

**TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES OF DECEMBER 2, 1991**

The regular meeting of the Planning Commission was convened at 8:00 p.m. in the Council Chamber with all Commissioners present with the exception of Commissioner Harle. Staff present were Planning Director Ann Chaney and Planning Consultant Delvin Washington.

B. CONSENT AGENDA

1. Minutes - November 18, 1991 - Continued to the meeting of December 16, 1991.

M/S Kroot/Yarish, to include V-9147 - 101 Floribel on the consent agenda. Unanimously passed.

2. V-9147 - David Harp, 101 Floribel Avenue, A/P 7-091-09, a 14' front yard variance and 7' sideyard variance to add a garage door to an existing three sided carport, on property located within the R-1 Zoning District.

M/S Kroot/Mihaly, to approve V-9147 - - David Harp, 101 Floribel Avenue, A/P 7-091-09, a 14' front yard variance and 7' sideyard variance to add a garage door to an existing three sided carport, on property located within the R-1 Zoning District. 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 the property of privileges enjoyed by other property in the vicinity and under an 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 and zone in which such property is situated.* Because the rear of the property has an extreme up-slope, it would have been extremely difficult and impractical to have constructed a house or garage in that area. Therefore a variance allowing a reduction of the front setback in order to install a garage door on an existing structure is justified.
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.* Granting this variance approval will by no means have any detrimental impact on the neighboring properties or the community at large. **Conditions of approval are:** 1. That the garage door be constructed per plans dated October 7, 1991 by the Town of San Anselmo. 2. The garage door shall be painted a color scheme to match the existing house.

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

C. PUBLIC HEARINGS CONTINUED TO THE MEETING OF DECEMBER 16, 1991

1. GPA-9101/Z-9101/ER/LLR-9101/U-9104/V-9130/DR-9110 - Jim McDonald, 40 Belle, A/P 7-301-05, 7-301-16 and 7-301-17, 1) Environmental review of the General Plan amendment and rezoning; 2) General Plan amendment to revise the land use map for a portion of the property currently C-3 to have a designation of R-1 and a portion currently R-1 to have a designation of C-3 (fronting Mariposa Avenue); 3) Rezoning of a portion of the property currently zoned C-3 (fronting Mariposa Avenue); 4) Lot line relocation to create two parcels from three existing parcels; 5) A use permit, variance and design review to construct a new building and parking area within 6' of the west side property line (fronting Mariposa Avenue) to house current school activities; and 6) A use permit for the Rummage Rack location to be shifted from the C-3 zoned parcel to the adjacent R-1 parcel (located in the new building fronting Mariposa Avenue).

2. U-9106/V-9143 - Mario and Emilia Orihuela, 26 Sais, A/P 6-072-16, a use permit and parking variance to legalize a proposed second living unit located on property within the R-1 zoning district.

D. PUBLIC HEARINGS

1. DR-9120 - Theodore F. Posthuma, 379 Oak Avenue, A/P 7-241-61, design review of a living addition to the existing single family dwelling and a carport on property located within the R-1C zoning district. CONTINUED FROM THE MEETING OF OCTOBER 21, 1991

The applicant was present.

Delvin Washington presented the staff report.

Mark Kertz, Attorney representing the property owner of 395 Oak Avenue, wanted to know what was proposed for landscaping. Mr. Posthuma responded saying that the landscape plans is the same as it was in his previous application.

Gay Kagy, 280 Redwood Road, felt a deed restriction should be required at the time of issuance of the building permit. She did not think two garages was necessary.

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Cathy Sanders, 310 Redwood Road, felt that although the addition has been reduced the visual bulk is still to large.

Mr. Posthuma stated that he still preferred his original plans for the addition but would concede with the revised plans to reduce the square footage of his project. He did have some concern about the proposed conditions by staff. He did not feel there was a need to deed restrict his property and was not sure that it was common within the County. He did not agree that there should be a restriction to prohibit a future garage. He stated that the retaining wall would constitute two carport walls and would like the option of allowing the third wall to be built in the future if he so desired. He felt he was limited in the direction of his addition because of his trees to the rear of his property which also screen his property from that of Ms. Leonard at 395 Oak Avenue. He said he has reduced the height of the addition by four feet and the overall length by sixteen feet.

