

**TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES OF AUGUST 3, 1992**

The regular Planning Commission was called to order at 8:00 p.m. by Chairman Kroot in the Council Chamber. Staff present: Ann Chaney Planning Director, Lisa Newman Planning Consultant, and Lisa Wight Planner.

A. CALL TO ORDER

Commissioners Present: Harle, Hayes, Julin, Sias
Commissioners Absent: Mihaly

B. CONSENT

1. Minutes - May 4, 1992

2. **Request to waive utility undergrounding requirement - Allen Taylor, 25 San Anselmo Avenue, A/P 7-302-16**, Request to waive a Municipal Code requirement for undergrounding utilities when remodeling a commercial building, on property located within the C-3 Zoning District.

The Minutes of May 4, 1992 were removed from the Agenda and continued to the Meeting of August 17, 1992.

M/S Sias/Julin, to approve Item B2 from the Consent Agenda. Motion unanimously passed. Audience advised of the ten day appeal period.

C. PUBLIC HEARINGS - CONTINUED

1. **U-9203 - Jean Brunswick and LaMonte Cochran 22 Magnolia, A/P 7-212-34**, a use permit to allow for a residential duplex, on property located within the P (Professional) Zoning District. CONTINUED TO THE MEETING OF AUGUST 17, 1992

D. PUBLIC HEARINGS

1. **DR-9210/PDP-9201/LLR-9202 - Michael Gill, 663 Oak Avenue, A/P 7-154-07**,
1) Design Review and Precise Development Plan for the construction of a new 4,994 square foot single family dwelling with detached garage/guest quarters on a 3.25 acre parcel and demolition of existing single family home and illegal second unit. The project also includes the construction of a 40,450 gallon water tank; and 2) Lot Line Relocation to exchange an equivalent amount of land between 7-201-10 (neighboring parcel) and 7-154-07 (subject parcel) on property located within the R-1H Zoning District. **THE PLANNING COMMISSION CLOSED THE PUBLIC HEARING ON THIS MATTER.**

The applicants, Neil Sorensen their Attorney, and Scott Hochstrasser their Consultant, were present.

Ms. Newman presented the staff report and resolution.

Commissioner Sias recommended using the wording "green shaded area on Exhibit B rather than using the wording "slashed".

Ms. Newman stated that Condition #12 should indicate the color of "Obsidian" for the north and south side elevations and the rear elevation. The trim color at the front elevation shall be "Platinum".

Ms. Chaney stated that Mr. Draper had a conversation with the MMWD about the 120,000 gallon water tank and he was informed that since the Gills have purchased the land from Shortall, they are now the applicants for the tank. Mr. Chaney further stated that she has a letter from the Gills indicating that although they own the land they are not applicants for the tank.

Commissioner Julin commented that the numbering of the Conditions do not follow sequence. She also suggested changing the wording on Condition 3A to include a statement that fees should be charged on those fees in affect at the time of the various permits. She also thought that the proposal for the 120,000 water tank will go in the location of the 40,000 water tank and wondered who will be responsible for the maintenance and control of the trees then.

Ms. Chaney affirmed that the larger tank will be in the same location as the smaller tank and the Town is proposing an environmental impact report to review the issues of aesthetics and screening. With regard to the fees, she stated that this particular statement refers to the heritage tree permit and it is understood that all fees are charged at the current rate when the applicant is applying for the permit.

Commissioner Sias wondered what mechanism the Commission had to be able to control the maintenance of the trees surrounding the tank. He was concerned about the screening of the

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larger tank in the future. He wanted to see the statement of no fees be deleted from 3A and add a condition that applicable fees shall be charged. On page 2, #2, delete last sentence as follows: "The applicant shall also delete the sewer route alternatives from sheet PD-6 and resubmit appropriate Off-site Road and Utility information to the Planning Department prior to issuance of building permits." He felt that a strong statement was made regarding the use of an open space easement and hoped the owners will be pro active in developing access. He felt this would be a great gesture to the community.

Ms. Chaney presented the plans for the proposed water tank. It showed that trees on the lower part of the site would not be affected.

Commissioner Sias thought that the current triangle area location of the 40,450 water tank and the language of the Resolution will protect the community for any future water tank.

