

**TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES OF JANUARY 27, 1992**

The regular meeting of the San Anselmo Planning Commission was convened at 8:00 p.m. in the Council Chamber by Chairman Kroot. Commissioners present: Julin, Harle, Yarish, Mihaly, with Hayes arriving at 8:15 p.m. Commissioners absent: Sias. Staff present: Planning Director Ann Chaney and Planning Consultant Delvin Washington.

B. CONSENT AGENDA

1. Minutes - December 16, 1991
2. Minutes - January 6, 1992
3. Reschedule Planning Commission Meetings of February 3 and 17 to February 10 and 24, 1992

M/C Julin, Yarish, to approve consent agenda. Motion carried with Commissioner Mihaly abstaining.

C. PUBLIC HEARINGS CONTINUED TO FEBRUARY 10, 1992

1. V-9148/DR-9121 - Paul Eveloff, 48 Alta Vista, A/P 6-231-19, 1) a 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).

D. PUBLIC HEARINGS

1. GPA-9101/Z-9101/ER/LLR-9101/U-9104/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 to conform with the General Plan redesignations described above (fronting Mariposa Avenue); 4) Lot line relocation to create two parcels from three existing parcels; 5) A use permit for a school use; and 6) design review to construct a new building (fronting Mariposa Avenue) to house current school activities

Jim McDonald, Architect, was present representing St. Anselms.

Chairman Kroot to abstain from this application.

Planning Director Chaney presented the staff report. She stated that she has just been informed that the applicant is also willing to plant additional landscaping along the front of the building. She also noted that the Rummage Rack will cease operation and the applicants have modified their plan so variances will not be required.

Mr. McDonald was in agreements with staff's comments and recommendations with the exception of the proposed design modifications. He felt that the design should be left up to the Architect. He stated that the large tree will remain as well as the curb cut. There will be a sliding gate that will allow parking in the school yard only during special occasions. There was a meeting with the neighbors and many of their concerns have been resolved. Mr. McDonald said that there will be three additional street trees planted along the frontage of the vacant lot and six additional trees fronting the gym. Two elm trees will be removed because they are not very healthy. A total of 14 street trees (15 gallons each) will be planted. The landscape plan also will include a drip irrigation system to maintain the landscaping. He disagreed with staff's recommendation on the type of ground cover between the trees. In order to maintain the area he felt stamped concrete would look nice and be easy to maintain. The Church now hires a grounds keeper once a week to maintain the area and they do not want to incur additional costs. With regard to architecture, he explained that they want to retain old character of the school. The type of windows chosen for the library are to allow for bookcases under the windows. He explained that with the closing of the Rummage Rack, the vacant parcel will in the future bring in additional income for the Church. He did not think a special zone of Preliminary Planned Development would be objectionable.

Commissioner Yarish suggested 24" box trees rather than 15" trees.

John Silvey, 50 Mariposa, felt that the Church has made significant improvement and he is relatively satisfied with the project. He was very pleased about the additional trees along Mariposa. He would like to see some ground cover between the trees rather than stamped concrete. He did not have an objection to the removal of the elm trees if 24" box trees could be planted. He did not have strong feelings about staff's recommendation about the exterior changes to the building.

Jerome Bowman, 44 Mariposa, was happy about the over all changes to the project. He would prefer ground cover between the street trees and was happy that two elm trees would remain. With regard to the driveway on Mariposa, he would like to see it one way with an exit on Belle Avenue. He would like to see a wood fence around the vacant lot. He would prefer evergreen trees for the street trees, perhaps magnolia. With regard to architecture, he wanted some ornate plaster on the addition, similar to that on the old building with rounded windows that would soften.

Dennis Runyan, 45 Belle, wanted to know if this addition is required because of an increased student body? He would like to see passenger loading and unloading zones for the children. Many parents currently park in front of his house. He said the neighbors were given assurance several months ago that the landscaping would be maintained and it has not therefore he is skeptical. He also felt that the annual carnival was too noisy an event to be held in a residential neighborhood.

