

## THE PLANNING COMMISSION MEETING OF AUGUST 15, 1988

The regular meeting of the Planning Commission was called to order on August 15, 1988, at 8:15 p.m. in the Council Chamber by Chairman Hayes. Staff present: Lisa Newman, Planning Consultant, John Roberto, Planning Consultant, Hadden Roth, Town Attorney, Lisa Wight, Planner.

## A. ROLL CALL

Commissioners present: Harle, Yarish, Kroot, Julin, Sias, Hayes

Commissioners absent: Manning

## B. CONTINUED PUBLIC HEARINGS

1. AR-6 - Quarry Mountain Incorporated, End of Tomohawk Drive, Units 1, 3-12 A/P 177-220-50, 177-250-40 and 177-250-41, approval of building and roofing colors.

The applicant was present.

Lisa Newman presented the staff report on the colors that were viewed at the site.

Steve Best, 46 Elk Horn Way, asked why the applicant was allowed to paint one of the homes without getting approval from the Commission. Chairman Hayes responded that the applicant explained at the last meeting that the wood was starting to curl and he might have to paint without approval and if necessary, repaint.

Ken Meyer, 20 Elk Horn Way, recommended that the Commission enforce the decisions made by the Town Council and not let the developer proceed at his own pace.

Larry Stack, 10 Alice Way, asked if the roof colors were still pending, noting that three roofs currently up that are gray in color and it was his understanding that they should be earth tone. He would like to see the roofs painted with a latex paint. The house on lot 7 is painted a gray No. K172, and it was his understanding that there was to be no grays or blues.

Marlene Kawahata, 84 Berkeley, would like to see the darker colors on the homes.

## COMMISSION COMMENTS ON BODY AND TRIM OF HOMES

Commissioner Kroot, felt all colors were well selected although he thought #5-Spanish Sand would be better as a trim. He would like to see that no two houses in a row are painted the same.

Commissioner Sias favored El Dorado Tan and Sand Pebble as the body and noted Elmwood blended nicely. He favored transparent stains on the hillside and all the colors suggested by the applicant were acceptable as a trim.

Commissioner Harle thought all colors were acceptable as body and trim with the exception that Spanish Sand not be used as the body.

Commissioner Julin thought all colors were attractive and thought that variety was important. Because of all these landscaping, she felt there needed to be light colors to show it off.

Commissioner Yarish thought the colors were relatively unobtrusive and that the roof colors were also acceptable. His only restriction was that Spanish Sand not be used as the body.

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Chairman Hayes did not favor Chamos, Winter Leaf, Loam or Spanish Sand for the body and did not favor chamos or Spanish Sand for the trim. He thought the house that was painted Elm Wood was acceptable although he would not like to see it on any other home. He also favors the transparent stains.

M/S Harle, Julin, approval of all the colors shown as body or trim except #5 Spanish Sand which should not be used as the body.

Ayes: Yarish, Harle, Kroot, Julin  
Noes: Sias, Hayes

## COMMENTS ON THE STAINS

Mr. Elliott said he will remove #901 and #911 as stains from the palate. #900 is a clean stain base and it will allow the homes to turn silver if not maintained and buff if maintained.

Commissioner Sias to approve the 8 stains with the exception of the two clear stains.

Commissioner's Harle, Julin and Kroot and Chairman Hayes thought all the stains were acceptable with the exception of the two removed by the applicant.

M/S Kroot, Julin, to approve all transparent stains except number 901 and 911.

Ayes: Yarish, Kroot Harle, Julin, Hayes  
Noes: Sias

## COMMENTS ON THE ROOF

Mr. Elliott said the roof shingles are Elk Prestique and are weatherboard and barkwood.

There was no objection from the commission as to the roof materials and colors.

M/S Hayes, Kroot, approve of the roof materials as are now placed on the roof with staff to get the manufacture number and name.

Ayes: Julin, Harle, Yarish, Sias, Kroot, Hayes.

M/S Kroot, Julin to approve all transparent stains except number 901 and 911.

Ayes: Yarish, Kroot Harle, Julin, Hayes  
Noes: Sias

Audience advised of the 10 day appeal period.

2. V-2239 - Gary and Fani Hansen, 27 & 37 Indian rock Road, A/P Nos. 177-250-21 and 177-250-22, variance to construct an access driveway to 27 Indian rock Road across 37 Indian rock Road.

The applicants were present.

Lisa Newman presented the staff report.

Mr. Hansen said they received approval 10 years ago for a ramp but there were few options available to them because they only owned number 27. They felt the ramp represented a prominent structure and therefore were hesitant to follow through with the plan. They now have more options available to them because they own the adjacent property at number 37. With regards to the Oak trees, the one that is being

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proposed to remove is in poor health however they are doing what is possible to save the other trees on the property. The retaining walls will be precast concrete blocks which will support plant growth. Mr. Hansen said he would be open to any other suggestions that offer minimum visual impact.

