

**PLANNING COMMISSION MINUTES
APRIL 17, 1989**

The regular meeting of the San Anselmo Planning Commission was called to order on April 17, 1989, at 8:00 p.m. in the Council chamber by chairman Sias. Staff present: John Kottage, Director, Lisa Wight, Planner.

A. ROLL CALL:

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

Commissioners absent: none

B. PUBLIC HEARINGS

1. Z-246 - Terry and Eugene Schenk, and Kintetsu Enterprises of America, off Cherne Lane, A/P Nos. 5-300-15, 5-300-24 and 5-300-28, proposed rezoning and environmental review to amend the Table of Hillside and Ridge Density Parcels to create a new building site by combining a portion of the Kintetsu property (A/P 5-300-15) with the Schenk property (A/P Nos. 5-300-24 and 5-300-28) in an R-1 H District.

Existing Maximum No. of Dwelling Units	Proposed Maximum No. of Dwelling Units
A/P 5-300-15: 8 units	Portion of A/P 5-300-15: 7 units
A/P 5-300-24 and 5-300-28: 1 unit	A/P 5-300-24, 5-300-28, and portion of 5-300-15: 2 units

The applicants and their attorney, Mr. Katz, were present.

Mr. Kottage presented the staff report.

Commissioner Julin did not understand how the Certificate of Occupancy could be valid if there was a misrepresentation of the location of the garage at a subsequent meeting. She thought the vote should be taken again now that the Commission has the accurate information.

Mr. Kottage said the argument was made by Mr. Katz at the last meeting that the Commission would either be confronted with approving a garage or a house in that location near the property. Since the Planning Commission did not approve a garage in the location discussed last meeting, it is not valid. Therefore, it is staff's position that the garage in the location the Commission originally approved should still be constructed. If the applicants want to propose an amendment they will have to come before the Commission again with that proposal.

Mr. Katz wanted to state for the record that they have approved plans stamped from the Building Department that indicate placement of the garage in the location that they discussed at the last meeting. He said that the Schenks would not have agreed to place the garage in the location the Town is referring to because the drilled piers for the garage would go into the root system of the oak tree and kill it. Mr. Katz explained that the Schenks has spent \$25,000 in engineering and approximately \$6,000 in Consultant fees. It has always been their impression that there would be a possibility of a further lot split or the Schenks wouldn't have spent so much time and money. The current proposal is for more than one acre, noting that there could be access from Lillian Court as well as Cherne. He said the property of "A" is the 4th layer down from the ridge line and therefore not as visible as those higher up. The Kintetsu Group has already invested \$100,000 in drainage for their property and are willing to enter into a joint venture with the Schenks to get the maximum amount on their investment for parcel "A".

Commissioner Hayes said he appreciated the frustration of the applicants however the 1976 General Plan talked about one house per acre and this land has already been split. It would be

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against the Hillside Density of the General Plan to take a unit off the Kintetsu property and "move it up the hill".

Commissioner Kroot invisioned this application as a lot line adjustment rather than a lot split. The proposed location seems to be a better location to have a house than on the Kintetsu property.

Commission Yarish said his opinion has changed since the last meeting because of the new information regarding placement of the garage. He also has some problems with the wording of the Resolution included in the staff report. In paragraph two, he does not agree that the .."site would be a better option"...The General Plan talks about building on the lower portion of the property and the Schenks are proposing to build higher. Paragraph three talks about the construction of a home being less visible on the Schenk property than Kintetsu property but there is no assurance that the parcel will be closer to Woodside. He did not agree that this proposal is consistent with the General Plan as stated in paragraph seven. Based on this information he would not be able to approve this application.

Commissioner Harle supports the application for the same reasons as Commissioner Kroot.

Commissioner Kanis concurred with Commissioner's Hayes and Yarish and opposes the application.

Commissioner Julin was opposed to increased density and a unit being moved upslope. She added that the economic viability of a property is not a planning issue.

Chairman Sias agreed with Commissioner's Yarish and Hayes in that moving the unit up hill was against the R-1H Density Ordinance.

Chairman Sias asked staff for direction as to how to proceed. Mr. Katz said it was his understanding after talking with our Town Attorney, that the Commission should made recommendations for, and consider the Negative Declaration so those thoughts will be made known to the Town Council.

