

TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES OF AUGUST 5, 1991

The regular meeting of the Planning Commission was convened at 8:00 p.m. in the Council Chamber by Chair Julin. Commissioners present were Hayes, Kroot, Yarish and Sias with Commissioners Harle and Mihaly absent. Staff present were Planner Lisa Wight, Planning Consultant Delvin Washington and Planning Director Ann Chaney.

B. CONSENT AGENDA

1. Minutes - July 15, 1991

2. DR-9002 - David and Lydia Bell, 10 Fernwood Drive, A/P 7-131-58 and 7-131-59, amendment to design review of a single family residence to extend the entry porch 8' on property located within the R-1H zoning district.

M/S Sias, Hayes, to approve consent agenda. Motion unanimously passed.

C. PUBLIC HEARINGS CONTINUED

Chair Julin stated that the following public hearings are continued to the meeting of August 19, 1991. V/AR-9111 - Frank Ordaz, 95 West Hillside; SR-9104 - Mohammad Banaee, 100 Sir Francis Drake Boulevard; and DR-9108 - William Whistler, 45 Tomahawk Drive

D. PUBLIC HEARINGS

1. **V-9125/U-9103 - Lucille Dandelet, 126 Redwood Road, A/P 7-082-23, 1)** a use permit to construct a second unit; 2) a variance to construct an addition within 8' of the required 20' frontyard setback; and 3) a variance to consider an existing deck which was constructed 5'6" beyond the street side property line, on property located within the R-1 zoning district.

The applicant was present.

Mr. Washington presented the staff report.

Chair Julin stated that a letter of protest was left in the Commissioner's mail box from Mr. Jim Hastings.

Ms. Dandelet stated that she agreed with all the conditions of approval as stated in the staff report with the exception of cutting back the deck so as not to extend beyond the property line and not allowing a door to be installed along the west elevation of the new addition. She felt it would be unreasonable to cut the deck back as the space is valuable to her and would not ever be used for widening the road. She said she uses the space for additional outdoor living and eating. She stated that if she were to cut the deck back, there would be a four foot drop to the ground and this would become unsafe. She understood the reasoning behind staff for not wanting to add a door to the addition at this time, however she felt it was necessary to have an additional fire exit as well as for easier access for her guests. She also said a door would look aesthetically pleasing and would be an unnecessary expense to install later. She stated that her goal was to have the house handicapped equipped for wheel chair access because she was planning for the future.

Vernon Cox, Marin Center for Independent Living, supported the idea for the door to enter from Floribel.

Ms Chaney noted that although the applicant is currently using her garage as a photography studio, the garage is still technically a garage because it has been left in tact. He stated that an additional condition should be considered by the Commission that states the garage doors must remain in the event that the Town decides to widen Floribel and revoke the encroachment permit that allows for parking on Town right-of-way. She also noted that the applicant is currently renting her parking spaces to the neighbors and that when MMWD allows the second unit, three parking spaces will be required for the second unit and the renting of space will have to cease.

Ms. Dandelet stated that parking is very difficult in her neighborhood and she only has one car and three parking spaces. She was approached by a neighbor to rent the space and since she had the space, she did not feel there was anything wrong with that.

Dan Thomas, Fernwood, stated that he had no objections to the proposals by the applicant except that parking is a real problem in the area and cars have been parking in front of the applicants house on Redwood with their wheels on the right-of-way. He requested that parked cars do not encroach on the roadway. Ms. Dandelet agreed with Mr. Thomas. She stated that those cars do not belong to her.

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Malcolm Johnson, 180 Redwood Road, supported the project and felt the deck should remain as well as the door facing Floribel. He said that several residents of the area use Redwood Road for parking and that Ms. Dandelet cannot control parking.

Mr. Gade, 222 Floribel, supported the project although he did say that parking was a problem and that Floribel and Redwood was a dangerous intersection.

Dick Stutsman, 241 Floribel, was concerned about increased traffic in the area because of the parking problem.

Commissioner Hayes stated that he proposed the use permit, noting that he supported the first use in 1985. He also approved of the variance for the addition and the deck. He agreed with staff conditions with the exception of the door and the removal of a portion of the deck. The existing deck was not creating a problem and the risk is the applicant's because the Town can revoke the encroachment at any time if necessary to widen the road. He felt it was a reasonable request to have a door for access onto Floribel and also for medical reasons as stated by the applicant. With regard to the deed restriction, he stated that at such time as MMWD lifts the water moratorium, the deed restriction will be removed.

Commissioner Kroot concurred with Commissioner Hayes. He noted that the plans do not show the door in question and he proposed that staff work the details out with the applicant on including the door on the final drawings. He also felt it would be acceptable to rent a parking place until such time the second unit is allowed.

