

TOWN OF SAN ANSELMO
PLANNING COMMISSION MUNITES OF APRIL 16, 1990

The regular Planning Commission meeting was convened in the Council Chamber at 8:00 p.m. by Chairman Yarish. Staff present: Dain Anderson, Assistant Director of Planning, Lisa Wight, Planner; Jayni Barker, Planning Consultant; and Lisa Newman, Planning Consultant

A. ROLL CALL

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

Commissioners absent: Kroot

B. PUBLIC HEARING CONTINUED TO MAY 7, 1990

DR-9003/SR-9002 - Bay View Federal Bank, 305 San Anselmo Avenue, A/P 7-280-20, design review of: 1) change of exterior paint color; 2) elimination of drive up teller window; and 3) installation of ATM machine; and 4) sign variance to permit 5 signs on the building.

C. PUBLIC HEARINGS

Taken out of Order.

4. V-9005 - Wallace McQuat, 100 Laurel Avenue, A/P 7-115-04, 1) a 7'3" south sideyard variance to construct a garage within 9' of the south side property line; 2) a third story variance; and 3) a 4' south sideyard variance to construct first, second, and third story living additions within 4' of the south side property line, with a 1'6" roof overhang, located in the R-1 zoning district.

Assistant Director Anderson suggested that this item be continued to the meeting of May 7, 1990 because the applicant could not be present and staff has had several phone calls about the project from neighbors.

M/S Sias, Julin, to continue V-9005 - Wallace McQuat, 100 Laurel, to the meeting of May 7, 1990.

Motion unanimously passed.

1. V-9002 - Gary Palmer, 173 The Alameda, A/P 5-101-25, 1) a 2' frontyard variance and a 5' south sideyard variance to construct a carport within 18' of the front property line and within 3' of the south side property line; and 2) a 4' south sideyard variance to construct a living addition within 4' of the south side property line, with an 18' roof overhang in the R-1 zoning district.

The applicant was present.

Ms. Wight presented the staff report along with photographs.

Mr. Palmer did not think the carport would obstruct his neighbor's view and felt the carport was necessary to cover his cars.

Commissioner Kanis thought the carport was too close to the property line and was a detriment to the neighbor at number 169 The Alameda.

Commissioner Sias thought that the carport would be very close to the neighbor but could support the seven foot sideyard setback for the family room.

Commissioner Harle agreed that the carport was close to the neighbor but could support it because it will be open. Also, he could support the addition of the family room with staff recommendations. He noted that many homes in the area have the 5 foot side yard setbacks and he would have approved that if the applicant had requested it.

Commissioner Julin supported staff's recommendation for a seven foot sideyard setback for the family room addition and supported the carport, noting that it would be open and she did not consider it overcrowding.

Commissioner Hayes concurred with Commissioner Julin regarding the family room.

Mr. Palmer did not understand why the neighbor at 169 objected to the carport because the window that faces the carport is small and always covered. Also, the fence will conceal the carport. He stated that he wanted to install a washer and dryer in the family room but would compromise by going with staff's recommendation of a one foot variance request.

Commissioner Sias felt the real issue was the roof, which would be visible to the neighbor.

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Chairman Yarish was able to support the 7' side yard setback and the carport as designed. He felt the carport was consistent with the neighborhood and will not cast shadows on the neighbors property.

M/S Julin, Harle, to approve V-9002 - Gary Palmer, 173 The Alameda, A/P 5-101-25, 1 one foot southside yard variance to construct a living addition within seven feet of the south side property line, with an 18' roof overhang within an R-1 zoning district on the basis: 1. Due to special circumstances applicable to the property, specifically the existing storage room to the rear of the existing carport is located within 7' of the south side property line and from a design standpoint, this location of the family room is a logical location. The strict application of the controlling zoning ordinance of regulation deprives such property of privileges enjoyed by other property in the vicinity and under an identical zoning classification, and the granting of a variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated; and 2. The granting of the variance is necessary for the preservation and enjoyment of substantial property rights of the petitioner; in that the family room addition can be accommodated within the Code required 8' sideyard setback; and 3. The granting of the variance, under the circumstances of the particular case, should 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 the neighborhood. The adjacent southerly neighboring dwelling at No. 169 is situated in front of this addition and a carport has existed in this location. This approval is based on plans submitted dated 2/26/90 and amended this evening.