Mr. Kottage said the Town Council is the final deciding party on zoning and EIR and it seems prudent for the Commission to make their comments known. It should be noted that any comments would be in the form of a recommendation, not a decision.

Mr. Katz said he felt the Negative Declaration should be approved.

Commissioner Julin said the Commission did not have to act on the Negative Declaration because the application was denied.

Commissioner Hayes was not uncomfortable sending it to the Town Council without making a decision on the Negative Declaration, noting what the financial impact would be on the Schenks if an EIR were necessary.

Chairman Sias did not think item 18 on the Environmental Check List relating to aesthetics could be mitigated.

Commissioner Kroot thought the denial of the project was based on item 18 of the Environmental Check List.

Commissioner Hayes agreed with the comments of Chairman Sias.

M/S Hayes, Julin, to recommend denial to the Town Council for Z-246 Terry and Eugene Schenk and Kintetsu Enterprises of America, off Cherne Lane, A/P Nos. 5-300-15, 5-300-24 and 5-300-28, proposed rezoning and environmental review to amend the Table of Hillside and Ridge Density Parcels to create a new building site by combining a portion of the Kintetsu property (A/P 5-300-15) with the Schenk property (a/P Nos. 5-300-24 and 5-300-28) in an

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R-1 H district. The reasons are: 1. The application is inconsistent with the spirit of the Hillside Provision of the General Plan in that it would have the effect of moving a unit to a more, rather than less, visible hillside area and from a low land to an upland site; 2. The application is inconsistent with the intent of the Hillside Density Ordinance in which only two (2) units were assigned to the parcel in question owned by the Schenks (5-300-25).

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

Motion carried.

M/S Hayes, Yarish, to recommend to the Town Council that this be taken up on the May 9th Town Council Meeting.

All ayes. Motion unanimously passed.

M/S Julin, Hayes, to state to the Town Council that the Planning Commission considered the environmental review and because of the denial of the project proceeded to take an action on the project as prescribed by CEQA section 15074 therefore obviating the need for Environmental documentation.

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

Mr. Katz wanted to discuss the placement of the garage. Mr. Kottage said there needs to be a Design Review submitted if the applicant is proposing to move the garage from the site that has been previously approved but it can not be discussed at this meeting because it has not been noticed to the public.

2. Environmental Review of Proposed Improvements to Sir Francis Drake Boulevard, eastbound from Bella Vista Avenue to Bridge Street, roadway to be widened by adjusting the curbs and medians to allow for 2 traffic lanes and 1 parking lane. Left turns from Bridge Street onto Sir Francis Drake Boulevard to be eliminated. Traffic signalization at the hub intersection to the adjusted).

John Kottage presented the staff report.

Commissioner Kanis asked if the length of the left hand turn lane from Sir Francis Drake to Red Hill will increase and if so, would it be possible to have two left turn lanes? Mr. Kottage said it will increase by 5 cars and it would be difficult to have two lanes because there are so many factors involved at that intersection, but he was willing to look into it.

Commissioner Julin asked to what extent the road was to be widened and stated that the Circulation section of the General Plan prohibits widening of Sir Francis Drake.

Mr. Kottage did not believe that this current proposal for Sir Francis Drake fell into the category of widening because it would take place within the existing right of way.

Commissioner Yarish thought this would be considered more of a hazard reduction rather than growth inducement.

Commissioner Kroot asked if the on street parking was to remain in the area of Madrone and Bridge. Mr. Kottage affirmed, adding the Town Council said it is important to the businesses in the area.

Commissioner Kroot asked about signage at Bridge and Center. Mr. Kottage said there will be appropriate signs directing traffic from Center to the Hub.

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Commissioner Kanis thought there was a lack of distinction of the islands and would like to have them more visible, otherwise was in support of this project.

Commissioner Hayes asked if the merchants were comfortable with this plan. He wondered how long the road work will take and how inconvenient it will be for the people using Sir Francis Drake. Mr. Kottage said the merchants approve of the plan. With respect to the inconvenience, the widening will start late summer at the north end and should only be an inconvenience to the parking lane. It should be noted that the undergrounding of utilities will take place around the same time.

Commissioner Julin said she would support closing the left turn off of Bridge but not the widening because she feels it goes against the General Plan. She noted that she voted to specifically deny the widening of Sir Francis Drake Blvd. when the General Plan was being updated last year.