Commissioner Hayes stated that this rendition is a major step in the right direction although it still seems a bit bulky. With the reduction of the upstairs bedroom, he felt his concern about the possibility of a second unit was less likely. He wanted assurance that the drainage issues had been satisfactorily addressed and that the Town Engineer sign off on the plans. He said he would not object to a low profile garage in the future.

Commissioner Kroot stated he was able to support this project and remembered that the landscape plan was adequately discussed at previous meetings and approved. He noted that any addition on a hillside lot will be long if it is not able to have multiple stories. He said that this house is stepped back and will not be oppressive. He preferred "Sand Pebble" for the exterior color. He was a little uncomfortable with requiring a deed restriction for the garage. He did not see how a garage would impact the neighbors and was also troubled but staff's recommendation that a deed restriction be required disallowing a second unit. He felt the neighbors would certainly contact staff if a second unit existed and therefore the deed restriction was not necessary.

Commissioner Yarish stated that the applicant has made great strides in the right direction by reducing the height and length of the addition. He said that he was satisfied about the drainage if the Town Engineer felt it would work but wanted assurance that it was followed through at the building stage. He was however concerned about some of the architectural features. The original art deco house is very artistic and many of those details have not been carried through in the addition. He would rather have seen some of the fruit trees sacrificed to allow for a better functioning floor plan. He disagreed with the amount of excavation. He calculated a least 100 yards of cut will be necessary which means that a substantial amount of dirt will have to be removed. He did not have a real problem with the garage/carport and did not think it could be used for anything else. He preferred "Sand Pebble" with the copper roofing.

Commissioner Mihaly supported the project. He originally opposed the additional garage because there was the possibility of it being used as something other than a garage but if that issue no longer exists, he would not oppose it. He said that a deed restriction prohibiting a second unit was common in many towns and can be removed by the Town at a later date if that was what future Commissioners wanted. He stated he would defer to his fellow Commissioners on the exterior color choices. In summary, he was glad to see that this project was reduced because he was concerned that a precedent would be set about using the maximum amount of square footage as a right rather than as a range.

Chair Julin was still concerned about the two driveways. Even though the Town Engineer approved the driveways in 1986 she felt that the intent has now changed. She felt there would be adequate off-street parking without the second driveway and would like to see the lower driveway closed.

Commissioner Yarish stated that it was unlikely that the lower garage would be turned into an additional living unit because most of the walls are concrete. At the most he said it could become an out building.

M/S Mihaly/Kroot, to approve DR-9120 - Theodore F. Posthuma, 379 Oak Avenue, A/P 7-241-61, design review of a living addition to the existing single family dwelling and a carport on property located within the R-1C zoning district. The approval is based on the following:

Design Review

1. *Conformance to the approved preliminary and precise development plans. Preliminary and precise development plans only pertain to those properties with a zoning designation of R-1 H.* Subject property is zoned R-1C. 2. *Adequacy of screening.* The site presently has a significant number of mature trees and shrubs many of which will be maintained. These trees will provide screening from the neighboring houses. The addition will maintain a substantial setback along Oak Avenue and it will only be visible from two neighboring residences. The applicant proposes to plant additional trees along the property line that borders 395 Oak Avenue in order to provide some additional screening for this residence. Staff notes that 367 and 395 Oak Avenue are the houses with direct views of this building site. The visibility of the addition from other residences will be limited. 3. *Selection of architectural features that enable the structure to blend with its environment.* The applicant will incorporate many of the features used on the existing house into

