TOWN OF SAN ANSELMO
RESOLUTION NO. 3111

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SAN
ANSELMO REGARDING CONSTRUCTION OF THE FOLLOWING AT:
94 BERKELEY AVENUE, A/P 6-165-35: 1) A FIRST STORY OPEN
DECK ON THE SOUTH SIDE PROPERTY LINE; 2) AN 8 FOOT HIGH
FENCE ALONG THE SOUTH SIDE PROPERTY LINE AND ALONG THE
SOUTHERLY PORTION OF THE REAR PROPERTY LINE; 3) A LOWER
PLATFORM ON AN EXISTING CAR DECK; 4) A MOTORIZED GATE ON
THE CAR DECK; 5) AN ACCESS GATE IN THE NORTH SIDEYARD;
AND 6) ALLOWANCE OF A SECOND DRIVEWAY

WHEREAS, the Town Council of the Town of San Anselmo held
duly noticed public hearing on February 27, 1990, to discuss
various appeals of variance application denials and
approvals, and other planning application denials and
approvals;

WHEREAS, at said public hearing, the Town Council
considered: 1) drawings dated received October 18, 1989, and
amended by staff on January 3, 1990, referred to as Exhibit
A; 2) the Federal APD Federal Signal Corporation Gate
Operators Manual as amended by staff on January 3, 1990,
referred to as Exhibit B; and 3) the Fence Approval
Application dated received June 21, 1989, and amended by
staff on January 8, 1990, referred to as Exhibit C;

WHEREAS, prior to the above referenced public hearing, the
Planning staff confirmed the location of the south side
property line to be along the existing fence line as per the
survey prepared by Joseph Grippi & Associates, Incorporated,
dated August, 1987;

WHEREAS, after reviewing and discussing said documentation
and information and after receiving and considering public
testimony on all items, the Town Council made motions on
each of the items that were appealed;

WHEREAS, at the conclusion of said public hearing on
February 27, 1990, the Town Council directed the Planning
Department staff to prepare a resolution based on the Town
Council's motions made at said public hearing to be brought
for their review on March 13, 1990.

NOW, THEREFORE, BE IT RESOLVED, that the Town Council of the
Town of San Anselmo does hereby take the following actions
on the aforementioned planning appeals:

1. To deny a 6 foot south sideyard variance to construct an
   addition to an open deck to be within 0 feet of the south
side property line as shown on Exhibit A. That the deck extension and any other structural extensions on the south sideyard existing deck that encroach into the minimum Code required setbacks which are not shown on Exhibit A must be removed. That this denial is based on the grounds that the Town Council cannot make the required finding that the deck is necessary for the preservation and enjoyment of substantial property rights of the petitioner, in that this area between the existing deck and fence can serve as outdoor enjoyment for the property owner by being landscaped rather than decked.

2. To approve a motorized gate to control access to the car deck located in the frontyard as shown on Exhibit A, Exhibit B, and Exhibit C, subject to the following conditions: 1) that the motorized car deck gate shall open inward, i.e., away from the road; 2) that the motorized car deck gate shall be no closer to the street than the existing sideyard fence as shown on Exhibit A; and 3) that any required permits from the Building Department shall be secured separately. This approval is granted on the grounds that the gate is consistent with the Code requirements that: 1) its installation will not create a significant adverse safety impact; 2) the privilege of a six foot gate/fence is commonly granted in the Town and that denying the application would be depriving this property of privileges enjoyed by other properties in the Town and, therefore, be inequitable; 3) that the 3/4 horsepower motor does not produce a significant noise level and that the duration of the opening and closing of the gates is of a short duration and, therefore, the movement of the gate is not of significant impact; and 4) that when the motorized gates on the car deck are open, four vehicles can park on the car deck as was the intent when the approval of the car deck was granted.

3. To approve the access gate located in the north sideyard as shown on Exhibit A and Exhibit C, subject to the following conditions: 1) that the maximum width of the gate be 5'; 2) that the access gate shall open inward, i.e., away from the road; and 3) that the access gate shall be no closer to the street than the existing sideyard fence as shown on Exhibit A. This approval is granted on the grounds that 1) it will not create a significant adverse safety impact; 2) that the privileges of a six foot gate/fence is common in the Town and denying the application would be depriving this property of privileges enjoyed by other properties in the Town, thereby creating an inequity.