David Israel, 47 Indian Rock, stated there is no mention in the staff report about the Fire Departments recommendations for access to the property. He said he thought it would be difficult to make the first required finding in that it will affect his property, his view and that the trees should not be removed. He stated that the Town has an ordinance to protect heritage trees and he would like to have a arborists report indicating that the tree is in bad health. He thought the steepness of the proposed driveway would create undue noise and light. He thought the retaining walls would create a significant impact and that there already signs of settlement on the patio.

Bonnie Hansen said she spoke with the Fire Chief and his findings were based on it being a road. There is now clarification that it is a driveway. The oak tree they want to remove is already horizontal but they will consult an arborist. The original plan that was approved ten years ago had retaining walls in excess of 20 feet and now that they have the second lot they feel this solution is a much better solution.

Bill Deer, 63 Indian Rock Road, was concerned about the steepness of the driveway.

Commissioner Julin finds it hard to approve a driveway without plans for the house.

Commissioner Yarish considered this plan less obtrusive. He would like to see an arborists report on the oak trees.

Commissioner Kroot suggested Mr. Israel work with the Hansens in getting an acceptable design.

Commissioner Sias concurred with the comments of Commissioner's Kroot and Yarish. He also considered landscaping for blocking out the car lights. He was impressed with the type of retaining wall proposed in that it will bring vegetation back.

Commissioner Harle echoed his colleagues.

Chairman Hayes suggested the application be continued until the questions can be resolved regarding plans showing vegetation that will screen lights, arborist's report relating to the oak tree, report from the Fire Department and lastly, that the neighbors work together in coming up with a design acceptable to both.

Mrs. Hansen said she will show a building footprint for the next meeting indicating where the proposed house will be.

M/S Yarish, Sias, continue to September 19, 1988 for the following: 1. Applicants to present the results of dialog with neighbors 2. Arborists report and any special recommendations for health care of the oak trees.

All eyes.

3. U-621 - Church of the Divine Man, 1381 San Anselmo Avenue, A/P Nos. 7-052-55 through 7-052-59, consideration of resolution to amend the use permit granted in May, 1987 for a church in an R-1 District.

Reverend Richard Lawrence and Reverend Michard Tabora were present.

Lisa Newman presented the staff report noting that staff has been unable to get clarification about the tax status on the Church.

Reverend Lawrence said his Counsel will not be present however he has been in communication with the Town Attorney. He stated that they can not live with the Resolution.

Hadden Roth said the church as stated there are no funds available for insurance therefore they are unable to maintain the playground. He spoke to the Town Council to see if the Town will sign a "hold harmless" agreement and the reaction was not too favorable. Mr. Roth spoke with Mr. Corlie, Counsel for the church, and Mr. Corlie did not feel it necessary to be present tonight because they were going to appeal the Commission action. Also, Mr. Corlie has not responded to the questions about insurance coverage for the playground however, he did say that the church is tax exempt but will not make the information available.

Chairman Hayes asked why the applicants are unwilling to provide pertinent information to the Planning Commission.

Reverend Michael Tabora responded that they were willing to work with the neighbors to resolve the problems but now they are following the advise of their Counsel. He said the chain fence was constructed to prevent vandals.

Cornelius Keene, 51 Elm, said there has been no communication with the church and the neighbors.

Nancy Olson, 1329 San Anselmo Avenue, said the use permit for the Church of the Divine Man should be the same as for the Church of the Nazarene. She feels the use should be revoked because they are exceeding the use.

Lorraine Ferrarese, 24 Elm Avenue, wanted the Commission to address the daytime uses, and thought there should be a lapse in time from each function so there would never be more than 40 people on site at one time.

Cornelius Keene, 51 Elm, requests that there be some mention in the resolution that the play area be maintain as it previously was.

Commissioner Yarish thought the resolution conveyed his thoughts, the intent is to allow the neighborhood to remain a neighborhood.

Commissioner Kroot abstained.

commissioner Sias agreed there should be a lapse between events during the day.

Hadden Roth was not in favor of stipulating a lapse in time between events, stating it would be better not to structure the events if possible.

Commissioner Sias wanted to add to the resolution under number 3, that the parking lot be empty by 9:30 p.m. and that parking stripes be added for the off street parking, excluding the playground area. He said he would consider increasing the limit from 40 to 60 people on site during the Sunday church services.

Commissioner Harle supported the resolution and the additions as noted by staff.

Commissioner Julin thought staff's proposed changes to the resolution and the resolution itself were excellent. She would like to see the attendees required to park in

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designated areas on site and there should be no on street parking.

Chairman Hayes said the parking spaces were striped when the property was owned by Church of the Nazarene and asked how many spaces it was allowed at that time. Lisa Newman responded, stating 27, however perhaps a few more because of compact cars.