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Odile Steel, Principal, St. Anselms, said that currently the population is 217 children and that there will be no more than 240 students maximum. The only additional faculty hire will be a part-time computer instructor. She said that she has met with Police Chief Del Santo regarding loading and unloading and they have designated four different locations - 1 on Belle by the playground, 2 on Mariposa and 1 on Richmond.

George Wagner, parent, stated that he has four children in the school. He concurred that landscaping would be a good idea but that there is a drought.

Jan O'Conner, 44 Medway, noted that most of the cars on Belle Avenue belong to the Post Office employees. She favored the project and hoped the Planning Commission would grant approval.

Mr. McDonald said they have agreed to build a wood fence around the vacant parcel.

Commissioner Julin approved of all the changes by the applicant and did not feel strongly about the architectural changes as recommended by staff.

Commissioner Harle felt that staff's suggestions are good but he also liked the design as presented by the Architect. The grouping of the windows gives symmetry and did not think the size of the library windows should be increased. He supported the use of a hard surface between the trees especially if it will be one of the loading areas.

Commissioner Yarish felt the design was handsome and did not think there was a need to include staff's suggestions. He felt C-3 with a zoning overlay of PPD would be ok for the vacant lot. He would like to see 24" box trees with stamped concrete in between rather than the ground cover. He felt an irrigation plan and on-going maintenance was important.

Mr. McDonald had no objection to changing to evergreen trees from deciduous trees but he felt the cost of 24" box trees were considerably more expensive. He said there are different schools of thought regarding planting the different sizes. Some say the smaller trees have more of a success rate than the larger ones.

Commissioner Hayes preferred the 24" trees with the stamped concrete. He felt the school was an asset to the community but felt that a cap should be placed on the number of children. He looked to the principal for guidance on what a reasonable number would be. Ms. Steel said the maximum would be approximately 30 children per classroom and therefore a maximum of 270 students for the school.

Commissioner Mihaly supported the application with a cap of 270 students for the student body. He supported the proposed irrigation plan with 24" box evergreen trees with the applicant to work with staff on the species. He supported the architectural design as presented by the applicant with the exception of the cyclone fence. He felt that stamped concrete and the cyclone was very institutional looking and would vote no on the design. He felt the vacant lot was a perfect housing opportunity site and the Town would be hard pressed to pass this by. He felt it should be zoned mixed use or a housing site.

Mr. McDonald thought that perhaps wrought iron could be substituted but would be willing to work with staff on the fencing and surface between the trees.

M/S Yarish/Julin to approve the Negative Declaration for 40 Belle Avenue subject to the following mitigation measures: 1) Any portion of the proposed new construction within the 100-year flood plan must comply with San Anselmo Flood Ordinance requirements and Federal flood regulations. 2) Prior to a Certificate of Occupancy, the applicant's engineer must complete an elevation Certification form, to be verified by the Town Building Inspector, certifying that the building is above the expected 100 year flood elevation.

Ayes: Mihaly, Yarish, Hayes, Harle, Julin
Abstain: Kroot

M/S Yarish/Harle to approve GPA-9101/Z-9101/ER/LLR-9101/U-9104/DR-9110 - Jim McDonald, 40 Belle, A/P 7-301-05, 7-301-16 and 7-301-17, 1) 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); 2) Rezoning of a portion of the property to conform with the General Plan redesignations described above (fronting Mariposa Avenue); 3) Lot line relocation to create two parcels from three existing parcels; 4) A use permit for a school use; and 6) design review to construct a new building (fronting Mariposa Avenue) to house current school activities. Approval is based on the following.

General Plan Amendment

Under Section 65454 of the State Planning and Zoning Law, no specific plan may be adopted or amended unless the proposed plan or amendment is consistent with the general plan. The overall amount of General Commercial land to be converted to Single Family Residential land totals 8,000 square feet. The amount of Single Family Residential land to be converted to General Commercial land is 1,200 square feet and is located in a part of the property away from the street frontage and less intense residential land uses. Thus it is determined that this amendment is consistent with the intent of the General Plan. Relative to Housing Element Policy 1.5, Displacement of Residential Units, it is found that the construction of an educational facility, namely a kindergarten and library, is a clear public benefit to the children of this community and that, in this case, its construction offsets the loss of two rental housing units.