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the addition. The color being used will help the home to blend with its environment. 4. *Is functionally and aesthetically compatible with the existing improvements and the natural elements in the surrounding area.* The addition will be located on the site in such a manner that it will not significantly impact the adjacent properties. The building design will continue the established architectural style of the existing residence however it will not contrast substantially with the existing neighborhood. The introduction of more landscaping will further reduce the visibility of this property. 5. *Provides for protection against noise, odors, and other factors which may make the environment less desirable.* This addition will not have any major long-term detrimental impacts on the environment. Conducting the proposed activity (single family residential) will be consistent with current activities occurring in this neighborhood. 6. *Will not tend to cause the surrounding area to depreciate materially in appearance or value or otherwise discourage occupancy.* The improvement of this property will not cause any long-term impacts that in any way could discourage occupancy. Nor will it cause the depreciation of property values in the surrounding area. This activity is consistent and compatible with activities presently occurring in this area. 7. *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 additional vehicular trips generated by this new dwelling unit will not have a significant impact on this neighborhood. The location of the house will not obscure visibility on Oak Avenue. In addition the new driveway will alleviate traffic on the private drive accessing 367, 371, and 375 Oak Avenue. 8. *Will not adversely affect the health or safety of persons using the improvements or endanger property located in the surrounding area.* The proposed addition will conform with all the established codes controlling building and grading associated with the construction of a new single family residence. These standards have been adopted to insure that all new development in San Anselmo will not create any adverse or hazardous conditions during construction and after completion. **Conditions of approval are:** 1. **The house shall be constructed in accordance with the plans received by the Planning Staff November 26, 1991, showing a maximum square footage of 3,703 square feet.** 2. **The applicant shall deed restrict 379 Oak Avenue prohibiting the establishment of a second unit on the property.** 3. **A tree maintenance plan shall be submitted to insure that all of the existing trees are protected during construction. Automatic drip irrigation is to be provided with the exception of the removal of a eucalyptus tree that is to be removed in the area of the carport.** 4. **A soil engineering report shall be submitted along with an application for Building Permit, addressing grading and foundation requirements. Such report shall be reviewed and approved by the Public Works Director prior to issuance of a building permit. A final report shall be submitted prior to final inspection and approval of construction.** 6. **Eucalyptus trees adjacent to Oak Avenue shall be safety pruned and thinned in accordance with a written recommendation of an arborist.** 7. **A road bond shall be paid prior to issuance of the building permit in an amount to be determined by the Town Engineer. This bond is to cover any damage done during construction. And that a video be made of the road prior to start up of construction.** 8. **The enclosure of the carport, or the expansion of the carport, is not contemplated in this approval and any request to enclose or expand the carport parking area will have to come back to the Planning Commission for review.** 9. **Approval of the proposed color board with the following: stucco exterior; color to be Sand Pebble (Kelly-Moore Paint Co.); window casing to be Anderson clad; roofing to be tar and gravel with copper overlay metal roofing to match existing roof. Staff shall review final colors under natural light conditions and make any adjustments as deemed necessary. Staff is also given the flexibility to review such details as window design, railings and trim colors to insure compatibility with the existing design.** 10. **That the octagon shaped metal structure remain open on all sides and on top.**

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

3. **V-9149 - Fred Wahlstrom, 11 Forest Avenue, A/P 7-021-07**, a 16' front yard variance to construct a garage within 4' of the front property line. The applicant proposes to construct a new house, on property located within the R-1 Zoning District.

The applicant was present.

Ms. Chaney presented the staff report.

The Commission was in support of the project and was able to make the required findings.

M/S Hayes/Yarish to approve V-9149 - Fred Wahlstrom, 11 Forest Avenue, A/P 7-021-07, a 16' front yard variance to construct a garage within 4' of the front property line on property located within the R-1 Zoning District. The approval is based on the following:

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 the property of privileges enjoyed by other property in the vicinity and under an 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 and zone in which such property is situated.* In the area where the garage is to be built part of the slope is at 60%.

