

**TOWN OF SAN ANSELMO  
PLANNING COMMISSION MEETING OF FEBRUARY 1, 1993**

The regular meeting of the Planning Commission was convened at 8:00 p.m. by Chairman Mihaly in the Council Chamber. Staff present: Planning Director Ann Chaney, and Planning Consultant Delvin Washington.

**A. CALL TO ORDER**

Commissioner's present: Julin, Harle, Israel, Sias, Mihaly  
Commissioner's absent: Kroot, Hayes

**B. CONSENT**

1. **Minutes - January 19, 1993**
2. **SR-9301 - Tom Ayers, 805-C Sir Francis Drake Blvd, A/P 6-082-14**, sign review to install a new sign for a proposed dry cleaning establishment, on property located within the CL (Commercial Limited) Zoning District.
3. **DR-9302 - David Donati, 18 Crest Road, A/P 6-221-20**, design review to remodel an existing carport into a 3-car garage with an art studio above the garage, and construct a new parking deck on property located within the R-1 Zoning District.
4. **U-9302 - Golden Gate Computer Society, 100 Shaw Drive, A/P 6-061-14**, a use permit to allow the teaching of software and hardware computer classes at Red Hill School, on property located within the R-1 Zoning District.
5. **V-9305/DR-9303 - Randy and Ana Maria Arena, 9 Summit Road, A/P 7-031-43,1)** a 20' front yard variance to construct a 2 car garage within 0' of the front property line; 2) design review of a 440 square foot garage and a 1,490 square foot two story addition and unheated greenhouse, on property located within the R-1 Zoning District (above 150' mean sea level).

**Commissioner Sias asked to abstain from the Consent Agenda because of Item B4. and his position on the Ross Valley School District Board. He noted that although he was abstaining he had no objection to the rest of the consent.**

M/S Julin/Harle; to approve consent agenda with the following conditions:

**3B: 18 Crest Avenue:** 1. That the structure be built per plans date stamped received by the Town on November 12, 1992. 2. That the garage and studio addition match the materials and color of the existing house. 3. That no heritage trees be removed from the site per plans date stamped received by the Town on November 12, 1992. Heritage trees have a trunk size of 75" in circumference when measured 24" above the ground. 4. That a single family deed restriction be recorded prior to the issuance of an occupancy permit to help ensure that future owners do not unknowingly convert the art studio to a second unit. 5. That if this development which has received discretionary approval has not begun within one year from the date of the final action, the permit shall become null and void. However, this discretionary action may be renewed by the Planning Department for a maximum period of one (1) year provided the applicant places such request in writing to the Director prior to the expiration of the discretionary action.

**5B: 9 Summit Road:**1. The Public Works Director shall review the condition of the existing culvert in the location of the proposed driveway and determine whether drainage improvements will be required. Any such improvements will be the responsibility of the property owner.

Ayes: Harle, Israel, Julin, Mihaly

Abstain: Sias

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

**C. PUBLIC HEARINGS - CONTINUED**

1. **DR-9301 - James Cressa, 566 Scenic Avenue, A/P 7-061-23**, a design review request to construct a 475 square foot second story addition and a 250 square foot deck to an existing 1,200 square foot residence. Project also includes a 20' long retaining wall, on property located within the R-1 Zoning District (above 150' mean sea level elevation). **CONTINUED TO THE MEETING OF FEBRUARY 16, 1993**
2. **V-9243 - Harry J. LeVine, 405 Scenic Avenue, A/P 7-032-02**, 1) a parking variance for the property to remain without on-site parking; 2) a 5' rear yard variance to reconstruct an uncovered deck within 9' of the rear property line;

**TOWN OF SAN ANSELMO  
PLANNING COMMISSION MEETING OF FEBRUARY 1, 1993**

and 3) a 8'4" front yard variance to reconstruct an uncovered deck within 5'8" of the front property line, on property located within the R-1 Zoning District  
**CONTINUED TO THE MEETING OF FEBRUARY 16, 1993**