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

M/S Julin, Harle, to approve V-9002 - Gary Palmer, 173 The Alameda, A/P 5-101-25, a 2' frontyard variance and a 5' south sideyard variance to construct a carport within 18' of the front property line and within 3' of the south side property line on the basis: 1. that this is the only logical place for the two car parking as the existing dwelling is within 13' of the front property line. Other properties in the area were developed at a time when only one vehicle was domiciled on the property and today there is an increased need for on-site parking that is workable. 2. The granting of the variance is necessary for the preservation and enjoyment of substantial property rights of the petitioner so that on-site parking can be improved; and 3. The granting of the 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 the neighborhood. The adjacent southerly neighboring dwelling at No. 169 is one story and views from their windows are at an existing sideyard fence. This approval is based on the drawings dated 2/26/90 and as amended tonight.

Commissioner's Sias, Kanis and Hayes felt the addition of the carport as proposed was clearly injurious to the neighbor at no 169. Sias added that the applicant is currently able to park in the same spot without covering the area.

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

Motion died.

Commissioner Harle noted that the side setback on the other side of the property was 5 feet and that the carport would be useful.

Commissioner Kanis said he spoke with the neighbor and the neighbor was opposed to the carport because it would be so close to her property.

M/S Hayes, Sias, to continue V-9002 - Gary Palmer, 173 The Alameda, A/P 5-101-25, a 2' frontyard variance and a 5' south sideyard variance to construct a carport within 18' of the front property line and within 3' of the south side property line until the meeting of 5/7/90.

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

2. AR-9002 - David and Lydia Bell, Fernwood Drive, A/P 7-131-14, architectural review of a single family dwelling located in the R-1 C zoning District.

The applicants, and their Attorney, Fred Peterson, were present.

Lisa Newman presented the staff report. She stated that it has just come to staff's attention that the applicants state there are two legal lots, not one, and that one is zoned R-1C and the other R-1H. She said the applicant's attorney will speak about that in more detail.

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Commissioner Kanis wondered why the height of the house would not be significantly lower if it was taken off the ridge. Ms. Newman explained that the bulk of the house is below the ridge.

Chairman Yarish asked if there were alternative sites besides the knoll and the north side. Ms. Newman said there were other considerations such as slope stability and loss of vegetation in identifying other sites.

Mr. Peterson stated that the agenda states that the Bells are only applying for a home on A/P 7-131-14 and their original application has always been for 7-131-01 and 14. Therefore, noticing is incorrect on this application. He gave a history on the parcels stating that the two parcels were rezoned in 1981 to PPD. At the time the hillside ordinance went into affect, parcel 7-131-01 was zoned R-1 H because it is 1.1 acres and 7-131-14 was zoned R-1, with a density of 1. He said that he traced the records of these parcels and in 1981 his records indicate that if the owner combined the two parcels, and forfeited the right to build two houses, the owner would be able to build one house on the knoll. He stated that the Town Clerk has certified that there are two legal sites. If the Planning Commission denies the proposal by his clients, Mr. Peterson stated that his clients have to decide whether or not to build two houses, which both potentially could be on the ridge or perhaps sell both lots. He did not think there was a soils engineer in Marin County that would propose building a home in zone three without piers. Mr. Peterson felt that the Planning Commission should get an opinion from the Town Attorney and from staff before proceeding. He would be willing to provide what ever information he had to staff.

The consensus of the Commission was to continue this matter until the meeting of May 7, 1990 to allow adequate time for the Town Attorney to be consulted.