4. To deny a height variance for the portion of the property line fence located along the south side property line and along the southerly portion of the rear property line, both portions being adjacent to No. 98, for the fence to be up to 8 feet in height as shown on Exhibit A, with the
clarification that the maximum height for the fence, including the posts, be limited to 6 feet in height. This denial is based on the grounds that the Town Council is unable to make the required findings that: 1) there are special circumstances applicable to the property, relating to size, shape, topography, location, or surroundings; further, that to justify the fence the strict application of the controlling zoning ordinance or regulation deprives the property of privileges enjoyed by other property in the vicinity and under an identical zoning classification. More specifically, whether or not the fence is 6 feet or 8 feet in height, it still will not afford privacy between the properties Nos. 94 and 98, due to the fact that No. 98 is developed at a significantly higher elevation; and that 2) the granting of the variance is necessary for the preservation and enjoyment of substantial property rights of the petitioner. The reason why the Town Council was not able to make this finding is the same as that listed above.

5. To approve a 5 foot rearyard variance to construct a lower platform below a previously approved car deck, a portion of which comes within 15 feet of the rear property line as shown on Exhibit A, subject to the following conditions: 1) that the entire support structure of the car deck and lower platform are to be painted a dark earth tone color, i.e., dark brown; 2) that the railing for the lower platform meet UBC requirements; and 3) that shrubs growing up to 10' in height be planted along the entire west and north sides of the lower platform. These shrubs shall be evergreen, adaptable to this location’s soil and sunlight conditions, not attracted by deer, require minimal maintenance, planted close enough together to provide screening of the base of the structure, that they be medium to fast growing and reach a minimum of 10' in height within 5 years. Plant suggestions include, but are not limited to: Myoporum Laetum and Nerium Oleander. This approval is granted on the grounds that: 1) special circumstances applicable to the property do exist; 2) that the granting of the variance is necessary for the enjoyment of property rights; and 3) the granting of the variance will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not be materially detrimental to the public welfare or injurious to property or improvements in such neighborhood. More specifically, the improvements are located on a very steep, awkwardly shaped lot that make standard development difficult; that the encroachment into the rear setback is limited to a 75 square foot area directly underneath a previously approved structure; and that the mitigations measures mitigate not only this encroachment, but also the impact of the structure located outside of the setback encroachment.
6. To grant the appeal and remove the Planning Commission’s condition that a second driveway on the lower Berkeley Avenue street frontage not be installed in the future on the grounds that there is no Code authority to prevent a second driveway on this property.

I HEREBY CERTIFY that Resolution No. 3111 was duly passed and adopted at a regular meeting of the Town Council on March 13, 1990, by the following vote:

AYES: Chignell, Sharp, Zaharoff, Walsh
NOES: (None)
ABSTAIN: Colteaux

Ann Walsh, Mayor

Attest: Caroline Foster, Town Clerk
EXHIBIT "A"

PROPOSED 1990-91

MARIN COUNTY

A) APPROVED PROJECTS:

1) Hwy 101 from Route 37 to Miller Creek Rd., construct southbound and northbound HOV lanes. ($6.5 M) (1989-90).


3) Hwy 101/Merrydale Rd., construct overcrossing. ($1.5 M FAP + $2.1 M Local = $3.6 M total) (1990-91).

4) Hwy 101/Manuel Freitas Interchange, construct new northbound on-ramp. ($0.9 M) (1990-91).


8) Hwy 101/Rowland Blvd., modify interchange. ($3.7 M, all local) (1992-93)

9) Hwy 101 from Sir Francis Drake Blvd. to Route 1580, construct northbound Auxiliary Lane. ($5.0 M) (1992-93).

10) Hwy 101 from Route 1580 at Bellam Blvd., relocate north westbound off/on ramps. ($7.5 M, all local) (1993-94).

B. PROPOSED PROJECTS (in priority order):

1) Hwy 101 from Mission St. to North San Pedro Rd., construct northbound and southbound HOV lanes and southbound auxiliary Lane. ($18.6 M).

2) Park and Ride Lot for approximately 200-250 vehicles at Tamalpais Drive/US 101. ($1.8 M).

3) Hwy 101 from Miller Creek Rd. to North San Pedro Rd., construct southbound auxiliary lane. ($4.8 M).
4) Andersen Drive extension in San Rafael. ($6.7 M).

5) Hwy 101 from San Rafael Viaduct to Route I580, construct northbound and southbound HOV and auxiliary lanes and reconstruct Route 101/I580 interchange including southbound on/off ramps. ($27 M).

C. CANDIDATE LONG-TERM TRANSPORTATION PROJECTS (AB84):

1) South Novato Boulevard. ($9.5 M).

2) Sir Francis Drake localized widening and intersection improvements in San Anselmo and Fairfax. ($2.1 M).

3) Hwy 101 from Route I580 to Sir Francis Drake Blvd., construct northbound and southbound HOV lanes and southbound auxiliary lane. ($44.9 M).

4) Hwy 101 from Atherton Ave., to Route 37, construct southbound HOV lane. ($8.5 M).

5) Hwy 101 from Route 37 to Atherton Ave., construct northbound HOV lane. ($8.5 M).

6) McInnis Drive in Marin County, Novato and San Rafael. ($35-41 M).

