has since made a footnote to the permit instructions to property owners, which advises of the necessity to also conform to the Planning requirements. The applicant also decided to increase the shed size to 126 square feet.

Commissioner Harris said he feels it is important to enforce the Town codes; however, he can support the project because it does not have an adverse impact on neighboring properties, and feels the applicant acted in good faith, to which Commissioner Wittenkeller agreed, saying the encroachment is de minimus.

Commissioner Zwick said the exemption applies to garden-type sheds, and not this particular structure which is attached to the garage and should be considered more an enlargement to the garage rather than a shed.

Commissioner Morita said she agrees that it was done in good faith; however, it should go through Building and the appropriate fees. It is a beautiful building and would be a shame to be torn down. She supports the location because it does not negatively affect anyone.

Commissioner Jochum said he agrees with Commissioner Zwick.

Chair House said it is a de minimus project, it will not set precedent, and agrees that permits need to be obtained.

M/S Wittenkeller, Zwick, to approve the project with the conditions as noted in the staff report, and recommend to the Town Council that the Planning and Building fees not be doubled.

Motion carried; Commissioner Harris voting no.

**SAN ANSELMO PLANNING COMMISSION
MINUTES OF NOVEMBER 5, 2001**

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

7. **V-0142/DR-0141 – Karen Meadows, 132 Humboldt Avenue, APN 7-024-21, setback variance and design review to construct a three-car parking deck and uncovered stairs encroaching over the rear property line (fronting on Scenic Avenue) (encroachment permit will be required); and a setback variance and design review of a home office to be within 0' of the rear property line (fronting on Scenic Avenue), on property within the R-1 Zoning District above 150 MSL. (Staff person: Wight)**

Ms. Wight presented the staff report.

Scott Couture, architect representing the applicant, explained the needs of the applicant for the home office. He provided a photograph of the current workspace on the property, noting that there current workspace provides no privacy or solitude and the applicants would be willing to sign a deed restriction. Parking is a big issue on Humboldt. The parking has been reviewed by an engineer as well as the Public Works Director. There will be some bays that will have to be removed due to the project but they want to protect the valley oak and have provided an arborist report on how to protect it. Most of the stairs will be low enough not to require a guardrail. The home office is in the best location for the neighborhood even though it is a little less convenient for the owners. The total of the house and accessory office is only 1,742 square feet.

In response to Commissioner Harris, Mr. Couture stated that the bath addition within the space did not seem to impact the final square footage of the project and therefore he left it in.

Karen Meadows, applicant, said she would like to make the downstairs space into a rumpus room area. The art studio is a dream she has had.

Edwin Cariati, 312 Scenic, objects to construction taking place in what is nice open space now. He understands the need for parking but the whole character of the area will change radically with construction. The parking decks in the neighborhood seem to set the house and parking deck to one portion of the lot. He purchased his house because there is such a sense of privacy and this addition would change the character of the neighborhood. He also objects to the request for the office, specifically because it is detached from the house. This may also set a precedent for the immediate neighborhood. Another concern is that the project is getting to the maximum FAR.

Commissioner Zwick said he could understand the desire to have the separate area for privacy but he is not sure the desire is good enough to make the variance findings. It might be possible to add on to the existing house, which might also benefit the trees. The ideal situation would be to have the parking deck on private property, with the deck underneath; it is not possible however on this lot. He would have to see an exploration of alternatives that do not require variances prior to approving the requested variances on this project.

Commissioner Morita said the architect discussed alternative locations and she agrees that this current location benefits the neighbors. The Commission did approve another artist studio on Tamalpais as well as another property on Hilldale. She supports the idea of providing additional parking. This is not a home office that would bringing in additional traffic it is just quiet space for the owners, and the current location is more beneficial than the others to the neighbors. She does however support a deed restriction.

Commissioner Jochum said he is in favor of the parking proposal and that it is in character with the rest of the neighborhood. Regarding the home office, he is fairly convinced from visiting the site and hearing the architect, it is probably one of the best locations for something of this kind in that it has the minimal impact on neighbors. He is somewhat surprised that the neighbor at 312 is voicing an objection and that the downhill neighbor has voiced no opposition and the impacts would be greater on the downhill neighbor. He noted that San Anselmo is one of the few jurisdictions that permits plumbing in accessory structures and makes it easier for the area to be used as a second unit. He is therefore undecided about approval for the accessory structure.

Commissioner Wittenkeller said he has seen many solutions for space on difficult hillside lots. He is normally very sensitive to concerns of the neighbors; however, this neighbor also has a similar situation with the parking deck and can therefore support the parking deck. He would want a deed restriction on the accessory structure, noting that it is sensitively done and minimal in size.

Commissioner Harris said he is sensitive to neighbor impacts but he also felt the downhill neighbor, if anyone, would be the most impacted. He likes the idea of having the separate space but felt there was no need for the full bathroom and the area could be scaled down somewhat and slightly reconfigured and slightly narrowed. This would lesson the impact to the downhill neighbor somewhat.

Chair House said that after reading the architect's reasoning as to why he is placing the structure in its present location, she can support the proposal before the Commission with a deed restriction.

**SAN ANSELMO PLANNING COMMISSION
MINUTES OF NOVEMBER 5, 2001**

Commissioner Morita asked if there is a standard for steel railings on car decks, because some of the railings seem very flimsy to keep a car from going through and off the deck. Mr. Couture responded that the railing would be up to UBC Standards.

Chair House asked if the house would be visible from across the valley? Mr. Couture stated that he did not think so.

M/s Wittenkeller/Morita and passed (4-2 Noes: Harris/Zwick) to approve the application based on the findings as set forth in the staff report for the parking deck; variance findings for approval of the home office are: Finding 1: The approximately 95 ft depth of the lot is less than the average depth of other lots in the neighborhood. As proposed the art studio is still at least 20 feet from the existing edge of Scenic. Also, both neighboring residences are built within the rear yard setback on the Scenic side of the properties. Finding 2: The home office will not be materially detrimental to the public welfare or injurious to property or improvements in such neighborhood. Great consideration was given to the location to minimize any negative impact of the proposal. Conditions of approval 1-6 as specified in the staff report and amended to include the following: a deed restriction stating that the home office shall not be a second unit or used for a home occupation; Design Review Findings for studio are: Findings 1,3 and 5 as set forth in the staff report; Finding 2: The home office will not substantially add to the bulk and will not add a significant change to the property. Finding 4: The home office and art studio and design will not appear out of character. Design review approval is based on the colors and materials: Trim, Window Frames, Railing Horizontal Lapped Siding: Barrington Brown; Stucco: Mocha Bisque; Roof: asphalt shingles Elk, Barkwood; Handrail; copper; Deck: redwood; Parking Deck; concrete: Railing, Stairs: redwood.

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

GENERAL DISCUSSION

- Bistro 330 painted out their graffiti sign.
- 2 Kensington Seminary Antennas withdrew their proposal today.

REPORT OF UPCOMING APPEALS TO TOWN COUNCIL

None

ADJOURNMENT

The meeting was adjourned at 7:50 p.m. to the next regular meeting of November 19, 2001.

**Barbara Chambers
Planning Technician**