

TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES OF JULY 15, 1991

The regular meeting of the Planning Commission was called to order at 8:00 p.m. in the Council Chamber by Chair Julin with all the Commissioners present. Staff present at the meeting were Planning Director Ann Chaney, Planner Lisa Wight, and Consultant Planner Delvin Washington.

B. CONSENT AGENDA

1. Minutes of July 1, 1991

M/S Kroot/Harle to approve consent agenda. Motion carried with Commissioners Hayes and Yarish abstaining.

C. CONTINUED PUBLIC HEARINGS

Chair Julin announced that the following applications were continued to the meeting of August 5, 1991:

1. V-9111/AR-9111 - Frank Ordaz, 95 West Hillside
2. SR-9104 - Mohammad Banaee, 100 Sir Francis Drake Boulevard
3. V-9122 - Brian and Laurie Auger

D. PUBLIC HEARINGS

1. **V-9115 AR-9113 -Carvel Johnson, 296 Redwood Road, A/P 7-095-36**, a 20' frontyard variance to construct a carport within 0' of the front property line; and architectural review.

The applicant was present.

Ms. Wight presented the staff report.

The Commission was pleased with the revisions to the carport and were now able to support the variance and design review.

M/S Yarish/Sias, to approve V-9115 AR-9113 -Carvel Johnson, 296 Redwood Road, A/P 7-095-36, a 20' frontyard variance to construct a carport within 0' of the front property line; and architectural review on the basis:

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 steep topography of the lot and the proximity of the existing dwelling in relation to the roadway, the proposed location of the carport structure is necessary. There are other carport structures in the vicinity, so the granting of the variance will not be a grant of special privileges. Due to the steep topography of the lot there is a potential area for storage below the proposed carport and other properties in the vicinity have similar enclosed areas below parking structures, so the variance will not be a grant of special privileges. 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 of the applicant and will not be materially detrimental to the public welfare or injurious to property or improvements in such neighborhood.* The carport will be visible at street level as proposed but the bulk has been softened with the opening of the side and rear walls and placement of planters. The lower storage structure will mainly be visible from the dwelling on the applicant's property, rather than by surrounding neighbors. **Condition of approval will be the recordation of a Deed Restriction stating that this enclosed area will not be utilized as separate living quarters from the main dwelling.**

Design Review:

1. *Is functionally and aesthetically compatible with the existing improvements and the natural elements in the surrounding area. The proposed construction will be compatible with development in the neighborhood. There are carports, uncovered parking decks, and garages in the vicinity.* 2. *Provides for protection against noise, odors, and other factors which may make the environment less desirable. The project will have no impact on noise, odors, nor other factors which could make the environment less desirable.* 3. *Will not tend to cause the surrounding area to depreciate materially in appearance or value or otherwise discourage occupancy, investment, or orderly development in such area. The project will provide on-site parking and generally be an improvement to the property.* 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 open side walls on the carport structure provides improved visibility for motorists existing the carport.* 5. *Will not adversely affect the health or safety of persons using the improvement or endanger property located in the*

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surrounding area. The open side walls on the carport structure provides improved visibility for motorists existing the carport. 6. Adequacy of screening. The structure is mainly only visible from the applicant's property and the roadway and does not impact views from surrounding properties. 7. Selection of architectural features and colors that enable the structure to blend with its environment and which results in a low visual profile. The design, material, and color selections are appropriate. Materials and colors include: Roof: Black mineral cap or tar and gravel; Siding: Natural stained cedar shingled panels; Windows: Aluminum with rough-cut cedar trim. This approval is based on plans included in the staff report for the meeting 7/15/91.

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

2. V-9114 - Bill and Renee Glenn, 9 Olive Avenue, A/P 7-085-03, a 5' rear yard variance for an addition to a single family residence in the R-1 zoning district.

Mr. Glen was present.

Ms. Chaney presented the staff report.

Mr. Glen stated that he was able to modify his plans so that only a rear yard variance was necessary. The current house, although it seems large, was once a carriage house and the interior space is chopped up and the rooms are quite small. He felt the intrusion into the rear setbacks would not be a detriment to any of his neighbors although his neighbor to the north stated that they did not want windows facing their property. He said he would have no problem complying with that and can modify the plan accordingly. He contended that they did a lot of research to come up with the most workable plan to fit their family needs.

Tony and Stephnie Glen, stated that they wanted a room of their own and more space.