Commissioner Hayes did not feel this road work would fall into the category of widening for increased development. He thought of it as curing a traffic hazard and therefore not in violation of the General Plan.

Commissioner Kroot said that currently the eastbound narrowing of Sir Francis Drake to one lane between Madrone and Bridge is dangerous and the statistics bare it out and that we should vote for this for the reasons of safety.

Chairman Sias said he thought the plan reduces a traffic hazard and is consistent with the General Plan.

M/S Yarish, Harle, to approve the adoption of the negative declaration for Sir Francis Drake Boulevard Widening Project. This is in regards to the drawings by the Town dated 12/8/88 and revised 2/22/89.

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

Motion carried.

Commissioner Kanis reiterated his concerns about a potential hazard of the left turn lane at the Hub and requested staff to research it.

3. SR-347 - Filippo and Nicola Lococco, 638 San Anselmo Avenue, A/P 6-102-37, a sign variance to permit a third sign to be interior illuminated and project from the building.

The applicant was present.

Lisa Wight presented the staff report.

Dixie Manwaring, 111 Crescent, thought an interior illuminated sign would be precedent setting, adding that she agreed with the comments of Commissioner Hayes at subsequent meeting.

Ron Basker, 106 Humboldt, pointed out that several restaurants have neon signs that identify the business that are smaller than the "open" sign in LoCoco's window. Ms. Wight explained that lighted signs are allowed, however this application is before the Commission for a projecting interior illuminated sign.

Commissioner Kroot thought the sign would be less obtrusive than exterior lit signs with pipes and light shining on the sign. He thought this design was an improvement from the one previously submitted. This restaurant is uniquely different because it is a night time business.

Commissioner Yarish thought this sign was well designed. That it was less visual in comparison than a sign with spot lights

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because there will be less glare and will not have the additional hardware.

Commissioner Harle thought the design of the sign was acceptable and liked the dark color.

Commissioner Kanis was bothered by the internally lit sign and did not think it in keeping with the downtown. He thought there were other alternatives.

Commissioner Julin said there is a design problem that needs to be solved and it should not be done through the variance process. She feels that a interior illuminated sign will diminish the "village" character of San Anselmo and also thought if this sign were approved it would be precedent setting.

Commissioner Hayes agreed that if this sign was approved it might be precedent setting and did not want to view internally illuminated signs as common in the downtown area. He was opposed to the sign.

Chairman Sias was opposed to the sign for the same reasons as Commissioner's Julin, Hayes and Kanis.

The Chairman asked the applicant if he wished to reconsider again and perhaps think about a projecting wood sign with spot lights because the majority of the Commissioners would deny his application with what has been presented. The applicant said he was only trying to follow the advise of his customers who were having difficulty finding the restaurant.

Commissioner Yarish said a good example of an exterior lit sign would be in front of the Orchid Thai Restaurant. Commissioner Hayes agreed with Commissioner Yarish. Mr. Lococco asked what size of sign was the Commission thinking about. The response was a 2'x3' sign.

Ms. Wight noted that other signs in the downtown area are St. James Terrace and Misha's Restaurant.

M/S Hayes, Julin to continue SR-347 - Filippo and Nicola Lococco, 638 San Anselmo Avenue, A/P 6-102-37, a sign variance to permit a third sign to be interior illuminated and project from the building, to the meeting of 5/1/89.

All ayes. Motion unanimously passed.

4. V-2278 - Steve G. Zamlich, 121 Humboldt Avenue, A/P 7-033-03, a 20 foot frontyard variance to construct an approach ramp, garage, and single family dwelling within 0 feet of the front property line, with an 18 inch roof overhang).

The applicant was present.

Ms. Wight presented the staff report.

Commissioner Yarish asked the applicant if he had any objections to creating the two parking spaces without removing the tree

Mr. Zamlich said one parking space exists but if the Commission wants him to provide a second one he had no objections to it.

Ron Basker, 106 Humboldt, said he lives on the North East slope of the hill and was not able to view the house prior to the fire. Now that trees have been cut and the area cleared, the new dwelling will be quite visible and twice as large. Also few of the homes have off street parking in the area. He did not feel that staff should suggest any additional trees be cut to accommodate on street parking and that the house should be lower and smaller. He thought the garage would look better as a carport and the front facade does not fit into the area. Mr.