7) Hwy 101 from Novato to Sonoma County line HOV lanes. ($22.3 M). (This project would include project 11 if constructed before project 11)

8) Hwy 101/Construct new interchange at Nellen Ave. ($8.5M).

9) Route I580 at Irene St., construct underpass and relocate eastbound off/on ramps at Bellam Blvd. ($10.5 M).

10) Route 1 at Panoramic Highway, modify intersection. ($0.5 M).

11) Hwy 101 from 1.7 to 4.0 miles north of Atherton Ave. interchange, construct new interchange and frontage road. ($19.8 M).

AB: N-?
New railing as per Code and existing railing, where required.

Fence necessitating height variance - to be reduced to 6’. Variance denied.

New Addition to the Previously Existing Deck - to be removed. Variance denied.

Existing Two Story House

Fireplace

Car Port (Lower platform below measuring 22'W x 27'D)

Front Upper Deck

NY.

Edge of upper Berkeley Ave

Location of gate meter

Upper level deck in the rear

Access gate

94 Berkeley Ave

Drawn by C. Ansari
Tel. 456 2474
Scale: 1’ = 10’
Sheet 1 of 2 Sheets

Received
10-12-1989

Amended by L. Wright
1-3-90
3-in-1 Universal Operators Built to Last.

FEDERAL APD
Federal Signal Corporation
Features

- UL approved
- LA Lab approved
- Factory pre-wired for safety reverse edge and/or radio control
- Heavy duty torque limiter
- Dual directional logic and bi-parting capabilities
- Two removable side panels for service ease
- Gear reducer for maximum efficiency and long-lasting performance
- Adjustable timers for automatic close (optional)
- Universal control logic (optional)
- #50 heavy duty chain
- Maximum run timer to reduce unnecessary wear (optional)
- 11 Gauge Steel Housing

Specifications

Mechanical

- 1/4 HP high starting torque dual directional motor
- Single phase motor internally protected against overload and undervoltage in both start and run windings
- 3 phase motor has external overload protection
- Motor contactor meets NEMA size "O" specifications
- Motor speed reduction is single-belt driven
- Worm gear speed reducer (40:1)
- #50 chain and sprocket final drive
- Heavy duty commercial torque limiter
- 115V, 1 Phase; 230V, 1 Phase; 208V, 3 Phase; 230V, 3 phase; 460V, 3 Phase

Accessories

- Adjustable timer for automatic closing
- Maximum run timer with output for external alarm
- Signal bell when operator is moving
- Free operation/two-way operation - Detector Open/Timer Close with Safety Loop Detector
- Automatic self-tuning detectors - Model #DLD 10
- Photoelectric controls
- Card readers

Electrical

- 115V, 1 Phase; 230V, 1 Phase; 208V, 3 Phase; 230V, 3 phase; 460V, 3 Phase

Capabilities

- Gear reducer for maximum efficiency and long-lasting performance
- Adjustable timers for automatic close (optional)
- Universal control logic (optional)
- #50 heavy duty chain
- Maximum run timer to reduce unnecessary wear (optional)
- 11 Gauge Steel Housing

Outdoor pushbutton station with or without key lock

Larger HP units available - consult factory

Installation - Weights up to 1000 lbs and widths up to 23 ft. *Applies to gates in proper working order

Per Ted Kopp, Engineering Dept., NO noise specifications, 3/4 horsepower motor is minimal noise, no metal clanging sound, no bells, takes 5 secs to open or close gates. Gate itself can be wood but weight cannot exceed 1300 lbs. Mobile units must be kept lubricated.

Outdoor pushbutton station with or without key lock

Larger HP units available - consult factory

Not for use with manual gates or manual openers.

Note: Automated gates are designed for control of passenger automobiles only. Motorcycle, bicycle and pedestrian traffic cannot be controlled with an automated gate. Warning decals bearing this information should be affixed to gate.

Specifications subject to change based on production standard at the time of manufacturing.
Address: 94 Berkeley Ave.

Proposed Gate Height from Grade: 6' Maximum Gate for Car deck

*Type of Gate: Proposed Solid 1x12" redwood. Automatic remote opener

brief description (solid, lath, cyclone, etc.)

Applicant's name: CYRUS ANSARI

Property Owner's Name:

Applicant's telephone number: 456-2744

Applicant do not write below this line

Date: 10-3-1980 (F)

Approved subject to condition on the back of this permit.

City/Engineer: John Kottago

*If illustration is needed, do so here.
1. The motorized car deck, access gate shall open inward (i.e., away from road).
2. The location of the motorized access gate shall be no closer to the street than the existing front yard fence.
3. Any building permits required shall be secured separately.
4. Approval is subject to a 10 day appeal period. Applicant shall contact the Planning Department after this 10 day period has expired to determine the status of the appeal.