Commissioner Kroot was in support of this application. He felt the variance was minimal and would be a hardship on the applicants if the variance was not approved. The neighbors are also in support of the addition.

Commissioner Yarish stated that it seems like a rather large house now and larger than most in the neighborhood, but he agreed that the variance was minimal and would have very little impact on the neighborhood.

Commissioner Harle supported the proposal because the amount of the variance is insignificant, the house is old and although may have been a workable floor plan in the past, it is not by today's standards. It would be difficult to change without a variance. He would condition the approval with the removal of the window as suggested by the neighbor and those proposed by staff.

Commissioner Mihaly stated that although he was sympathetic to the applicant's needs he concurred with the findings of denial in the staff report. He was not convinced that the applicant had no alternatives in reconfiguring the house on the lot without necessitating variances. He also felt that this was a large lot and a large house already. He felt the plane of the building could be changed.

Commissioner Sias concurred with Commissioner Mihaly.

Commissioner Hayes felt that the major impact was within the setbacks but he felt hardpressed to make the special circumstances for approval.

Chair Julin was not able to make the special circumstances because she felt the addition could be achieved without variances.

Commissioner Kroot stated that this plan provided the least offensive place for the addition and the house has been there a long time. He stated that all the houses surrounding 9 Olive would require variances based on the current placement of the houses and that the applicant is actually asking for less than what his neighbors currently have. He noted that although staff stated the square footage of the house is currently 3,000 the garage is included in that and the garage is under the house which also makes the house seem larger than it really is. He was hopeful that the Commissioners would reconsider.

Mr. Glenn stated that he has worked closely with an architect to come up with the best plan. He did not think that having a bedroom next to the kitchen would be practical and he also wanted all the children's bedrooms on the same floor.

M/S Kroot/Yarish to approve V-9114 - Bill and Renee Glenn, 9 Olive Avenue, A/P 7-085-03, a 5' rear yard variance for an addition to a single family residence in the R-1 zoning district on the basis: 1. *Due to special circumstances applicable to the property, including size, shape,*

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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. Special circumstances are that the applicant is adding to his house the variance is only a small amount of square footage and it is in line with the existing rear wall of the house. It is also the best location for the addition because other locations would destroy the patio and pool or take away from the parking area. Other designs would involve considerable change in the design and make it difficult to live in. This layout of the house on the lot is the best location. 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 of the applicant and will not be materially detrimental to the public welfare or injurious to property or improvements in such neighborhood.* The neighboring houses are currently to the setbacks than present zoning allows. The neighbors do not object to the addition and in fact are in favor of the addition. **Conditions of approval are: 1. The side windows on the north side are to be eliminated. 2. A deed restriction is to be placed on the property to discourage the possible conversion of the recreation room to a second unit without permits. 3. That the exterior building be of natural materials with stains or colors that give a natural appearance. 4. This approval is based on plans dated received 6/25/91.**

Chair Julin stated she was persuaded by Commissioner Kroot's findings to reconsider her decision. Commissioner Hayes stated that he also was persuaded and stated that prior to the zoning revisions, one of the findings was substantial property rights, which he thought should be considered.

Ayes: Hayes, Harle, Yarish, Kroot, Julin

Noes: Mihaly, Sias

Motion carried. Audience advised of the ten day appeal period.

3. **V-9117 - Surinder Singh, 28 El Cerrito Avenue, A/P 5-242-11, 1) a 20' frontyard variance to replace an existing one car garage with a two car garage, open deck, and stairs within 0' of the front property line; and 2) a 7' frontyard variance to construct a trellis within 13' of the front property line; 3) a 4' east sideyard variance to construct a trellis within 4' of the east side property line; 4) a 7' east sideyard variance to construct stairs within 1' of the west side property line; and 5) a lot coverage variance, on property located within the R-1 zoning district.**

The applicant was present.

Ms. Wight presented the staff report.

Commissioner Yarish stated the revisions made by the applicant has reduced the mass in the front by approximately 1/3. He suggested that the 2x12's used for the hand railing be reduced because they are overbearing. He suggested steel pipe which would be in line with the airplane wiring that will be used for the deck railing. He was not opposed to the trellis or the rear planter.

Commissioner Harle concurred with Commissioner Yarish with the exception of the trellis. He did not feel he could make the findings of special circumstances.

