

**TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES OF MARCH 2, 1992**

The Planning Commission was convened at 8:00 p.m. in the Council Chamber by Chairman Kroot with Councilmembers Mihaly, Harle, Julin, Yarish, Hayes present and Sias arriving at 8:06 p.m.. Staff present were Planning Director Ann Chaney, Planner Lisa Wight and Planning Consultant Delvin Washington.

C. PUBLIC HEARINGS CONTINUED -

1. **V-9148/DR-9121 - Paul Eveloff, 48 Alta Vista, A/P 6-231-19, 1)** an 20' front yard variance and a 4' side yard variance to construct a carport within 0' of the front property line and 4' of the side property line; and 2) design review to add to an existing house, on property located within the R-1 Zoning District (above the 150' mean sea level). CONTINUED TO THE MEETING OF MARCH 16, 1992

2. Water Well Ordinance - Town of San Anselmo - Consideration of the adoption of a well standards ordinance relative to their construction, reconstruction, maintenance, removal and monitoring. - CONTINUED TO THE MEETING OF APRIL 6, 1992

3. **V-9204 - Michael Velloza, 175 San Francisco Blvd., A/P 6-021-04,** a 4' north side yard variance to construct first and second story living additions within 4' of the north side property line, with a 1' roof overhang, on property located within the R-1 Zoning District. CONTINUED TO THE MEETING OF MARCH 16, 1992

4. **DR-9204 - Polly and Randy Cherner, 30 South Oak, A/P 7-192-06,** design review of a new single family dwelling on property located within the R-1C Zoning District. CONTINUED TO THE MEETING OF MARCH 16, 1992

D. PUBLIC HEARINGS

1. **SS-9201 - Elsie Irene Reavell, 4 Holstein Road, A/P 5-054-01,** a parcel split to create one new lot located within the R-1 Zoning district.

The applicant and her daughter Lyn, were present.

Ms. Wight presented the staff report.

Ms. Lyn Reavell stated that her mother wants to split the lot in the event it is necessary to sell for financial reasons. She questioned the procedure for splitting the lot. Ms. Chaney stated that the lot could not be split without authorization from MMWD that the applicant has water for the property.

Commissioner Yarish did not think they could get on the MMWD list for water without a tentative map.

Commissioner Hayes asked if the indemnity agreement has been reviewed with the Town Attorney. Ms. Chaney affirmed. Commissioner Hayes also wondered if the waterway on the second lot could ever be a concern with any future development. Ms. Wight did not feel there would be any future problems. She stated that during a storm perhaps the waterway will be full but there is no concern for flooding to occur. She also noted that the drainage will also be looked at closer during development of the lot during the building plan check process by the Town Engineer.

The consensus of the Commission was to approve the lot split with the conditions as stated in the staff report.

M/S Mihaly/Yarish, to approve SS-9201 - Elsie Irene Reavell, 4 Holstein Road, A/P 5-054-01, a parcel split to create one new lot located within the R-1 Zoning district. Approval of the two lot parcel split is based on the grounds that the creation of the second lot is consistent with the General Plan and the Zoning Ordinance of the Town of San Anselmo. The condition of approval is as follows:

1. Prior to map recordation, the applicant must either show evidence in writing that water is available to the proposed new parcel from either: a) the Marin Municipal Water District (MMWD); or b) an approved water system for domestic human consumption that has been inspected, approved, and has a well permit issued by the Town of San Anselmo and the County of Marin; and 2. If a well is to serve the proposed parcel, the applicant shall agree to abide by all conditions required by a Town of San Anselmo Water Well Ordinance upon adoption. 3. The applicant shall record an indemnity agreement simultaneously with the map recordation, agreeing to indemnify, defend, and hold harmless the Town of San Anselmo, its officers and employees, from any liability, including attorney fees and costs in connection with the creation of a new lot located at 222 The Alameda, the Parcel B portion of current A/P 5-054-01, in terms of water availability or lack thereof. Furthermore, that the

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applicant agrees to notify all prospective purchasers of the property in terms of the agreement which is binding on her heirs, successors, and assigns.

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

2. **AR-9006/V-9039 - Luis Huerto-Rojo, 16 Ivy Lane, A/P 7-064-55, 1) a 20' front yard variance and a 16'6" rear yard variance; and 2) Design Review Amendment to construct a new single family residence, on property located within the R-1 Zoning District (above 150 mean sea level).**

The applicant and Jef Petersen the owner, were present.

Ms. Washington presented the staff report. He also passed out a letter of opposition from the owner at 49 Canyon.