M/S Sias, Harle to continue AR-9002 - David and Lydia Bell, Fernwood Drive, A/P 7-131-14, architectural review of a single family dwelling located in the R-1 C zoning District to the meeting of May 7, 1990 to allow staff adequate time to consult with the Town Attorney.

All ayes. Motion unanimously passed.

3. PP-14/V-2315 - James Helfrich, between 444 and 500 The Alameda, San Anselmo jurisdiction A/P Nos. 5-043-16, 5-043-22, 5-043-31, and County of Marin jurisdiction A/P NOs. 177-133-13 and 177-220-54, preliminary plan review, variance to construct a driveway over subject properties, and the initial expanded environmental study for the development of 4 single family dwellings located in the R-1 H zoning district.

The applicant was present.

Jayni Barker presented the staff report, noting that the Commission requested staff to review alternate sites that were off the ridge. Staff recommends sites A, B, D, and E. as the best possible sites for reasons stated in the staff report. She cited General Plan polices 2.80 - Open Space and 9.2 - Land Use in helping the Commission to decide the best possible sites.

Commissioner Julin asked if a water storage tank would be needed for the site.

Ms. Barker said that it was identified as a mitigation with the Fire Department but she will reconfirm it.

Mr. Helfrich was informed by his Civil Engineer that a water storage facility will not be required. He said that in locating the best possible sites, naturally he would like to avoid building on the slide areas. He concurs with staff's recommendation that sites "A", "B", "D" and "E" were preferable. He provided a color photograph of proposed houses located on the sites to give the Commission an idea of visibility.

Resident, Deer Hollow Road, wondered if the sites have already been graded and if a substantial amount of fill would be required. Mr. Helfrich said he would use existing cuts.

Roberta Stoddard, 444 The Alameda, did not understand how Site "E" could even be considered.

Jeff Sanberg, 433 The Alameda, said that the quality of life would be threatened if any homes are allowed to be built.

Phil Bundschu, 421 The Alameda, explained that the improvements proposed by Mr. Helfrich will benefit the neighbored. Specifically, drainage will be upgraded, slide areas will be stabilized and a portion of The Alameda will be repaved.

Resident, 443 The Alameda, was against site "F" and "G" stating that The Alameda was already suffering the brunt of the development.

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Dan Goltz, 107 Holstein, did not think the color photograph depicting the houses on the proposed sites was accurate. Mr. Goltz felt that proposed building sites should be kept out of the ridge, the slides should be filled and then the applicant should come back with a planning design that respects the ridge.

Commissioner Julin left the meeting at 11:00 p.m.

Commissioner Sias disregarded sites "D" and "E" because of visibility; was comfortable with site "C" because the house will not be visible and the driveway, although in the ridge, could be screened by landscape; was comfortable with "B" with additional landscaping and did not think "F" was as bad as the staff report indicated. He preferred "B" over "G" because it was less obtrusive. In summary, he would favor "A", "B", "C" and was leaning in the direction of "F".

Commissioner Harle favored sites "A", "B", "C" and "E".

Commissioner Hayes favored sites "A" and "B"; site "C" might be ok because of screening except he did not like the road going up to the ridge zone; was not in favor of "D" because of the visibility; disregarded "E" because it would be built too close to another house on Varborg Terrace and site "A" will already loom over it; with regard to "F", stated that there are already homes on The Alameda and another home would not look out of place, however, the residents along The Alameda are already taking the brunt of the development. As an aside, he strongly encouraged the acquisition of this property for open space.

Commissioner Kanis favored sites "A", "B", "E" and "F", noting that not everyone can be pleased and that there will have to be compromises.

Chairman Yarish favored sites "A", "B", "C" and "E" and was concerned about sites "D" because of the visibility, and "F" because it is in a soils creep area and would require massive defoliation.

There was a discussion between the Commission as to the pros and cons for sites "E" and "F".

Commissioner Sias noted that if "F" was preferred, additional structural work will have to be done to stabilize the site because of the sluffing.

Commissioner Harle was concerned about building on site "F" if there is sluffing.