Commissioner's Mihaly and Sias concurrent with Commissioner Yarish. Commissioner Sias added that the ordinance should be modified to allow planter boxes.

Commissioner's Hayes, Kroot and Chair Julin supported the changes made by the applicant as well as the trellis and planter boxes.

M/S Mihaly/Yarish, to approve V-9117 - Surinder Singh, 28 El Cerrito Avenue, A/P 5-242-11, 1) a 20' frontyard variance to replace an existing one car garage with a two car garage, open deck, and stairs within 0' of the front property line; and 2) a 7' frontyard variance to construct a trellis within 13' of the front property line; 3) a 4' east sideyard variance to construct a trellis within 4' of the east side property line; 4) a 7' east sideyard variance to construct stairs within 1' of the west side property line; and 5) a lot coverage variance, on property located within the R-1 zoning district. The approval is based on: 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 narrowness of the lot and the configuration of the existing dwelling on the lot within 20' of the front property line, it is not possible to provide on-site parking to conform to the minimum Code required setbacks. Other properties in the vicinity have been granted setback variances for parking structures so the granting of this variance will not be a grant of special privileges. Additionally, the property has a legal, conforming second living unit and there is a need for 3 on-site parking spaces. The proposed stair structure on the east side of the property will necessitate retaining walls up to 8'

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in height. Planters will be installed in this stair structure. A 9' high redwood trellis is proposed above a portion of the stair structure. Due to the steepness of the lot from road level to the dwelling, it is desirable to have a landing, which necessitates retaining walls. The deck planter and trellis are necessary to soften the overall affect and will not cause an unwelcome intrusion. Due to the small size of the lot and the existence of two living units, the maximum lot coverage has already been exceeded. The lot narrows from 47' in the front to 21' in the rear and as seen from the roadway of El Cerrito Avenue, the lot coverage will not appear to be excessive. 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 of the applicant and will not be materially detrimental to the public welfare or injurious to property or improvements in such neighborhood.*

The addition of an off-street parking structure on this property should be an improvement to the neighborhood. View from neighboring homes are away from this property and towards the south. The deck planter will not have an adverse impact on the neighborhood. The proposed stair structure will not have an adverse impact on the neighborhood. The garage structure is quite large along the front side of the property and the new stair structure will balance the front elevation. The trellis will not have an adverse impact on the neighborhood as they will not be highly visible from neighboring properties. Due to the width of the lot in the front of the property, the lot coverage will not appear excessive to the neighborhood.

M/S Yarish/Kroot, to amend motion to include conditions. **Condition of approval are: 1. That the 2x12 railing be lightened to soften the design; and 2. If the use of airplane wire for railings is not in compliance with the UBC, staff can approve an appropriate alternative. 3. This is based on the drawings dated received by the Town of San Anselmo dated 7/9/91.**

Ayes: Hayes, Sias, Mihaly, Yarish, Kroot, Julin

Noes: Harle

Motion carried. Audience advised of the ten day appeal period.

4. **DR-1908/V-9123 Misha's Russian Restaurant, 21 Tamalpais Avenue, A/P 7-212-19, a design review and parking variance to construct an addition to an existing restaurant on a parcel located in the C-2 zoning district.**

The applicant's architect, Bob Swanson, was present.

Mr. Washington presented the staff report.

The Commission was able to make the required findings for the application. Commissioner Yarish hoped that the outriggers would be included in the addition because it adds to the character of the building. Mr. Swanson stated he had no objection to that request.

M/S Hayes/Sias, to approve DR-1908/V-9123 Misha's Russian Restaurant, 21 Tamalpais Avenue, A/P 7-212-19, a design review and parking variance to construct an addition to an existing restaurant on a parcel located in the C-2 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.* Because of the existing limitations on the property and the adjacent public parking the modest expansion of this restaurant will not impact existing parking in this area. The expansion will occur in an area that is presently occupied with outdoor tables. Also the owner of the property has secured through leases two additional parking stalls which bring the total available spaces to nine which is the required amount for an activity of this size. 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 of the applicant and will not be materially detrimental to the public welfare or injurious to property or improvements in such neighborhood.* The granting of this variance will not have any detrimental impacts on any of the surrounding commercial or residential properties. This expansion will not change the overall nature of this activity nor will it substantially increase the intensity of this land use.