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Zoning Map Amendment

The Ordinance Amendment in its entirety is in compliance with all provisions of the Town of San Anselmo General Plan. In order to an amendment to the Zoning Map to be approved for this property, an amendment must first be approved for the General Plan. any zone change can only be in compliance with the General Plan. The area to be rezoned from R-1 to C-3 is 1,200 square and is needed to widen a 50 foot parcel to 70 feet. The amount of land being rezoned from C-3 to R-1 is 8,000 square feet. Therefore, there will be a reduction in the overall zone intensity for this area. In addition, with the inclusion of a Preliminary Planned Development District overlaying the C-3 zoned property, future development may be reviewed for consistency with Town policies.

Lot Line Relocation

Under Section 10-2.710, the Planning Director is authorized to approve lot line relocations which meet the following requirements: 1) Do not create an additional lot in any zone; 2) Do not reduce the area of any lot in any zone, as defined in Chapter 3 of this title relating to zoning, by more than thirty (30%) percent or more than ten (10%) percent below the average area of similarly zoned lots within 300 feet thereof; 3) Do not cut off any lot from frontage on a public street or alley or access to a public utility easement; and 4) Do not cut off any lot from any utility service available prior to the lot line relocation. The proposal for a lot line relocation does not conflict with any of the requirements stated above.

Use Permit

The establishment, maintenance, or operation of the use will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of the proposed use, or be detrimental or injurious to property or improvements in the neighborhood or the general welfare of the Town. St. Anselm School has existed in this location since 1924. During that time, the operation and maintenance of the school has not been detrimental or injurious to the surrounding neighborhood or the Town.

Design Review

1. Is functionally and aesthetically compatible with the existing improvements and natural elements in the surrounding area; The building will be similar to and compatible with the school building built around 1924 which establishes the architectural theme of St. Anselm School. 2. Provides for protection against noise, odor, and other factors which may make the environment less desirable. This building and school use will not cause any detrimental impacts on the neighboring properties. 3. Will not tend to cause the surrounding area to depreciate materially in appearance or value or otherwise discourage occupancy, investment, or other development in such area. The design of the building will not create any adverse impacts that would cause the neighboring properties to diminish in value. 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. During special events, the play ground area is used. Retention of the driveway along Mariposa Avenue will provide an alternative to the Richmond Road access. Driveway and backout areas are of sufficient width for emergency vehicles and personnel to respond in the case of an emergency. 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. 6. Conformance to the approved precise development plans. This property is located in the R-1 zone and a precise development plan is not required. 7. Adequacy of Screening; Landscaping will be provided along the front and side of the building. A twelve (12) foot wide landscape area will be provided along Mariposa which will soften the building. 8. selection of architectural features that enable the structure to blend with its environment. The proposed building will be of stucco and painted to match the 1924 building which sets the architectural style of St. Anselm School. Windows will be recessed and painted similar to the older building to further carry out this architectural theme. **Conditions of approval are: 1. General Plan Amendment to revise land use designations on the General Plan map per Exhibit "C" of GPA-9101/Z-9101. 2. Zoning Amendment to rezone land consistent with the General Plan per Exhibit "C" of GPA-9101/Z9101, including placement of a Preliminary Planned Development District over the C-3 zoned parcel. 3. Lot Line Adjustment per Sheet 4 of plans dated January 17, 1992 for St. Anselm's. 4. Use Permit for a school use with a maximum enrollment of 270 students. 5. Design Review for the new building to be constructed per Sheets 3 and 6 of site and elevation plans dated January 17, 1992 for St. Anselm's. Colors shall match the existing 1924 building and be those as shown on the color board. 6. Planting Plan per Sheet 7 of plans dated January 17, 1992 and per the amended plan presented at the January 27, 1992 Planning Commission meeting. The Tulip trees shall be 24" box trees. 7. An Irrigation and Maintenance Plan with drip irrigation shall be submitted at the time of Building Permit submittal. The landscaping shall be properly maintained. 8. Wrought Iron fencing shall be installed in lieu of the cyclone fence on either side of the new building.**