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Thus the garage would be built into the hill as is typical with many of the garages on the south side of Forest Avenue. If the 20 foot front yard setback were met, the project would involve a great deal more excavation. Placing the garage closer to the street will eliminate the need for more cut material. Therefore, due to the steep topography, and the fact that this location of the garage will cause the least amount of grading, staff can support the findings to grant a variance. 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 distance between the paved street and the garage door is 18 feet. This distance should be adequate to accommodate the length of a car without protruding into the street. Therefore, a total of four cars could be accommodated by the new construction without blocking the street. Thus the project will not materially affect adversely the health or safety of persons residing in the neighborhood. Because many of the garages on Forest Avenue are similar to that being requested, granting of the variance will not be detrimental to the public welfare or injurious to property in the neighborhood. **Conditions of approval are: 1. That the approval be built in accordance to plans received by the Town on 10/11/91. 2. That a soils report be submitted to the Town and reviewed and approved by the Public Works Director prior to the issuance of a building permit.**

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

4. **DR-9122/V-9146 - Hans Kristen, 66 Indian Rock Road, A/P 177-261-02,** 1) design review to enclose an existing carport (parking deck) and construct a workroom below; and 2) a 20' frontyard variance to replace an existing stairway located within 0' of the front property line, on property located within the R-1 Zoning District (above the 150 foot mean sea level).

The applicant was present.

Ms. Chaney presented the staff report.

Mr. Kristen stated that he intends to landscape around the concrete foundation and retaining wall.

The Commission was in support of this application. Commissioner Yarish suggested that the applicant consider additional landscaping to help screen the addition.

M/S Kroot/Yarish to approve DR-9122/V-9146 - Hans Kristen, 66 Indian Rock Road, A/P 177-261-02, 1) design review to enclose an existing carport (parking deck) and construct a workroom below; and 2) a 20' frontyard variance to replace an existing stairway located within 0' of the front property line, on property located within the R-1 Zoning District (above the 150 foot mean sea level). The approval is based on the following:

Design Review

1. *Conformance to the approved preliminary and precise development plans.* Preliminary and precise development plans only pertain to those properties with a zoning designation of R-1 H. Subject property is zoned R-1. 2. *Adequacy of screening.* The structure is partially surrounded by vegetation. No trees will be removed as a result of this construction. While the structure will not be fully screened, the building materials being applied plus the existing landscaping is expected to adequately screen the structure. 3. *Selection of architectural features that enable the structure to blend with its environment.* The exterior of the existing carport consists of cedar shingles. These materials will be carried through on the proposed improvements. Because of the cedar shingle facade, the structure will tend to blend with its environment. 4. *Is functionally and aesthetically compatible with the existing improvements and the natural elements in the surrounding area.* Because of the slope of the land and the existing vegetation, it is difficult to see the area below the carport from Indian Rock Road or other surrounding roadways. Views of the structure will probably be most visible from nearby neighbors. Because of the cedar shingles exterior and existing landscaping, the improvements are compatible with those existing and with the natural elements in the area. 5. *Provides for protection against noise, odors, and other factors which may make the environment less desirable.* Enclosing and adding to this structure will not cause any detrimental impacts on any of the neighboring properties. 6. *Will not tend to cause the surrounding area to depreciate materially in appearance or value or otherwise discourage occupancy.* Enclosing and adding to this structure will not result in the depreciation of neighboring properties. 7. *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.* This proposal will not increase the amount of traffic or congestion within the neighborhood, nor will it impede access by emergency vehicles and personnel. 8. *Will not adversely affect the health or safety of persons using the improvements or endanger property located in the surrounding area.* This addition and enclosure is not expected to adversely affect the health and safety of persons using the building or endanger surrounding property.