Commissioner Harle concurred with the language in the Resolution.

Commissioner Julin stated that because she was absent at the meeting that the project was approved, she felt she should abstain on the motion. However, she felt that the project is really part of a larger project, which includes the 120,000 gallon water tank. She would like to have had this deferred until the environmental review was done on the larger water tank.

Commissioner Hayes shares Commissioner Julin's concerns but he thinks there is some control because of the design review of the tank and any change would require a public hearing.

Ms. Chaney noted that if there were a change of ownership from the Gill's to the Water District, then the Town would have no authority over the tank.

M/S Sias/Harle reluctantly approve Resolution Number 92-02 with the modifications as mentioned this evening.

Ayes: Harle, Sias, Hayes, Kroot

Abstain: Julin

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

Chairman Kroot stepped down and turned the gavel over to Commissioner Julin.

2. **DR-9212 - Norman and Sandra Charles, 25 South Oak, A/P 7-192-10**, design review to demolish an existing single residence and construct a new single family residence, on property located within the R-1 Zoning District (above the 150 mean sea level elevation).

Ms. Chaney presented the staff report. She stated she observed another bay tree in the area of the cluster.

Mr. Charles questioned the condition of repaving the street. He stated it would be very expensive and wondered if that was a typical requirement.

Hank Taylor, Architect for the new dwelling on 30 So. Oak Avenue stated that it was his impression when his project was approved that the Commission did not require new paving, but did require the road to be left in the same condition as it was prior to the house being built. He was hoping for clarification because the motion stated the road was to be repaved. He was requesting that the portion of Oak to Gerlack be patched and repave the 350 feet of Oak Avenue to the sign.

Ms. Chaney stated that once the sewer line goes in for 25 South Oak the road will need to be repaved. She said the Commission could direct the Public Works Director to make the decision on the road.

Commissioner Harle supported the proposal with the conditions in the staff report but was concerned about the whether or not the entire road should be repaved.

Commissioner Hayes appreciated the effort on the part of the applicant to save some trees and did not think rearranging the house would be the answer. He was concerned about the report by the Fire Chief that stated trees could not be closer than 18 feet from the property. With regard to paving Oak Avenue, he supported the idea of having the road put back in the same way it was prior to the house being built.

Commissioner Sias was also concerned about the report by the Fire Chief. The General Plan requires screening and having to keep a distance of 18' away from the property may not serve the purpose of screening. He would like to see the Planning Director talk with the Fire Chief and perhaps re examine the ruling. He would rather see the entire house sprinklered or some other approach taken. He did not think that the redwood trees would grow as rapidly as shown on the diagram. He would like to see the house resited to support the 48" cluster because at this point

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he did not think there was enough screening.

Commissioner Julin had some dilemma about the repaving although she supported the rest of the project with conditions as stated in the staff report.

Ms. Chaney noted that another condition should be added to include that a drip irrigation system shall be installed to maintain the landscaping as shown on the site plan.