3. **U-9301 - Bill Johnson, 100 Chipman Place, A/P 7-271-21, a request to re-establish a second unit on property that was recently approved for a single family residence. The second unit will be located in an existing accessory structure. This property is located within the R-1C Zoning District. **CONTINUED TO THE MEETING OF FEBRUARY 16, 1993****
4. **V-9244 - Lenore Mathews, 72 Foothill, A/P 7-033-12, a 17' front yard variance and an 8' side yard variance for an addition and a 2 car garage, within 3' of the front property line and 0' of the side property, on property located within the R-1 Zoning District. **CONTINUED TO THE MEETING OF FEBRUARY 16, 1993****
5. **V-9304 - Frank Godlno, 203 Floribel Avenue, A/P 7-081-55, a 20' front yard variance to enclose a portion of a front porch within 0' of the front property line, on property located within the R-1 Zoning District. **CONTINUED TO THE MEETING OF February 16, 1993****
6. **PS-9201 - Tony Richards for Viking Leon, Between Forest Avenue and Vista Lane, south of Landsdale Station Park, A/P Nos. 7-021-07, 7-021-23, and 7-021-24, 1) environmental review; 2) parcel split to legalize the 1954 creation of three separate building sites, each of which is currently undeveloped. **CONTINUED TO THE MEETING OF MARCH 1, 1993****
7. **V-9240/DR-9218 - Tony Richards for Viking Leon, 5 Vista Lane, A/P 7-021-24, 1) design review of a single family dwelling; 2) a 17' frontyard variance to construct a dwelling within 3' of the front property line; 3) a 3' rearyard variance to construct bay windows within 17' of the rear property line; 4) a 20' frontyard variance for driveway retaining walls to be within 0' of the front property line; and 5) a 13' frontyard variance to construct an uncovered deck within 1' of the front property line. **CONTINUED TO THE MEETING OF MARCH 1, 1993****
8. **Zoning Ordinance Clarification - Request for clarification regarding the design review requirement for additions or new construction greater than 500 square feet, when it involves replacement of existing structures. **CONTINUED TO THE MEETING OF MARCH 1, 1993****

**D. PUBLIC HEARINGS**

1. **V-9241 - Bernie Arreaga, 31 Carlson Court, A/P 5-062-35, a 15'7" variance to construct a 6' retaining wall within 4'3" of the front property line, on property located within the R-1 Zoning District.**

The applicant was not present.

Mr. Washington presented the staff report.

Ms. Chaney explained the situation regarding Mr. Arriaga's status. He has been notified of the denial and had no objection because he intends to build his wall lower than 30". Ms. Chaney stated that he has actually started construction on this wall. She presented photographs of the construction. She stated that Mr. Arriaga interpreted the Commission's action as approval to construct the wall without a permit and therefore started the project.

M/S Harle/Julin, to deny **V-9241 - Bernie Arreaga, 31 Carlson Court, A/P 5-062-35, a 15'7" variance to construct a 6' retaining wall within 4'3" of the front property line, on property located within the R-1 Zoning District.** 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. There are no special circumstances associated with this request that would warrant the applicant being granted a variance to construct this retaining wall. The property currently meets all of the development standards for this zone particularly parking. If this request were allowed it would appear as a special privilege. 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.

Ayes: Harle, Israel, Julin, Mihaly,

**TOWN OF SAN ANSELMO  
PLANNING COMMISSION MEETING OF FEBRUARY 1, 1993**

Abstain: Sias

Chairman Mihaly stated that he has observed that the construction looks to be approximately 36" in height. Ms. Chaney stated that she will submit that information to the Building Department.

Three citizens arrived. Two were interested in 9 Summit and one for 18 Crest. The individuals were given staff reports and Chairman Mihaly advised them that these items had been approved by consent but that there was a ten day appeal period on these items.

As an aside to Staff, Chairman Mihaly stated that it might be beneficial to write a statement on the preliminary agenda that indicates at the time of the final agenda the order of the items might change.

**2. V-9303 - Thomas Rosskoff, 20 Canyon Road, A/P 7-062-06 - an 18' front yard variance and a 8' side yard variance to construct a 10' retaining wall that will serve as a platform to park 3 vehicles on property located within the R-1 Zoning District (above 150' mean sea level).**

The applicant was present.

Mr. Washington presented the staff report and handed out an additional map of the property.

Commissioner Mihaly asked for clarification on the drawings.

Mr. Rosskoff presented a rendering, along with photographs of the street scape. Mr. Washington explained the location of the retaining wall using the rendering prepared by the applicant.

Commissioner Israel wanted clarification on the wall height. He did not understand why there was a need for two, 8' walls rather than one wall, which would be set back from the street. He said that the slope did not seem so steep as to require two stepped back walls.

Ms. Chaney stated that the retaining wall could have been done administratively but because of the narrowness of Canyon Road, and the fact that it would take all of the front yard, she felt that this should require a public hearing.

Mr. Rosskoff stated that he has talked to his neighbors about the project and all have signed a petition of support except for one neighbor. He had an objection to a 10' wall but now that the wall will be reduced, the neighbor is in support of the project. Mr. Rosskoff said that he wants three parking spaces instead of two. He understands that it is a very narrow street and could be very hazardous to park on the street.

Hermine Rosokoff did not think the wall would be too imposing and vines will be planted over the wall to screen. Also, she stated that the plans as proposed would allow vehicles to turn around and exit to the street safely.

Commissioner Israel asked if the applicant has considered the traditional up slope idea. He stated that the turn around might be difficult under the present plan. He also wondered if the applicant would consider planting over the top of the wall to screen the wall.