Chairman Hayes would like to see the parking spaces striped. With regard to the playground, the Commission was of the opinion that the playground would continue when Church of the Divine Man bought the premises. He would like to see the playground return to the neighborhood

Jody Keene, 51 Elm, asked if the Planning Commission was giving up the idea of revoking the use permit. She said the applicants do not expect to live within the confines of the old use or the new one. Even if they do follow the new use, it will continue to be a detriment to the neighborhood.

Hadden Roth said the Commission should set up a date to review the use and determine at that time if the applicants are following the use permit.

Cornelius Keene, 51 Elm, said the Commission should be specific in their wording of returning the playground and equipment.

M/S Yarish, Julin, to amend the use permit U-621 for the Church of the Divine Man, 1381 San Anselmo Avenue and to approve the resolution in the staff report dated August 15, 1988 with additional conditions: 1. on page 3 of the resolution replace item number 6 to state "replace playground facilities (basketball hoop, geodesic climbing structure, swing set) and play area which had been made available to neighborhood children at all time for 8 years by the Church of the Nazarene and for the first year of the Church of the Divine Man's tenure. 2. a chain barrier be placed to protect the playground

Ayes: Harle, Sias, Yarish, Julin, Hayes  
Kroot: Abstain

M/S Sias, Julin, to amend stating that the review period be shortened from six months to 3 months.

Ayes: Sias, Julin, Harle, Yarish, Hayes  
Abstain: Kroot

M/S Sias, Julin, to add to condition number 3 that the parking lot be emptied by 9:30 p.m.

Ayes: Julin, Harle, Yarish, Sias,  
Noes: Hayes  
Abstain: Kroot

The audience was advised of the ten day appeal period.

#### C. PUBLIC HEARINGS

1. AR-6 - Quarry Mountain, Incorporated, End of Tomohawk Drive, A/P Nos. 177-220-50, 177-250-40 and 177-250-41, architectural review of Unit 2.

The applicant and the Architect were present.

John Roberto presented the staff report noting that the applicant had to reduce the height of the building to 18'.

Alfred Morrissette, Architect, presented new drawings showing the height limit of 18' stating the nook and dining

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room were lowered by one foot. He said they would like to use cedar resin, KP spruce and would like to have this house included in the colors that were selected the other Quarry Mountain subdivision.

Mr. Hanratty, applicant, said they have purchased lots 2, 7, 11 and 12 and would like to be consistent with the rest of the Quarry Mountain homes.

Commissioner Yarish asked if portions of the wall under the decks could be cantilevered below the floor level. Mr. Morrisette said it is only a 5'-6' wall below the deck and it is in shadow.

Commissioner Sias thought the tallest part of the house in the west elevation should have more screening. He proposed tall shrubs to screen the lower levels.

Mr. Hanratty said those are bedrooms and he did not want to block their view or light.

Commissioner's Harle and Julin thought the plans were acceptable.

Chairman Hayes asked if this house could be pulled forward off the envelope, thus eliminating some of the mass.

Mr. Morrisette did not want to give up the two bedrooms and wanted to stay within the envelope to expedite the planning process.

Mr. Roberto said if the house is pulled forward, the house would have to be substantially smaller.

M/S Kroot, Julin, to approve AR-6 Quarry Mountain Design Review for Lot 2 and approve the resolution attached to the staff report dated August 15, 1988 including Exhibit A and B with the following changes/additions to Exhibit B. Item 1 should be modified to read: "The colors of the home shall be taken from the color palate approved for the Quarry Mountain Subdivision by the Planning Commission on August 15, 1988". Number 3 to read: "Three additional shrubs to be planted in the category of 15 to 25 feet high as shown on the site plan sheet 1 of Exhibit A1".

All ayes. Motion passed unanimously. audience advised of the ten day appeal period.

2. V-2242 - Jeffery Gustafson, 8 Fairview Court, A/P No. 5-071-64, variance to replace deck and stairs located within 4'6" of the side property line. This item is to be handled administratively on August 16, 1988, however, public comment should be taken at this meeting.

Lisa Wight said a letter has been submitted by a neighbor at Number 11 Fairview Court indicating that off street parking be addressed. This should be directed to the Police Department and is not related to this planning issue.

3. U-629 - Lenny Lerner, 1535 Sir Francis Drake Blvd., A/P No. 5-153-01; amendment to the specific Planned Development use permit (1987) to allow: 1) automotive repairs; 2) cellular telephone sales, service and installation; and 3) 2 additional signs.

The applicant was present.

Lisa Wight presented the staff report.

Lenny Lerner said that the striping has been done for the parking spaces.

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Mr. Camolli, 1515 Sir Francis Drake feels there is too much activity on the site and wanted to have the applicant maintain the landscaping on the property. There is also a dog on the site that barks at night.