Design Review:

1. *Is functionally and aesthetically compatible with the existing improvements and the natural elements in the surrounding area:* The proposed addition on this commercial building will be very similar in character to the existing building, and will be very similar in scale and design to the neighboring residential properties. 2. *Provides for protection against noise, odors, and other factors which may make the environment less desirable.* This addition will not cause any detrimental impacts on any of the neighboring properties. Nor will it create any conditions which

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will reduce the livability of this sector of San Anselmo from continuing to be desirable area for residences or businesses. 3. *Will not tend to cause the surrounding area to depreciate materially in appearance or value or otherwise discourage occupancy, investment, or orderly development in such area.* The expansion of this existing restaurant will not create any adverse impacts that would cause neighboring properties to diminish in value. The addition will be very similar in scale and design with the existing buildings and the activity will have a minimal impact on the overall scope of this area. The project has been professionally designed and will be a complimentary addition 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 potential traffic resulting from this expansion will not be a significant increase from the current traffic levels for this sector of San Anselmo. This revised plan will allow adequate lines of sight for vehicles existing from the driveway. This business's peak occurs during the non-peak hours of the rest of the downtown, and there are a significant number of downtown parking stalls available to patrons. 5. *Will not adversely affect the health or safety of persons using the improvement or endanger property located in the surrounding area. This structure will not result in any adverse or detrimental impacts on this property nor will it result in the endangerment of activities or structures located on neighboring properties.* The proposed use is in conformance with the established zoning, and the activity is consistent with existing neighboring land uses. These established land uses are permitted because of their compatibility with each other and the area. The modest expansion of this existing restaurant has been designed in such a manner so as to have minimal impacts on surrounding properties. 6. *Adequacy of screening.* All of the existing vegetation will be maintained such as the three trees located between the property and the parking lot. Currently this landscaping provides some degree of shielding for the property. However, a certain degree of visibility is necessary for commercial property. 7. *Selection of architectural features and colors that enable the structure to blend with its environment and which results in a low visual profile.* The continued use of natural materials such as cedar shakes will be consistent with materials currently used on this street. **Conditions of approval are: 1. The project be developed in accordance with the development plans submitted on April 23, 1991. 2. The applicant shall maintain the three existing trees located along the east property line buffering this building from the parking lot. 3. Approved colors are to match the existing building.**

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

5. **V-9124 - Jean and Edward Greenfield, 19 Durham Road, A/P 5-205-09**, a variance to construct an addition on an existing residence five feet from the existing sideyard for a property located within the R-1 zoning district.

The applicants were present.

Mr. Washington presented the staff report.

Ms. Chaney added that although staff would like to approve this project, the special circumstances apply to the lot, not the placement of the house on the lot.

Mr. Greenfield stated that the house is approximately 950 square feet and the rooms quite substandard. The addition is not substantial and they are only following the lines of the existing sideyard to allow for conformity. He felt this was the most logical place for the addition.

Commissioner Mihaly supported this proposal because the site was small, the rooms substandard, house was very small and the project was not detrimental to the neighborhood and would not cut off light and view. He considered this more of a "notch filler".

Commissioner Sias concurred with Commissioner Mihaly and added that he felt this should be considered more of a design review instead of a variance.

Commissioner Hayes concurred with Commissioner Sias.

Commissioner's Kroot, Yarish, Harle and Chair Julin supported the project.

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M/S Sias/Kroot, to approve V-9124 - Jean and Edward Greenfield, 19 Durham Road, A/P 5-205-09, a variance to construct an addition on an existing residence five feet from the existing sideyard for a property located within the R-1 zoning district. This approval is based on: *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.* The lot is narrow and the existing structure on the property makes it difficult to locate the addition anywhere else except where it is being proposed. The nature of the addition will just continue the plane of the house and will be no closer to the sideyard than what currently exists. *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 of the applicant and will not be materially detrimental to the public welfare or injurious to property or improvements in such neighborhood.* The neighbors are in support of the addition and the addition is essentially an extension of the existing lines and will not be detrimental to the neighborhood. The approval is based on plans dated 4/29/91.

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

GENERAL DISCUSSION

The Commissioners wanted to reconsider the zoning requirements of trellises and planter boxes. The suggestion was to change from a variance to design review. This should be discussed at the subcommittee zoning hearings between Council, Planning and staff.

The regular meeting was adjourned at 10:45 p.m. to the next regular meeting on August 5, 1991.

BARBARA CHAMBERS