M/S Harle/Hayes to approve DR-9212 - Norman and Sandra Charles, 25 South Oak, A/P 7-192-10, design review to demolish an existing single residence and construct a new single family residence, on property located within the R-1 Zoning District (above the 150 mean sea level elevation). The approval is based on the following: 1. *Is functionally and aesthetically compatible with the existing improvements and the natural elements in the surrounding area.* The proposed dwelling will utilize exterior materials that are consistent with those used on existing homes in the neighborhood. The house exterior will have a natural wood finish with colors that will not contrast, but rather blend, with the hillside. construction of this new residence will cause the removal of some mature trees on the site. The applicant has modified the plan so as to be able to maintain one entire Bay tree and a portion of another. By maintaining these two trees along with the additional trees that will be planted on the site, the home will not significantly alter the aesthetic character of the area. 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. Conducting the proposed use (single-family residence) 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.* The construction of a new dwelling will not cause the depreciation of property values in the surrounding area. The activity of a single family residence is consistent and compatible with activities currently occurring in this area. 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 additional vehicular trips generated by this new dwelling unit will not have a significant impact on this neighborhood in that the proposal is to replace an existing house. The location of the house will not obscure vehicular visibility on South Oak Avenue nor will it inhibit the flow of traffic to and from the neighboring properties. The potential vehicular trips generated by the new residence will not be an increase from the trips generated by the former residential structure. 5. *Will not adversely affect the health or safety of persons using the improvement or endanger property located in the surrounding area.* The proposed dwelling will conform with all 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 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.* a substantial number of new trees and shrubs will be planted in conjunction with the construction of this house. By maintaining one and a portion of another of the existing bay trees and increasing the amount of new trees for the site, it appears the new house will maintain adequate screening. 8. *Selection of architectural features that enable the structure to blend with its environment.* The proposed use of natural wood products will blend with neighboring homes constructed in the area. The proposed location also appears to have the least potential impact on the topography of this property in that a portion of a pad already exists from the existing house. **Conditions of approval are:** 1. **The approved plans include site and section plans dated stamped Received by the Town on July 31, 1992, and elevation plans (Including building materials and colors) and floor plans date stamped Received by the Town on May 21, 1992.** 2. **The owner shall satisfy all requirements of the Ross Valley Fire Department Fire Marshall.** 3. **The sub-floor area below the master bedroom shall be modified per the satisfaction of the Planning Director to insure that this area does not have a ceiling clearance height of 7'6" or greater.** 4. **Prior to the issuance of a Building Permit the applicant shall obtain approval from the Ross Valley Sanitation District and the Town of San Anselmo to connect to the existing sanitary sewer system.** 5. **Prior to the issuance of a Certificate of Occupancy, all related sewer work shall be completed and the sewer to the house be operational.** 6. **Prior to issuance of the Building Permit, the owner shall deliver to the Town Public Works Department a clear, location identifier, video tape of all the pavement on South Oak Avenue and that portion of Oak Avenue to be re-paved by the applicant. This videotape will be placed in the Town records and will be used to determine the validity of damage.** 7. **Pave Oak Avenue from the Town maintained portion and through the Intersection of South Oak Avenue with a 2" A.C. overlay. Work must be completed prior to issuance of a Certificate of Occupancy.** 8. **Prior to Issuance of any building permits and in order to insure the integrity of roadways beginning at the end of the Town maintained portion of Oak Avenue and continuing up Oak Avenue for the length of South Oak Avenue, up to the furthest most line of 25 South Oak, and to insure a rapid response to a call for repair of damage to the road ultimately and its re-paying, the applicant shall deposit with the Town \$5,000 in cash, or surety bond, which may be used by the Town to repair or re-pave the roadway upon failure of the applicant to repair roadway related damage or re-pave the road within ten days of receiving notice to do so. Further, the owner agrees to repair all damages to the road caused by construction**

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operations associated with these improvements which are in excess of that covered by the \$5,000 in cash deposit described herein. All cash deposits will be placed in interest bearing accounts and the remaining balance including any accumulated interest will be returned to the owner upon completion of all work associated with this development. Failure to comply with any of the terms of this condition shall be ground for issuing a "Stop Work Order" or withholding the issuance of Certificate of Occupancy for the residence. 9. All work involving heavy vehicles shall be completed during the dry season (i.e. May 1st to October 15th of any calendar year). Work involving the passage of heavy vehicles including supply vehicles shall cease during the wet season unless a plan for construction in the rainy season is developed by the owner's civil engineer and approved by Town's Department of Public Works and shall include, concrete trucks, grading equipment, dump trucks and similar vehicles. 10. No tracked equipment shall be permitted on roadways serving without specific permission from the Director of Public Works. 11. Trimming of the trees surrounding the new residence shall be done in such a manner to minimize limb removal and limit the visual impact of reducing tree cover. 12. Install and maintain an irrigation system for the new screening landscape plantings shown on the landscape plan. Installation of the system shall be completed prior to issuance of a Certificate of Occupancy.

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

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

3. V-9221/U-141 - St. Nicholas Church, 102 Ross Avenue, A/P Nos. 7-281-19 and 7-281-22, 1) use permit amendment to expand a church facility and 2) a 3' east sideyard variance to expand an existing building within 5' of the east side property line with an 18" roof overhang, on property located within the R-1 Zoning District.

Andy Zaharoff was present to represent the Church.