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*

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*deprives the property of privileges enjoyed by other property in the vicinity and under an 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 and zone in which such property is situated. A variance is needed in order for the owner to reconstruct a set of existing stairs which will be more than 30 inches above grade. Typically these would involve an administrative variance, but because the project was subject to Design Review, the administrative variance is being processed simultaneously through the Planning Commission public hearing process. The special circumstance of this site is the steep slope. In order for the stairs to have the proper angle to access the lower part of the garage and site, they need to begin near the level area at the street. For the reasons above, staff is able to support a variance to replace the existing stairs. 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. No additional living unit is being created and no parking is being removed. The variance is to replace an existing stairway which should result in a safer condition thereby not creating an adverse affect on the neighborhood or persons using the site. **Conditions of approval are: 1) That the structure be built per plans dated 7/24/91. 2) That the exterior materials be a continuation of the existing facade (i.e., cedar shingles).***

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

5. DR-9123/V-9145 - William Harms, 60 Grove Hill Avenue, A/P 6-117-12, 1) design review to construct a new single family residence; and 2) a 20' front yard variance to construct the house within 0' of the front property line, on property located within the R-1 Zoning District (above the 150 feet mean sea level).

The applicant and his architect, Tony Richards, were present.

Mr. Washington presented the staff report.

Mr. Harms stated that a survey of his property has been done. He said that the property owner at 415 Sequoia did have a dispute with the owner of 3 Searles Lane also. All survey information has been approved and will be recorded within a few weeks.

Tony Richards stated that the lot was steep and difficult with an average of 50 percent slope. They compressed the house as much as possible to conform to the setbacks. The decks are no longer cantilevered out as shown on the photographs. The house was pulled 4 1/2 feet further down the hill which will lower the height and visibility. There will be adequate landscaping to screen the deck supports.

Joan Dana, 46 Grove Hill North, was concerned about potential damage to the roadway and would like to have the Town require a bond. Portions of Grove Hill are very narrow with blind curves and no guard rail. She would like prefer that the applicant access the property from Searles Lane. She explained that there was a slide in this area and the Town was in a law suit because of the slide. She wanted assurance that drainage was adequately addressed. She wondered who would maintain the retaining wall that will encroach into the Town right-of-way.

Ken Ball, 9 Grove Hill North, stated that he has no objection to the house being built but this is a slide area and he was concerned that there was proper drainage. He also said that the road was very narrow and because it is not Town maintained, the property owners were required to maintain the roadway.

Muriel Ball, 9 Grove Hill North, requested that a road bond be required.

Mr. Richards provided testimony on how the house will be designed to be firmly anchored.

Commissioner Hayes wondered if soils and drainage has been adequately identified. He wondered who would maintain the retaining wall. He approved of the redesign but would like his questions answered prior to approval.

Commissioner Mihaly said that because the Town was in a previous law suit precautions should be taken to ensure that current projects will not jeopardize the law suit. He wondered if the Town could require a bond for road work if the street is not Town maintained? He wondered who would maintain the retaining wall? He supported the statements in the staff report and was able to make the required findings for approval as long as the above questions were answered.

Commissioner Kroot supported the revised design and felt the Engineer should make decisions on drainage related issues. The staff report indicates that the Engineer feels that drainage is adequate and that is satisfactory to him. He approved the cedar siding and felt a road way bond should be required. He thought it would be too difficult to access the property from Searles Lane because of the boulder.

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Commissioner Yarish concurred with his colleagues and would like this continued until further information is obtained from the Town Engineer.

Chair Julin had nothing further to add.

The consensus of the Commission was that this can be brought back as a consent item if all questions had been addressed.

M/S Kroot/Hayes to continue DR-9123/V-9145 - William Harms, 60 Grove Hill Avenue, A/P 6-117-12, 1) design review to construct a new single family residence; and 2) a 20' front yard variance to construct the house within 0' of the front property line, on property located within the R-1 Zoning District (above the 150 feet mean sea level). This is continued to the meeting of 12/16/91 and staff is to respond to the following questions: 1. What will be the amount of the roadway bond? 2. Who will be responsible for maintenance of the retaining wall in the Town right of way? 3. The Town Engineer is to review the land survey. 4. The Town Engineer is to review drainage, soils and land stability; and 5. Contact the Town Attorney for disposition of law suit.

Motion unanimously passed

G. ADJOURNMENT

The regular Planning Commission meeting was adjourned at 11:00 p.m. to the next regular meeting of December 16, 1991

BARBARA CHAMBERS