Mr. Rosskoff said he would like to plant a vine over his wall, the same as his neighbor uphill.

Commissioner Harle did not think the Commission should design an applicants project. He did note that the street was very narrow and wondered about access to the driveway. Commissioner Israel stated that his suggestion would actually make it easier to access than what the applicant has proposed.

Mr. Rosskoff understood what Commissioner Israel was suggesting and in fact, some of his neighbors do have that but he did not think the proposal worked very well.

Commissioner Sias asked what the required radius is for access to the driveway. Mr. Washington stated that the applicant's proposal is adequate.

Commissioner Israel stated that he was raising the alternative design because the wall would be so close to the street.

Mr. Rosskoff did not want to go with the design as proposed by Commissioner Israel because of the slope of the hill. The second wall is about 31' from the street. The whole pad could be reduced but that would mean the rear wall would be taller. He stated that he was calculating for a level parking space. He really was interested in a level pad.

Commissioner Sias was not persuaded that three parking spaces are necessary. The proposal by the Planning Department sounded reasonable. With regard to the stepped up wall, he felt it

**TOWN OF SAN ANSELMO  
PLANNING COMMISSION MEETING OF FEBRUARY 1, 1993**

would be more attractive than one large wall. He thought that this might be the lesser of two evils to get parking on-site. The walls could be softened by plants, and reduced to two cars.

Commissioner Harle supported the application as proposed with recommendations in the staff report. If the parking was reduced to two cars, it will put one car on the street.

Commissioner Israel said he likes the idea of taking the back end of the cars out of sight. He supports Sias's comments about reducing the impact by having two walls although he felt somewhat badly about paving so much of the front lot. He understands that it could be trellised over and would look no higher than that of a garage. He had mixed feelings on this project.

Commissioner Julin support the application as presented. The objection to the third space was from the spectrum of a recreational vehicles but the Town does not have control of that. This area is very secluded and would not really be detrimental to very people. She felt the applicant was actually providing a benefit to the Town by creating three off-street parking spaces. Given that, perhaps the Town can give a little in return. The trellis is okay in that it will conceal the vehicles. She would like to see reconsideration of the redwoods because they have very shallow root systems.

Chairman Mihaly supported the application with some trepidation. He was inclined to agree with Commissioner Sias about the two walls. He felt the third parking was an advantage in this case. He said he wanted the trellis cut back and the planting to come down in both walls.

M/S Harle/Julin, to approve **V-9303 - Thomas Rosskoff, 20 Canyon Road, A/P 7-062-06** - an 18' front yard variance and a 8' side yard variance to construct a 10' retaining wall that will serve as a platform to park 3 vehicles on property located within the R-1 Zoning District (above 150' mean sea level). 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. This property has a severe up-slope and it is infeasible to develop off-street parking that can conform with all of the existing established setback in this area. All of the neighboring properties that have off-street parking have it located within the front setback. 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. This variance would allow one additional house on this street to have off-street parking. This will take additional vehicles off the street and allow for better access for emergency vehicles. Therefore, the granting of this variance will not result in any detrimental impact on the neighborhood but should work to create a safer more accessible area. Conditions of Approval: 1. That the applicant shall obtain all necessary development permits and conform with all adopted standards of the Building and Public Works Department. 2. The applicant shall submit a final landscape plan to be reviewed and approved by the Planning Director in the event revisions are made on the submitted plan.

Commissioner's Sias and Israel were persuaded by the comments of their colleagues.

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

**E. GENERAL DISCUSSION**

Ms. Chaney presented the approved resolution to the commission for informational purposes only.

The Bald Hill Meeting will be heard on March 4, 1992

Commissioner Harle will not be present for 2/16/93. Chairman Mihaly stated that he is not sure that he will present at that meeting but will let staff know as soon as possible.

**F. OPEN TIME FOR PUBLIC DISCUSSION**

A citizen asked about the consent items. She was told that the consent items are always at the beginning of the Public Hearing. Chairman Mihaly stated that she could talk to staff after the meeting regarding the outcome of the item she was interested in.

Another resident stated that she was not given a notice. Staff suggested that the resident give her name and address to staff and it will go into the files for future noticing.

**G. REPORT OF UPCOMING APPEALS TO TOWN COUNCIL**

Ms. Chaney noted the following upcoming appeals to the Town Council: 22 Magnolia, 41

**TOWN OF SAN ANSELMO  
PLANNING COMMISSION MEETING OF FEBRUARY 1, 1993**

Hillcrest and 1 South Oak

**H. ADJOURNMENT TO THE MEETING OF FEBRUARY 16, 1993**

The Planning Commission was adjourned at 9:45 p.m. to the special meeting of February 16, 1993.

**BARBARA CHAMBERS**