Ms. Wight presented the staff report and stated that she has received a letter of opposition from the owner of 89 Woodland who would be unable to attend.

Mr. Zaharoff stated that he spoke with Mr. Paymar, the property owner of 89 Woodland and he was sympathetic to the needs of the Church. They discussed the mitigations proposed by the Church to reduce the noise and yet allow the expansion. Mr. Zaharoff stated that he proposed to use more attractive windows with triple insulation and it was fine if the windows were not operable as long as the Code permitted it. With regard to changing the interior circulation Mr. Zaharoff did not think that would be possible because of the religious services that takes place within the hall. The activities of the Church have not changed and he did not think it was fair to place limitations on the use permit.

Commissioner Julin was inclined to support staff's recommendation of moving the addition towards the front which will not necessitate a variance.

Commissioner Hayes stated they would not be able to build forward and meet their needs for the religious ceremony. He felt the redwood tree on the Church property obscured the deck of the owners at 89 Woodland and therefore did not feel the addition would be a detriment. The applicant has stated that the addition will not increase the number of people that will use the Church and the westeria and lattice and the Victorian look will make the area better.

Mr. Zaharoff stated that the Church is willing to provide a higher fence to screen the two properties and he thought that was satisfactory with Mr. Paymar.

Ms. Wight presented a photograph of the two properties, which included the redwood tree. She stated that in staff's opinion the addition would be very imposing and the tree will not shield the addition.

Commissioner Sias felt that the item should be continued. Although the applicant and the neighbor have talked about the project, it seemed as though the applicant went away thinking the neighbor did not oppose the project. He thought that more dialogue is necessary before he would be able to make a decision, especially in light of the fact that the neighbor could not be present at the meeting. He stated that the redwood tree does somewhat screen the properties. He wondered if the applicant had thought of moving the kitchen along the entire back wall and rearranging the rest of the interior to accommodate their needs. Mr. Zaharoff stated that the cost would be very expensive.

Commissioner Hayes did agree that Mr. Paymar still felt the addition would be a detriment and agreed that perhaps some additional dialogue will help them come to an agreement.

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Chairman Kroot felt the addition was very minor in nature and this will not set a precedent in that a neighboring property is within the setback too. He supported the project with double or triple insulated windows that were non operable.

M/S Hayes/Sias, to continue V-9221/U-141 - St. Nicholas Church, 102 Ross Avenue, A/P Nos. 7-281-19 and 7-281-22, 1) use permit amendment to expand a church facility and 2) a 3' east sideyard variance to expand an existing building within 5' of the east side property line with an 18" roof overhang, on property located within the R-1 Zoning District. This is continued to the meeting of August 31, 1992 to allow the applicant and the neighbor adequate time to have further dialogue about the project. Motion unanimously passed.

Chairman Kroot stepped down from the next application and turned the gavel over to Commissioner Julin.

4. **V-9220 - Dr. and Mrs. Kasman, 18 Crescent Lane, A/P 7-221-22**, 1) request to remove a heritage tree to construct a lap pool; and 2) a 3' rear yard variance to locate the pool 5' from the rear property line on property located within the R-1 Zoning District.

The applicant was present.

Ms. Wight presented the staff report.

Dr. Kasman stated that his lot is quite small with no front or side yard. The house was designed with the living area on the second floor. The pecan tree has minimal foliage for six months out of the year and the tree is messy. Guy wires have been placed on the tree to shore up some of the limbs. He stated that he met with Mr. Peasley from 256 Crescent Road regarding his concerns and he has withdrawn his objections. Dr. Kasman was not even sure that the culvert under his property was functional because of the roots of the pecan tree. His intention is to have the culvert replaced at the time the pool is being installed.

Vic Canby, 22 Crescent Lane, was in agreement with the project in principal. The tree has been a problem for some time partially because it was not trimmed properly. He would like to see the tree removed.

John Anderson, Rapp Pools, stated that he has spoken with the Sanitary District and they concur that the roots of the tree are damaging the sanitary lines. He felt that special conditions of approval were the size of the lot, the size of the rear yard, the pool is below grade and therefore not a detriment, and the removal of the tree will allow for a better drainage and sanitary system.