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Basker would propose to the applicant that the approach would be enhanced if it was moved to the south east to create an arrival space. Also vertical windows next to the front door would create visual interest. He said he met with the applicant on the landscape plan and would recommend one more plum tree to be added to the south side of the property. He thought the color of the dwelling was important in that it blends into the environment and perhaps a wood stain or natural wood be used.

Roger Van Craeynest, 112 Humboldt, agrees with the comments of Mr. Basker, adding that it would be nice if the sensitivity of the neighborhood was retained.

Mrs. Basker, 106 Humboldt, echoed the comments of her husband.

Mr. Zamlich wanted to let the Commission know that 23 trees still exist on the property and those trees that he did remove were burned from the fire. It should be noted that the trees removed were done with staff's approval and even now he is unable to view his neighbors house with the trees removed.

Ms. Wight agreed that no permits were required to remove the trees.

Paul Ferrarese, 24 Elm Avenue, reiterated his concerns from the previous meeting about the drainage problems that could occur on his property because of this dwelling. He would like to have some contact with staff on this.

Ms. Wight noted that this request will be forwarded to the Assistant Director of Public Works.

Commissioner Yarish approved of this application, stating the added parking is a bonus to the neighborhood and the frontyard setback is the most logical. It was his opinion the house lacked architectural interest but that is not part of this application.

Commissioner Harle echoed the comments of Commissioner Yarish.

Commissioner Kanis supported the variance and agreed that the trees should remain for the on street parking.

Commissioners' Julin and Hayes were in support of the application. Hayes added that this is not a design review however the house would be better screened if it were a natural color.

Commissioner Kroot and Chairman Sias agreed with the comments of their colleagues

Mr. Zamlich wanted to let the Commission know that he has already built four homes in San Anselmo and takes pride in his work.

M/S Yarish, Hayes, to approve V-2278 - Steve G. Zamlich, 121 Humboldt Avenue, A/P 7-033-03, a 20 foot frontyard variance to construct an approach ramp, garage, and single family dwelling within 0 feet of the front property line, with an 18 inch roof overhang (to replace a dwelling destroyed by fire in 1988) on the basis that the special circumstances applicable to the property include the topography of the lot, the narrow paved roadway adjacent to the lot requires the house be near the front setback in order to avoid a much more looming height; 2. The granting of the variance is necessary for the preservation and enjoyment of substantial property rights of the petitioner in that the applicant desires to provide on-site guest parking and adequate back up space for vehicles existing the garage; 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. This is conditioned upon the use of a dark or earth tone color on the

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exterior of the house; and be in compliance with landscape plans presented at tonight's meeting; and conditioned upon construction of a retaining wall starting from the double 24 inch oak tree next to the south side of the proposed driveway ramp, and extending 48 feet southward, so that one space can be accommodated between the driveway and the bay trees, and a second space can be provided on the other side of the bay trees. This approval is based on the drawings dated 2/13/89.

M/S Kroot, Yarish, an amendment that natural wood could also qualify for the exterior.

All ayes. Motion unanimously passed.

Ms. Wight noted that there is no Design Review for this property so the Commission should specify in the motion the reasons for putting a condition on the exterior color.

M/S Yarish, Hayes, to reconsider the motion to add the following: the purpose of color to mitigate and compensate for the loss of major trees associated with the development and specifically with the trees cut down in order to mitigate the variance. This is also the reason for the landscaping aspect for the mitigation.

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

5. AR-8 - Doug Elliott, Quarry Mountain Partners, 53 Tomohawk Drive, A/P 177-250-66, architectural review of an inground swimming pool and fence.

The applicant was present.

Lisa Wight presented the staff report.

All the Commissioners were in favor of the application.

M/S Julin, Kroot, to approve the resolution provided in the staff report dated March 21, 1989 of the San Anselmo Planning Commission which is a revision to the design review approval for Lot 1 of the Quarry Mountain subdivision to allow for the construction of a pool and six foot high screening fence. Be it noted that all reference to dates of March 21, 1989 within the resolution be changed to 4/17/89.

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

6. V-2280 - Nelly Dolinsek, 37 Canyon Road, A/P 7-064-16, a 20 foot frontyard variance to construct a two story addition within 0 feet of the front property line, with a 1 foot roof overhang.

The applicant and her contractor were present.