David Lerner, father of the applicant, said the area has been upgraded by his son. The paving alone has cost \$9,000. The dogs on site are there for the protection of the property against vandals.

Commissioner Sias had no problem with the proposals, stating that he feels the property has substantially improved. The Humane Society should be contacted about the dog.

Commissioner Harle supported the application.

Commissioner Julin asked if the phone booth and vending machine required approval. Lisa Wight stated it can be conditioned in the use permit if the Commission so desired. Commissioner Julin said 7-9 parking spaces were approved in November. She would like to see a plan of how the applicant has striped the parking. Also she would like to see landscaping put in and be maintained.

Lenny Lerner said planter boxes have been put in and there is 10,000 square feet of parking space available on site.

Commissioner Yarish had no problem with the uses but would like to see that landscaping be maintained and a drip system installed. He would not like to see air wrenches allowed on site because of the noise factor and would like to stipulate storage of cars on site to be set at a maximum of 3-4 cars.

Commissioner Kroot would like to see the new proposed sign.

Lenny Lerner said pictures of the proposed sign was submitted to staff last week.

Chairmen Hayes would like to see pictures of the sign, was concerned about the build up of cars on the site and was concerned about auto repair on site. He had no problem with the sale of cellular phone unless it gets increased traffic. He would like to get an average of the number of cars that will be stored on site and the projected growth in six months.

M/S Sias, Julin, to continue this application until September 19, 1988 to see photographs of proposed signs and a parking plan to show existing parking conditions on site and specify a schedule for when the landscaping is to be completed and more information on how many cars are to be stored on the site overnight.

All ayes. Motion passed unanimously.

4. V-2244 - William B. Harms, 172 Butterfield Road, A/P NO. 5-101-14, a 20 foot frontyard and a 3 foot south sideyard variance to construct a garage within 0 feet of the front property line and 3 feet of the side property line, with an 18" roof overhang.

The applicant was present.

Lisa Wight presented the staff report.

M/S Harle, Sias, to approve V-2247, William R. Harms, 172 butterfield Road, A/P 5-101-14, a 20 foot frontyard variance and a five foot south sideyard variance to construct a two car garage within zero feet of the front property line and three feet of the south side property line, with an 18 inch roof overhang on the basis: That the granting of the variance is necessary for the preservation and enjoyment of

substantial property rights of the petitioner; and the granting of such variance, under the circumstances of the particular case 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. Because of the character of the lot and the creek this placement is the logical place for a garage. This is not a grant of special privileges because many other properties in the area have off street parking. To add staff's recommendation that the garage be increased to 18 feet wide by 20 feet deep. This variance is in reference to plans received March 5, 1988

All ayes. Motion unanimously passed. Audience advised of the ten day appeal period.

5. V-2245 - Joan and Robert Jacobson, 1242 San Anselmo Avenue, A/P No. 7-051-18, 7 foot 6 inch west sideyard variance to construct a carport within 6 inches of the property line.

Robert Jacobson and Wm. Boyle, Architect, present.

L. Wight presented the staff report.

Commissioner Kroot was concerned about the window in the carport and asked that it be a non opening window.

M/S Julin, Kroot, to approve V-2245 - Joan and Robert Jacobson, 1242 San Anselmo Avenue, a/P 7-051-18, a 7'6" west sideyard variance to construct a carport and stairs within 6" of the west side property line on the basis: That the approval of the variance will not be a grant of special privileges as there are properties on the block that have similar situations. The applicants desire to provide covered on-site parking and neighboring dwellings should not be adversely affected by the proposed carport due to the existing vegetation and setback from the front property line. With the condition that the window shown on the west wall be rendered inoperable.

All ayes. Motion passed unanimously. Audience advised of the ten day appeal period.

#### D. APPROVAL OF MINUTES

M/S Yarish, Julin, to approve minutes of June 27, 1988 as written.

Ayes: Yarish, Julin, Sias, Harle, Hayes  
Abstain: Manning

M/S Yarish, Harle, to approve minutes of July 11, 1988 as written.

Ayes: Harle, Sias, Julin, Kroot, Yarish, Hayes  
Abstain: Manning

M/S Sias, Julin, to approve minutes of August 1, 1988 as written.

Ayes: Sias, Manning, Julin, Yarish, Hayes  
Abstain: Harle, Kroot

#### F. SCHEDULE NEXT REGULAR MEETING IN LIEU OF SEPTEMBER 5, 1988 MEETING.

It was decided that a special meeting will take place on September 26, 1988 at 8:00 p.m. in the Council Chamber.



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## G. ADJOURNMENT

The meeting was adjourned at 12:40 a.m. to the special meeting on August 29, 1988 for the Planning Commission hearing on the Draft General Plan Amendments.

BARBARA CHAMBERS  
ADMINISTRATIVE ASSISTANT/TECHNICIAN