Commissioner Hayes was not sure he would be able to make the findings to approve this project if the heritage tree was in good health.

Commissioner Sias said that it appears the tree removal is necessary for the pool. He suggested that the owner's have an arborist retained to state whether or not the tree is a detriment.

Commissioner Harle thought it was in the best interest to get a determination from an arborist.

Commissioner Julin was able to make the necessary findings for approval because of the small lot. If the tree were not there she could make the finding of special circumstances and non detriment.

M/S Sias/Hayes to continue V-9220 - Dr. and Mrs. Kasman, 18 Crescent Lane, A/P 7-221-22, 1) request to remove a heritage tree to construct a lap pool; and 2) a 3' rear yard variance to locate the pool 5' from the rear property line on property located within the R-1 Zoning District. This was continued to the meeting of 8/31/92 to allow the owner time to have an arborist to analyze the pecan tree.

Motion carried with Kroot to abstain.

5. **V-9227 - Mark Hillard, 8 Myrtle Lane, A/P 7-161-17** - a 3'3" frontyard variance and an 8' east side yard variance to reconstruct a garage within 16'9" of the front property line and within 0' of the east side property line, with a 1' roof overhang on the north, west, and south sides, on property located within the R-1 Zoning District.

The applicant was present.

Ms. Wight presented the staff report. She demonstrated to the Commission how the garage could be moved back to allow for adequate parking and not require as much of a variance.

Mr. Hillard stated that he could not move the garage back to provide the required 20' frontyard

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setback but had no objection to moving it back three feet which will still give him the required 9'x19' parking. He stated that the farther it goes back the more it impacts his neighbor.

Commissioner Sias concurred with staff's recommendation of moving the garage back 3'.

Commissioner Julin voiced support of the project but noted that there will be a window that is currently not impacted that will be with this addition.

Commissioner Harle had nothing further to add.

Commissioner Hayes stated that if the garage was moved further to the rear it could have be a detriment to the neighbor.

Chairman Kroot supported the proposal or the modification.

M/S Sias/Hayes, to approve **V-9227 - Mark Hillard, 8 Myrtle Lane, A/P 7-161-17** - a 1' frontyard variance and an 8' east side yard variance to reconstruct a garage within 19' of the front property line and within 0' of the east side property line, with a 1' roof overhang on the north, west, and south sides, on property located within the R-1 Zoning District. 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 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 special circumstances associated with the property are the surrounding conditions. The only location for parking is to the east of the existing dwelling. Parking is not feasible in the rearyard due to an open ditch which traverses across the property from west to east. Should the garage be attached to the dwelling, it would still encroach into the east side setback. The new design will be architecturally compatible with the existing dwelling; specifically the 19' driveway length will provide a legal length for a second parking space; and *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;* specifically The neighboring dwelling at 4 Myrtle Lane has windows facing the existing garage and it appears the new garage will not have an adverse impact. Conditions of approval are: 1) that the garage is built according to the plans date Received 5/27/92 and modified at the meeting of August 3, 1992.

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

E. GENERAL DISCUSSION

1. Chairman Kroot requested that all plans that come in for review be required to have the name of the preparer.

2. Commissioner Sias requested that staff prepare an over view of the Specific Plan for the Bald Hill area. Questions he would like answered are: a) does it give the town control of the 120,000 water tank? b) what provisions will there be for Open Space? c) will there be a master plan for drainage and roads? d) suggest there be a resolution prepared by the Commission to the Town Council about access to open space on Bald Hill. Chairman Kroot felt that access was required for fire safety.

3. Staff to give the Commission a status report on the progress of the 120,000 water tank.

4. Staff to define the ridge line by a topography map and then to have a clear definition defining the ridge line.

F. OPEN TIME FOR PUBLIC DISCUSSION

No one spoke.

G. REPORT OF UPCOMING APPEALS TO TOWN COUNCIL

Ms. Chaney stated that the design review Appeal for 379 Oak Avenue, and the Variance appeal of 165 Crescent Road, will be heard at the Town Council Meeting of August 11, 1992.

H. ADJOURNMENT

The regular meeting of the Planning Commission was adjourned at 12:15 a.m. to the next meeting of August 17, 1992.