Lisa Wight presented the staff report.

Commissioner Kanis asked if the neighbors had any objections to this application. Ms. Dolinsek said she personally sent letters to her neighbors notifying them of her plans and make the plans available to the neighbors to view. None of the neighbors had objections and one sent a letter of support.

All the Commissioners were in support of this application.

M/S Kroot, Julin to approve V-2280 - Nelly Dolinsek, 37 Canyon Road, A/P 7-064-16, a 20 foot frontyard variance to construct a two story addition within 0 feet of the front property line, with a 1 foot roof overhang on the basis that: 1. Due to special circumstances applicable to the property, specifically it will actually remove more house from the zero foot front setback than it will add and will allow a 12 foot driveway and offstreet parking. The other special circumstances are the configuration

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variance is necessary for the preservation and enjoyment of substantial property rights of the petitioner; and 3. 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, specifically it will allow off street parking in an area that there is very limited parking. This is based on drawings stamped, received April 10, 1989 by the Town of San Anselmo.

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

7. V-2281 - Jill Brandin, 185 The Alameda, A/P 5-101-21, a 10 foot frontyard variance to construct an extension to an enclose an existing carport to accommodate two vehicles within 10 feet of the front property line, with a 3.5 foot roof overhang.

The applicant and her architect, Bob Swanson, were present.

Lisa Wight presented the staff report.

Mr. Swanson said the variance is proposed for security of the vehicle and the overhand is for protection from the rain.

Commissioner Yarish asked if there was room for a car to park in the driveway. The applicant affirmed and added that the neighbors have been notified and are in favor of the proposal. In addition Ms. Brandin noted that the carport will also enclose the unsightly garbage cans.

All the Commissioners were in favor of the application.

M/S Hayes, Kroot to approve V-2281 - Jill Brandin, 185 The Alameda, A/P 5-101-21, a 10 foot frontyard variance to construct an extension to and enclose an existing carport to accommodate two vehicles within 10 feet of the front property line, with a 3.5 foot roof overhang on the basis: 1. The special circumstances applicable to the property are the existing carport location and the desire to create an enclosed parking area. The strict application of the controlling zoning ordinance would deprive the property of privileges enjoyed by other property in the vicinity and under identical zoning classification, and the granting of the variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity in which such property is located, specifically, that other properties in the immediate vicinity enjoy enclosed parking; and 2. The granting of the variance is necessary for the preservation and enjoyment of substantial property rights of the petitioner so that she can enjoy enclosed parking for two vehicles; and 3. The granting of such 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. The southerly and westerly neighboring dwellings at Nos. 183 The alameda and 186 Butterfield Road will not directly view the proposed garage. The northerly neighboring dwelling at No. 189 has a driveway and carport on this side of the property. The dwelling at Nos. 189 is situated such that the proposed extension and enclosure should have no impact. The easterly neighboring dwellings at Nos. 176 and 186 The alameda are developed upslope from the street and look over this property. An eight foot extension to the front of the carport and enclosure of the carport should have no impact on the easterly neighbors.

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

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C. PUBLIC HEARINGS CONTINUED

1. V-2274 - Calvin and Linda Ahlgren, 31 Kemp Avenue, A/P 7-171-06, a 17 foot frontyard variance and a 5 foot west sideyard variance to construct a two-car carport within 3 feet of the front property line and the west side property line, with a 1 foot roof overhang - CONTINUED TO JUNE 5, 1989.

D. APPROVAL OF MINUTES: April 3, 1989

M/S Hayes, Julin to approve minutes with the following amendment: page 1, paragraph 1, change "Chairman Sias" to "Commissioner Yarish".

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

E. OTHER BUSINESS

Ms. Wight advised the Commission that the Nave application has been directed by Council to prepare a focused EIR and a Scoping Meeting needs to be scheduled. She said it is the desire of the Consultant to schedule a special meeting within the next 30 days, noting that the Notice of Preparation will be mailed tomorrow.

The general consensus of the Commission was to have it on Wednesday, May 10, 1989 at 8:00 p.m. and on a voluntary basis, any Commissioner that can attend, will.

F. The regular meeting was adjourned at 12:10 a.m. to the next regular meeting of May 1, 1989.

BARBARA CHAMBERS
ADMINISTRATIVE SECRETARY/TECHNICIAN