Commissioner Yarish approved of the variances and the use permit. He stated that the grounds for approval on the deck could be for safety reasons, and because of the steep nature and narrowness of the lot. He suggested moving the telephone poles that are laying on the ground closer to the property to allow for better traffic flow. He also supported a statement that states the garage must remain available for parking.

Commissioner Sias and Chair Julin had nothing further to add.

M/S Hayes/Kroot, to approve V-9125/U-9103 Lucille Dandelet, 126 Redwood Road, A/P 7-082-23, 1) a use permit to construct a second unit; 2) a variance to construct an addition within eight (8) feet of the required 20 foot front setback; and 3) a variance to consider an existing deck which was constructed 5'6" beyond the street side property line, on property located within the R-1 zoning district. This approval is based on the following:

Variance:

1. Due to special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the controlling zoning ordinance or 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. Due to the limited size of the parcel and the unusual topography, the proposed locations for this addition and deck are the most logical area for it to be constructed. There is an extreme slope along the north and east property line which limit the building area of the parcel. 2. 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 or the applicant and will not be detrimental to the public welfare or injurious to property or improvements in such neighborhood. These variance approvals will not have any detrimental impacts to the immediate neighbors or the community at large. The addition will be one story in height and line up with the existing structure which presently projects within the required front setback. The deck, as currently constructed provides for superior public safety protection in comparison to the design approved previously. Further, consideration should be given by staff for a revocable encroachment permit to allow encroachment into the public right-of-way.

Use Permit for Second Unit

(a) Falls within the maximum number of second residential units authorized by resolution of the Council for the single-family residential use area in which the unit is located; This second unit will not exceed the allowed amount for this sector of San Anselmo. However, after this approval no other second units can be allowed in this neighborhood. (b) Is located on an Assessor's parcel or parcels on which the owner of record maintains his principal residence, except as provided in Section 10-6.305 of this article; This property will serve as the principal residence for the owner of this property. (c) Does not encroach upon required setbacks, or cover land in excess of the coverage specified in Section 10-3.504 of Article 5 of Chapter 3 of this title, or necessitate vehicular parking within required setbacks, unless a variance shall have been granted as provided in Article 21 of Chapter 3 of this title; With the exception of the variances requested in conjunction with this application and the parking variance approved for

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this site, all other areas of this request are in conformance with the development standards for the R-1 zoning district. (d) Meets all applicable Codes in effect at the time of the establishment of the unit; The applicant must receive a building permit prior to starting construction on this property. This includes controlling standards adopted by other jurisdictions such as Marin Municipal Water District. (e) Has been made the subject of a rent guarantee contract between the applicant and the Town pursuant to the provisions of Article 6 of this chapter; The applicant will submit such an agreement prior to the issuance of a building permit. One currently exists on file from the previous second unit which was approved on this site. (f) Does not cause excessive noise, traffic, parking, or overloading of public facilities; The second unit will not result in a substantial increase in traffic nor parking in this neighborhood. The current infrastructure can easily accommodate an additional living unit. (g) The establishment, maintenance, or operation of the use will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of the proposed use, or be detrimental or injurious to property or improvements in the neighborhood or the general welfare of the Town. The establishment of a second unit will not cause any detrimental impacts on this property nor in the neighborhood. The overall nature and scale of activity on this site will not be significantly increased from its current level. The nature of the use of the property will not be significantly altered from its present classification of single family residential. a second unit in conjunction with a home occupation will not change the nature of this property from single family residential. **Approval of this application is based on the following conditions. 1. The applicant shall conform with all of the applicable standards governing the operation of a second unit in the Town of San Anselmo and remain in conformance with applicable parking requirements. 2. Prior to issuance of a building permit, the applicant shall obtain a deed restriction prohibiting her from converting the approved addition into a second unit. 3. The addition shall be constructed in conformance to the plans reviewed and approved by the Planning Commission on August 5, 1991 and stamped received July 31, 1991. 4. Staff shall perform a design review for the door on the west elevation facing Floribel Avenue; it shall be included on the plans of approval.**

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

2. **DR-9116 - Ruth Kiskaddon and John Wright, 55 Avenue Del Norte, A/P 6-181-36**, design review of an addition to a house on property located within the R-1 zoning district (above 150 feet mean sea level).

The applicants were present.

Mr. Washington presented the staff report and provided a color board.

Commissioner Sias asked if a landscape plan was going to be presented. Ms. Kiskaddon stated that they are proposing a fence to separate their property from that of their neighbors and they would be the only people affected by this addition.