Ayes: Julin/Yarish/Mihaly/Hayes/Harle
Abstain: Kroot

Motion carried. Audience advised that the General Plan Amendment, Zoning Amendment and Negative Declaration will still necessitate action by the Town Council. There is also a 10 day appeal period for the Lot Line Adjustment, Use Permit, and Design Review. Also, the Lot Line Adjustment is contingent upon the General Plan and Rezoning action by the Council, otherwise split zoning would occur on the parcel.

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2. **V-9202 - Lynne Carmichael, 416 Greenfield, A/P 6-213-05, a 4' side yard variance to add a bathroom on property located within the R-1 Zoning District.**

The applicant was present with her contractor, Jack Mosher.

Planning Consultant Delvin Washington presented the staff report.

Ms. Carmichael felt that she would be unable to place the addition elsewhere on the lot because the adjacent neighbor has windows in the rear of the property which would take away from their privacy. She also felt that because the lot is narrow it is difficult to place the addition in any other location.

Jack Mosher felt it would be difficult to conform to the required setbacks because of the narrowness of the lot, because of the interior circulation, and they want to maintain the integrity of the structure and continue the lines of the house.

Commissioner Harle supported the proposal because the placement of the house on a small lot and the logic of the interior traffic pattern in the house and utilization of the house makes this the logical place for the addition. Also the 4' side yard setback is grandfathered in.

Commissioner Mihaly had trouble making the findings because the lot was common and the addition could be built elsewhere on the lot to conform to the setbacks.

Commissioner Yarish supported the variance because it was the most logical place for the addition to preserve sun, the existing house already had a 4 foot side yard setback, the addition will have no visual adverse impacts from the street or neighbors because of the tree.

Commissioner's Hayes, Julin and Chairman Kroot had nothing further to add.

M/S Harle/Julin, to approve V-9202 - Lynne Carmichael, 416 Greenfield, A/P 6-213-05, a 4' side yard variance to add a bathroom on property located within the R-1 Zoning District. Approval is granted for the following reasons:

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 placement of the old building was built under the old zoning regulations and therefore a side yard set back of 4 feet has been established and the extension is therefore precedented. Also, the interior of the house is such that the addition is the most logical place for interior circulation and it would be illogical to build the addition elsewhere. 2. The granting of the variance, under the circumstances of the particular case, will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the property or the applicant and will not be detrimental to the public welfare or injurious to property or improvements in such neighborhood. The addition is not adjacent to neighboring structures and extends further back and does not adversely affect the neighbors and also adds to privacy because there are not windows.

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

3. **V-9203/DR-9203 - William Ward for Nigel Oriental Imports, 210/216 Greenfield, A/P 6-173-04, for 1) an 11 space parking variance (from 13 to 2 spaces); and 2) design review to add a 1,500 square foot showroom area onto the existing furniture store and remodel the exterior facade and sign for property located within a C-3 Zoning District.**

Doug Anawalt, Architect for the applicant, was present.

Planning Director Chaney presented the staff report. She also stated that Mr. Froman, owner of Bravermans, did not oppose the project but is still concerned about the traffic congestion on Greenfield.

Mr. Anawalt explained the proposal for the addition and provided a sample of the natural stucco.

Joyce Brown, owner of Elan Fitness Center, did not oppose the project. She did however want to set the record straight that she did not feel Elans was the sole contributor of the traffic congestion. She has 375 members and she is open 15 1/2 hours per day. Living Foods also has a large clientele and contributes to the traffic congestion.

Bob and Jan Wisner, 80 West Hillside Avenue, were not opposed to Niegels but felt that traffic all along Greenfield was a real problem.