Chairman Yarish said the site "E" could be shifted back and would almost be level, therefore blending into the hill.

Chairman Hayes thought perhaps the applicant should consider asking for a variance on one site.

There was a discussion on whether the Commission needed additional information to make a decision. The consensus was that all the information had been submitted without seeing actual drawing of the homes on the sites.

Mr. Helfrich explained that site "E" could be situated at least 20 feet, and perhaps up to 50 feet, from the sideyard setback and would be amenable to screening with vegetation. He added that several trees will have to be removed if site "F" was approved and those trees are the ones that screen the sites above. He said that he preferred site "E". He did not think there could possibly be more information that could be provided to help the Commission make a decision. He requested that they make a decision tonight.

M/S Kanis, Sias, to direct the applicant to prepare a Preliminary Development Plan for the May 7, 1990 meeting which reflected as building sites, "A", "B", "C" and "F", as depicted on the opportunities and constraints map prepared by staff. Also, to direct staff to prepare for the Commission's consideration for the meeting of May 7, 1990, a resolution of approval for the proposed Preliminary Development Plan incorporating sites "A", "B", "C", and "F", as depicted on the opportunities and constraints map prepared by staff, including all appropriate CEQA provisions and all appropriate mitigation measures and conditions of approval.

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

Motion carried.

5. SR-9003 - La Mancha Development Company, 805 Sir Francis Drake Boulevard, A/P 6-082-14, sign review for La Mancha Plaza, including a freestanding center identification sign and individual tenant signs located in the Limited Commercial zoning district.

Linnard Lane and his representative, June Catalano, were present.

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Dain Anderson presented the staff report.

Mossad Jaffe, One Hour Martinizing, 754 Sir Francis Drake Blvd., said that he was prohibited to having signs placed on Sir Francis Drake Blvd when he opened his business in 1986.

Mr. Anderson said that the applicant would be required to have the sign identifying each business within the setbacks.

Commissioner Hayes noted that the plans state that sheet metal skin will be used for the monument.

Mr. Lane stated that the frame will be wood, not metal.

The Planning Commission was able to make the necessary findings for approval.

M/S Harle, Sias, to approve SR-9003 - La Mancha Development Company, 805 Sir Francis Drake Boulevard, A/P 6-082-14, sign review for La Mancha Plaza, including a freestanding center identification sign and individual tenant signs located in the Limited Commercial zoning district on the basis: that the signs are of a size, shape, material, style, letter type, and color appropriate for the use and are aesthetically compatible with the premises and with existing improvements and the natural elements in the surrounding area; that the signs will not impair or interfere with the orderly and pleasing development, use, or enjoyment of other property in the surrounding area, including public lands and rights-of-way; and that the signs will minimize or eliminate adverse physical or visual effects which might otherwise result due to the relation and juxtaposition of such sign to: 1) the scale, mass, height, area, and materials of adjacent buildings and structures, including other signs; 2) areas and rights-of-way for the containment, movement, or general circulation of persons, animals, and vehicles; and 3) other developments of improvements which may suffer a diminution or elimination of sun and light exposures, views, vistas, and privacy. This approval is referenced by drawings dated April 13, 1990 and amended tonight stating that wood sheeting will be used as the base mat on the monument.

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

6. U-9002 - Gene Hui, 805 Sir Francis Drake Boulevard, A/P 6-082-14, use permit to allow a dry cleaning plant and retail store at La Mancha Plaza located in the Limited Commercial zoning district.

The applicant, and Linnard Lane, were present.

Mr. Anderson presented the staff report.

Owner, Holiday Cleaners, 912 Sir Francis Drake Blvd. said that there are 15 dry cleaners within the San Anselmo and Fairfax towns. He did not think another dry cleaners should be permitted in Town.