The Commissioners were all in support of this design review and did not feel a landscaping plan was warranted.

M/S Yarish/Sias to approve DR-9116 - Ruth Kiskaddon and John Wright, 55 Avenue Del Norte, A/P 6-181-36, design review of an addition to a house on property located within the R-1 zoning district (above 150 feet mean sea level). The approval is based on the following findings. 1. Is functionally and aesthetically compatible with the existing improvements and the natural elements in the surrounding area; The proposed addition will result in a substantial upgrade of the architectural integrity of the house. The house will be similar in scale to the neighboring house. 2. Provides for protection against noise, odors, and other factors which may make the environment less desirable. This proposal will not have any major long-term detrimental impacts on the environment. Continuation of the proposed use will be consistent with current activities occurring in this neighborhood. 3. Will not tend to cause the surrounding area to depreciate materially in appearance or value or otherwise discourage occupancy. This proposed addition will not impact the privacy or sunlight of the neighboring property to the immediate south (45 Avenue Del Norte). This is the only residence that could potentially be impacted by the addition to this residence however, 45 Avenue Del Norte is south of this proposal and its sunlight will not be impacted. 4. Will not create unnecessary traffic hazards due to congestion, distraction of motorists, or other factors and provides for satisfactory access by emergency vehicles and personnel. The addition will not result in any additional vehicular trips to the property nor will it severely impact the existing circulation patterns in this area. 5. Will not adversely affect the health or safety of persons using the improvement or endanger property located in the surrounding area. The proposed addition will conform with all established codes controlling building in San Anselmo. These standards have been adopted to insure that all new development and additions will not create any adverse or hazardous conditions during construction and after completion. 6. Conformance to the approved precise development plans. This property is zoned R-1 and a precise development plan is not required. 7. Adequacy of Screening. The site presently has a significant number of mature trees and shrubs which will

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all be maintained. These trees effectively screen the property from the neighboring houses. 8. Selection of architectural features that enable the structure to blend with its environment. The architect is proposing to use the exact building products originally used on the residence when it was initially constructed. This includes shake siding and a composite roof. This house is currently compatible with neighboring residences. **Conditions of approval are:** 1. The applicant shall construct the addition in accordance with the plans approved by the Planning Commission on August 5, 1991. The approved drawings are dated May 22, 1991. 2. Approved colors are on color board dated May 30, 1991 - roof covering - composition shingles, Elin Prestique, Antique Slate; exterior siding - cedar shingles with clear wood preservative; wood windows and wood trim - Marvin windows standard white or Kelly Moore #12 Sierra White. 3. The applicants shall include a sprinkler system as per the satisfaction of the Ross Valley Fire Department Chief.

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

3. V-9126 - Jim Andrews, 171 Spring Grove A/P 6-121-29, a 20' frontyard variance to extend a garage within 0' of the front property line on property located in the R-1 zoning district.

The applicant was present.

Ms. Wight presented the staff report.

The Commission was able to make the required findings on this application.

M/S Kroot/Sias, to approve V-9126 - Jim Andrews, 171 Spring Grove A/P 6-121-29, a 20' frontyard variance to extend a garage within 0' of the front property line on property located in the R-1 zoning district. Approval is based on the following findings. 1. Due to special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the controlling zoning ordinance or 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. Due to the steep topography, the dwelling was located within 22' of the front property line, and parking was placed in the front setback. The construction of a garage over the carport provided covered parking, which is desirable. Parking on neighboring properties is either on car decks, carports, or garages, so the granting of the variance will not be a grant of special privileges. The 4' front extension of the garage will simply square off the front of the garage, and will provide a legal length for parking. 2. 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 or the applicant and will not be detrimental to the public welfare or injurious to property or improvements in such neighborhood. The garage is very unobtrusive on the property due to existing fences and tree vegetation. The proposed front extension will be a natural squaring off of the garage, making it more usable for parking. Neighboring views, light, and air are unaffected by either the existing garage or the proposed front extension. The squaring off of the front of the garage is basically just moving the door itself out to meet the existing front walls. Therefore, the driveway length remains between 15 to 16', so any usable guest parking is unaffected. This is based on drawings dated 6/10/91.

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

4. DR-9109 - Jan Rubenstein, Living Foods, 218-222 Greenfield, A/P 6-173-17, design review for: 1) illuminated sign; and 2) awning; and 3) exterior painting, for property located in the C-3 zoning district.

Pat Waters, Pacific Sign Design, was present to represent the owner.

Ms. Chaney presented the staff report.