Commissioner Mihaly supported the proposal but felt the whole issue of traffic should be addressed along Greenfield.

Commissioner Yarish concurred with Mihaly and added that he still favored of an assessment to the Businesses that require a parking variance.

Commissioners Hayes, Harle, Julin and Kroot also supported the proposal.

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M/S Julin, Yarish to approve V-9203/DR-9203 - William Ward for Nigel Oriental Imports, 210/216 Greenfield, A/P 6-173-04, for 1) an 11 space parking variance (from 13 to 2 spaces); and 2) design review to add a 1,500 square foot showroom area onto the existing furniture store and remodel the exterior facade and sign for property located within a C-3 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 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.

From a topographic standpoint, the rear of the lot is steeply sloped and does not lend itself to either building or parking lot construction. The size and shape of the property is not necessarily unique, however, in considering a parking variance, it is important to consider the type of use proposed.

Except for the morning and late afternoon, ample parking exists. Because Nigels is a specialized furniture store, typically has no more than two employees, has on an average 6-10 customers per day, does not open until 10:00 a.m., will be adding two on-site parking spaces, staff supports a parking variance even though the morning parking demand is extremely heavy. A concern however, is that the building might be sold to another, more intense use. Therefore, staff recommends that the parking variance be granted only for Nigels and that any new owner obtain an administrative use permit so that potential parking impacts may be reviewed by staff.

2. The granting of the variance, under the circumstances of the particular case, will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the property or the applicant and will not be detrimental to the public welfare or injurious to property or improvements in such neighborhood.

A parking variance for Nigels Oriental Imports will not have a detrimental effect on the neighboring uses subject to specific conditions. **Conditions of approval are: 1. That the plans be constructed per elevation and site plans dated September 17, 1991 and received by the Town October 22, 1991. 2. That employees be required to park along Red Hill Avenue. 3. That any new tenant (i.e., other than Nigels) be required to obtain a Use Permit, that may be reviewed administratively by staff, but may be referred to the Planning Commission, in order to evaluate potential increased parking.**

Design Review

1. Is functionally and aesthetically compatible with the existing improvements and the natural elements in the surrounding area. The proposed addition is similar in character with other buildings along Greenfield Avenue which tend to be of a modern design. Thus the addition will be functionally and aesthetically compatible with existing improvements. 2. 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 a furniture store use will be consistent with current activities occurring in this neighborhood. 3. Will not tend to cause the surrounding area to depreciate materially in appearance or value or otherwise discourage occupancy. The addition of this showroom expansion will not cause the depreciation of property values in the surrounding area. The exterior improvements will in fact be an improvement in that the rather unsightly old metal building will be removed. 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. Because Nigels specializes in oriental rosewood furniture, it typically does not cater to the masses but rather a segment of the community. consequently, it is not anticipated that this expansion will result in a significant increase in clientele and traffic. Thus this particular use is not expected to create unnecessary traffic hazards or distraction. 5. Will not adversely affect the health or safety of persons using the improvement or endanger property located in the surrounding area. The proposed expansion will conform with all established codes for building associated with the construction of a commercial building. 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 C-3 and precise development plans is not required. 7. Adequacy of Screening. One tree is shown on the site plans which will help to soften the building. No trees are located in front of other buildings in this area as the buildings sit on the front property line. 8. Selection of architectural features that enable the structure to blend with its environment. The use of a cast concrete stone (light gray tone), stucco and glass creates a modern architectural design similar to the surrounding buildings. Thus the expansion will blend with the surrounding environment.

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

E. GENERAL DISCUSSION

Planning Director Chaney reminded the Commission about the joint meeting with the Council on Thursday, January 30, 1992.

F. REPORT OF UPCOMING APPEALS TO TOWN COUNCIL

G. ADJOURNMENT TO THE SPECIAL MEETING OF FEBRUARY 10, 1992

The regular meeting of the Planning Commission was adjourned to the special meeting of February 10, 1992.

BARBARA CHAMBERS