Mr. Rojo explained the changes from the original approved project as follows: The changes in design are because the approved design would require tremendous excavation. This revision reduces the size of the house by 150 square feet to 1,798 square feet. He wanted to build the house to conform to the slope of the lot and also wanted to create an easier turn-around for Fire Department access. He achieved this by turning the garage. The retaining wall will remain the same to allow for the minimum 40' wide right of way as required by the Fire Department. He has minimized the profile of the house as viewed by the uphill neighbor by moving it farther downhill. The storage space over the garage has slightly increased.

Mr. Magid, 49 Canyon, said that the Town Council changed the plan that was approved by the Planning Commission. The plans proposed tonight by the applicant look like those the Council rejected at a previous meeting. Originally there were over 30 neighbors that opposed the project and he did not understand why the Planning Commission is reviewing the project again. The Council was very clear that they wanted this house farther up the hill to eliminate visual impact. He was concerned that the larger storage unit could be turned into a second unit. With regard to staff's comments on visual massing, the Town Council rejected this placement of the house for this reason. Also, the Council approved a landscape plan and did not understand the comment by the applicant that the landscape plan now proposed was "similar". His attorney is inclined to believe that this project will necessitate an environmental review and that is not proposed by staff. The Council also approved certain exterior colors that were not previously approved by the Commission. The size of the proposed house is larger than any other house in the neighborhood even though it is 1,900 square feet. He said the Resolution included in the staff report that lists conditions is not accurate because they were modified on June 25, and therefore do not reflect the most current conditions. In summary, Mr. Magid felt that the design that was approved at the Town Council level is the design that should be built.

Jef Petersen did not think Mr. Magid would be happy with any proposal because it would invade his backyard. He did not think this redesign would be any more intrusive than that approved by the Council. This proposal would cut the construction time down and would only be a minimal impact on the neighbors.

Clay Freeberg, 10 Ivy Lane, said he has not had an opportunity to see this proposal but he is most concerned about the facade. It did look like addition landscaping has been added to provide increased privacy between his property and 16 Ivy Lane. He would like to see 15 gallon redwood trees planted and some Myoporum and additional ground cover.

There was a general discussion about what was approved at the Planning Commission and what was thought to be approved at the Town Council. Commissioner Mihaly suggested a continuance to allow staff time to gather together historical information regarding the approval by the Council. He was also confused as to why the application did not come back to the Commission from the Council if there was a major redesign. Commissioner Sias wondered what the Council's motivation was in moving the house up the hill. Commissioner Julin suggested that this project be returned to the Town Council. Commissioner Harle had no objection to having this go to the Council but if it does stay with the Commission he wanted the reasoning behind the Council's decision. Commissioner Julin felt that the Planning Commission put forth their best effort into the first project and then it was changed at the Council level. She did not like this proposal and therefore she feels the Council should review this revised project. Commissioner Hayes agreed with Julin that the project should be bumped up to the Council. He did not feel comfortable even discussing the project because he did not know what the Council approved. He also wanted the neighbors to have ample time to review this proposal.

Commissioner Yarish agreed with a continuance but wanted to provide comments to the applicant regarding his assessment of this proposal. He felt the size was reasonable but there seemed to be a tremendous vertical height which is too much for a neighborhood of such a small scale. He felt the house should be stepped back which would help reduce the visibility.

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Chairman Kroot commented that the project was appealed to the Council and revised by the Council. Since the Council did not direct the applicant to return to the Commission he wondered if it shouldn't still be with the Council. On the other hand, the function of the Planning Commission is to review projects and designs. He did feel that this design looked to be the best for the Freeberg residence because it will be less visible.

Commissioner Sias said if the application was to be reviewed by the Commission rather than the Council, he would have strong concerns regarding the massing.

M/S Mihaly/Sias, to continue AR-9006/V-9039 - Luis Huerto-Rojo, 16 Ivy Lane, A/P 7-064-55, 1) a 20' front yard variance and a 16'6" rear yard variance; and 2) Design Review Amendment to construct a new single family residence, on property located within the R-1 Zoning District (above 150 mean sea level). This is continued to the meeting of March 16, 1992 for the purpose of: 1) allow staff time to review the history of the project, including past minutes as well as consulting with Lisa Newman who was the Planning Consultant on the project. 2) Provide information comparing the previously approved plan with the new proposal to see the difference in the visual massing of the project, including the erection of story poles. 3) Present a color coded chart that shows the house at the present elevation versus past elevation. 4) If the project is moved farther uphill, what grading requirements would be necessary, and what would the trade-offs be. 5) Provide the Planning Commission a copy of the plans approved by the Town Council; and 6) Landscaping plan to be modified to increase screening to the north east elevation.

Commissioner Yarish encouraged dialogue with the neighbors.

All ayes.