Mr. Waters stated that it is his belief that canvas awnings are harder to maintain than vinyl awnings. Vinyl is UV protected and therefore will not fade or discolor. Although the concept of two tone vinyl is not common in this area it is designed after the European outdoor markets. The graphics on the sign will look like brush strokes rather than the rectangle pieces of color that are presented as a sample. The illuminated light will be behind the awning and will not be like the typical illuminated sign.

Commissioner Sias stated that he liked the proposal. He supported the use of both the webbed vinyl and clear vinyl.

Commissioner Hayes felt that the new design and awning would create the illusion of a large grocery store in an area that currently has a small store front look. He was not sure how the entire design would look and wondered if he could see a larger section of the clear vinyl.

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Commissioner Kroot liked the design and colors and has no problem with the proposal although he agreed with Commissioner Hayes that he liked the simple look of the building as it currently exists.

Commissioner Yarish liked the proposal. He thought the choice of material gave a very clean and subtle look to the building. He supported the use of webbed vinyl and clear vinyl.

Chair Julin felt that the changes as proposed were out of character with the small town feeling of San Anselmo and that the sign, awning and colors seemed out of scale for the building. She therefore could not support the proposal.

Commissioner Sias stated that although some of the Commissioners preferred the building as it exists, the owners do have the right to propose upgrades to the building.

M/S Sias/Yarish, to approve DR-9109 - Jan Rubenstein, Living Foods, 218-222 Greenfield, A/P 6-173-17, design review for: 1) illuminated sign; and 2) awning; and 3) exterior painting, for property located in the C-3 zoning district. The approval is based on the following findings.

1. Is functionally and aesthetically compatible with the existing improvements and the natural elements in the surrounding area; The proposed building colors and signage are similar to those on surrounding buildings. While the use of vinyl material does not appear to be used elsewhere in this area, it should not detract from or be in conflict with the surrounding buildings.
2. Provides for protection against noise, odors, and other factors which may make the environment less desirable. The signs and awning will not cause detrimental impacts on any neighboring properties.

3. Will not tend to cause the surrounding area to depreciate materially in appearance or value or otherwise discourage occupancy. These building improvements will not create any adverse impacts that would cause neighboring properties to diminish in value. The project has been professionally designed and will be complimentary to the neighborhood. 4. Will not create unnecessary traffic hazards due to congestion, distraction of motorists, or other factors and provides for satisfactory access by emergency vehicles and personnel. The addition of signs, awning and new exterior colors will not affect traffic circulation and the color tones will not be distracting to motorists. 5. Will not adversely affect the health or safety of persons using the improvement or endanger property located in the surrounding area. The addition of signs, awning and new exterior colors involve aesthetic changes, rather than structural changes, to the building and will not adversely affect the health and safety of individuals using this building. 6. Conformance to the approved precise development plans. This property is in the C-3 General Commercial District and a precise development plan is not required for this type of development. 7. Adequacy of Screening. There is no screening adjacent to this building. However, in order that a reasonable degree of building identification is provided for this commercial use, it is not intended that the signage and awning be screened. 8. Selection of architectural features that enable the structure to blend with its environment. The surrounding environment in this area is one of an urban, commercial nature. The use of tan and gray building colors, with the limited use of bright accent sign colors, will be compatible with this surrounding built environment. **Conditions of approval are: 1. Approval of plans dated 3/28/91 and 6/5/91; 2. Approved colors: Awning - alternating clear and translucent white vinyl; Exterior paint - Benjamin Moore exterior latex light gray #859; light tan #1044 on the east side of the building; and medium tan #1046 midstripe to be used along the rear ancillary buildings.**

Motion carried with Commissioners Hayes, Sias, Kroot, Yarish voting approval and Chair Julin voting no.

Audience advised of the ten day appeal period.

E. GENERAL DISCUSSION

1. Ms. Chaney suggested a special meeting in September in lieu of the meeting scheduled on Labor Day. The consensus of the Commission was to set aside September 16 for a special meeting.

2. Ms. Chaney stated that repairs are forth coming for the property at 33 and 35 Park Drive, where a portion of the hill slid during the March rains. The owners will be repairing the retaining wall as well as the pedestrian walk way. She wondered if the Commission wanted to see the proposal or if it could be handled administratively. The consensus was to handle it at a public hearing if required by the zoning standards because it was a very visible location.

3. Commissioner Hayes felt that location signage at the entrance of the Town on Sir Francis Drake Boulevard should be handled through a design review process. He felt that there were an excessive amount of signs and the design review standards should also be imposed on the Town. Ms. Chaney suggested that this request be directed to the Zoning Sub Committee.

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The regular meeting of the Planning Commission was adjourned at 10:55 p.m. to the next regular meeting of August 19, 1991.

BARBARA CHAMBERS