Mossad Jaffe, One Hour Martinizing, 754 Sir Francis Drake Blvd., said that the previous business, Shell Gas Station, closed because of poor access to Sir Francis Drake Blvd. It is his understanding that all businesses to be located on this site are to be low traffic generators and he did not feel a dry cleaners was a low traffic generator. He also felt another dry cleaners in town would take business away from the existing businesses and therefore it would be a detriment. Another consideration is that each plant has chemicals and hazardous waste on site and permitting another dry cleaners would be increasing the toxic waste in town.

Ann Stevenson, 16 Madrone, was concerned about a dry cleaners being so close to her home and the effects the chemicals could have on her small child.

John Wolohan, Dry Cleaning Consultant, said that all dry cleaners have to comply with the latest EPA standards. There are no outside vents, the chemicals are recycled within the structure. The State mandates that the toxic waste, perchloroethylene, is moved off site. This is controlled by CAL OSHA, who periodically inspects the sites.

William Kane, 16 Madrone, wanted to know if a "No through Traffic" sign could be installed on Madrone to keep traffic off of Madrone. Mr. Anderson said that the sign could not be enforced by the Police.

Owner, San Anselmo Cleaners, 637 San Anselmo Avenue, felt there was enough dry cleaners in San Anselmo already and adding another one would be a detriment to the existing businesses.

Resident, Bella Vista, was concerned about increased traffic on Bella Vista.

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Commissioner Hayes said that perchloroethylene is a known cancer element and he had concerns about having a dry cleaners next to residential dwellings. Generally, dry cleaners are in shopping centers.

Commissioner Kanis would like to find out what the County of Marin Health Department and CAL OSHA regulations are. He also wanted to know if there were any restrictions to having a dry cleaning business in such close proximity to residences. He wondered what the cumulative impact would be on traffic with egress and ingress when all businesses are operational.

Mr. Anderson said that the traffic study in the staff report address the cumulative impact on traffic.

Commissioner Sias also wanted to know what the EPA Standards were and if there is a limit on the number of dry cleaners in a certain radius because of the toxic waste.

Chairman Yarish echoed the comments of his colleagues.

John Wolohan said he would be willing to work with staff in obtaining the required information.

M/S Sias, Hayes, to continue until the meeting of May 7, 1990, U-9002 - Gene Hui, 805 Sir Francis Drake Boulevard, A/P 6-082-14, use permit to allow a dry cleaning plant and retail store at La Mancha Plaza located in the Limited Commercial zoning district in order to allow time to obtain 1) EPA Standards and Specifications; 2) equipment specifications; 3) the agencies that monitor the dry cleaners; 4) Bay Area Quality Control Standards; and 5) any requirements, if any, in allowing dry cleaners in such a close proximity to single family residences.

Motion unanimously passed.

7. U-9003 - Gene Hui, 805 Sir Francis Drake Boulevard, a/P 6-082-14, use permit to allow a self-serve laundry at La Mancha Plaza located in the Limited Commercial zoning district.

The applicant, Linnard Lane, and John Wolohan, dry cleaning consultant were present.

Dain Anderson presented the staff report.

Mr. Wolohan said the hours of operation would be from 7:00 a.m. to 10 p.m. but will agree to what ever is usual and customary.

Ann Stevenson, 16 Madrone, was concerned about the noise associated with the laundromat.

Mr. Lane said the building is sound proof and there are no windows to the rear of the building so there will be no impact on the neighbors to the rear.

The consensus of the Commission was to have staff research the hours of operation of other laundromats within the vicinity.

M/S Harle, Hayes, to continue until May 7, 1990, U-9003 - Gene Hui, 805 Sir Francis Drake Boulevard, a/P 6-082-14, use permit to allow a self-serve laundry at La Mancha Plaza located in the Limited Commercial zoning district for staff to survey local standard hours of operation.

Motion unanimously passed.

D. APPROVAL OF MINUTES - APRIL 2, 1990

This item was not heard because of the late hour.

The regular meeting of the Planning Commission was adjourned at 1:45 a.m. to the special workshop meeting on April 23, 1990.

BARBARA CHAMBERS
ADMINISTRATIVE SECRETARY