3. V-9206/DR-9205 - Wm. Johnson, 100 Chipman Place, A/P 7-271-21, 1) a 16' front yard variance to construct a driveway and retaining wall; and 2) Design Review of a single family dwelling on property located within the R-1C Zoning District.

The applicant was present.

Mr. Washington presented the staff report noting that the neighbor at 90 Chipman Place had submitted a letter requesting the applicant to provide one more off street parking in the area of the proposed garage so as not to use the turn-around area. He also stated that although he used \$2,500 as an amount of a road bond, he felt it should be left up to the Town Engineer to set the exact amount.

Mr. Johnson said he did not think the garage could be brought down further to the house because of the engineering constraints. Also, the garage would be about the same level as the second floor. There are a number of trees that shield the house from below and did not think the house would be a detriment to anyone. The colors he chose would blend in with the terrain and seems to be appropriate for the area. The square footage proposed was approximately 3,700 and is in scale with the neighborhood. In fact the house at 130 Chipman is approximately 5,000 square feet. He is proposing a breezeway from the rear of the garage leading to the house. A concrete retaining wall will be built to hold up the driveway. He did not think is necessary to create another off street parking next to the garage because the area by the turn-around is also his property.

Commissioner Yarish felt the project was a good example of the best use of the terrain and therefore approved the variance. He concurred with the proposed design review and feels the project will be a minimum visual impact for the immediate neighbors as well as those that view it from afar.

Commissioner Julin concurred with Yarish and did not feel additional requirements on parking were necessary.

Commissioner Harle, Mihaly, and Sias also supported the proposal with Sias stating that he was not sure it was necessary to paint out the white columns because it provides articulation and Hayes stating that this design is similar in design as the house that burned.

Chairman Kroot had nothing further to add.

M/S Julin/Sias, to approve V-9206/DR-9205 - Wm. Johnson, 100 Chipman Place, A/P 7-271-21, 1) a 16' front yard variance to construct a driveway and retaining wall; and 2) Design Review of a single family dwelling on property located within the R-1C Zoning District. Approval is based on the following:

Design Review:

1. Is functionally and aesthetically compatible with the existing improvements and the natural elements in the surrounding area. This proposed dwelling will utilize exterior materials

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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 with neighboring structures. **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. The location of the house will not obscure visibility on Chipman Place nor will it inhibit the smooth flow of traffic to and from the neighboring properties. The installation of an on site garage should further alleviate parking problems that may be occurring in the turnaround 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 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-1C and a precise development plan is not required. **7. Adequacy of Screening.** The parcel is virtually hidden from the street and the proposed location of the house will not be visible. The mature trees that are throughout the property will be maintained with the exception of two trees. **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 pad already exists from the original house.

Variance.

1. Due to special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the controlling zoning ordinances 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 front access to this parcel is extremely narrow and steep and the existing walkway is not wide enough to accommodate a vehicle. This is an unusual characteristic unique to this parcel of land. Based on this reason staff can make the necessary findings to recommend support of the variance. **2. The granting of such 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 reconstruction of a single family residence on this property will not have any detrimental impacts on any of the immediate surrounding properties. This is a single family residence which is consistent with the adopted zoning guidelines for this district. **Conditions of approval are:** **1. That the request for design review be granted to construct a new single family residence, in accordance with the plans dated August 8, 1991.** **2. The applicant shall conform with all other procedures for plan review required by the Town of San Anselmo.** **3. The owner shall install a sprinkler system as per the satisfaction of the Ross Valley Fire Department Chief.** **4. That no trees be removed from the site, other than that shown on plans dated August 8, 1991.** **5. The applicant shall establish a cash surety in the amount determined by the Town Engineer for any necessary road maintenance that might result from the construction of this house.**

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

E. GENERAL DISCUSSION

Ms. Chaney stated that the owner of 203 San Anselmo Avenue is requesting a change in exterior colors. She stated that although she has the authority to approve the colors she wondered if the Commission had any comments on the proposed changes. The consensus was that they liked the color change.

Commissioner Hayes stated that the addition at 273 Butterfield Road was quite massive and was curious as to how the house could be so large without coming before a public hearing.

Commissioner Mihaly suggested a joint meeting with the Commission and Council to discuss the direction the Council would like to see for future land use.

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Commissioner Mihaly asked staff to review the current MMWD water permit process and how to get on the waiting list.

F. OPEN TIME FOR PUBLIC DISCUSSION

No one came forward to speak.

G. REPORT OF UPCOMING APPEALS TO TOWN COUNCIL

H. ADJOURNMENT

The regular meeting of the San Anselmo Planning Commission was adjourned at 10:45 p.m. to the next regular meeting on March 16, 1992.

BARBARA CHAMBERS