

**TOWN OF SAN ANSELMO  
PLANNING COMMISSION MINUTES FOR THE MEETING OF DECEMBER 20, 1993**

The regular meeting of the San Anselmo Planning Commission was convened at 8:00 p.m. by Chairman Mihaly. Staff present was Planning Director Ann Chaney, Associate Planner Lisa Wight, and Consultant Planner Delvin Washington.

**A. CALL TO ORDER**

**Commissioner's Present:** Harle, Israel, Sias, Mihaly  
**Commissioner's Absent:** Julin, Hayes

**B. CONSENT**

1. Minutes - December 6, 1993  
M/S Sias/Israel to approve consent agenda.  
Ayes: Harle, Sias, Israel,  
Abstain: Mihaly  
Motion carried.

**C. PUBLIC HEARINGS - WITHDRAWN**

1. V-9335/DR-9322/U-9308/LLA-9303/ER - Jiffy Lube, 100 Sir Francis Drake Blvd., A/P 6-241-01, 1) request for design review for a new building; 2) use permit to allow an auto lube facility; 3) parking variance (7 spaces are required and 1 is provided); 4) Lot Line Adjustment; 5) Environmental Review to construct a Jiffy Lube business on property located within the C-3 Zoning District. The plan also calls for the removal of 1 mature Bay tree.

**D. PUBLIC HEARINGS - CONTINUED**

1. Town of San Anselmo - Proposed Ordinance Amendment to limit fence heights within the front yard and street side yard setback to 3'6" where 6 feet is currently allowed. **CONTINUED TO THE MEETING OF JANUARY 10, 1994**
2. DR-9314 - Andrea Moyer of 43 Tomahawk Drive, A/P 177-250-60, a design review request to paint the exterior of the house with an alternative color that does not conform to the approved color palette for homes on Quarry Mountain, on property located within the R-1-H Zoning District. **CONTINUED TO THE MEETING OF JANUARY 10, 1994**

Commissioner Hayes arrived at 8:05 p.m.

**E. OPEN TIME FOR PUBLIC DISCUSSION**

Dorthea Shaw, 48 Raymond Avenue, lives next door to people who are building an extension to their homes. She was never advised of the process, although the addition is 600 square feet. This addition is blocking out the light and is large enough to create a negatively impact her. She wished also that her neighbors had notified her about their plans. Ms. Chaney stated that if a project meets all the zoning requirements no public notice is required. She stated that she will verify as to whether the project falls into this category. Chairman Mihaly stated that the Commission was interested in pursuing design review in the flatlands. Commissioner Israel suggested that she write the Town Council about her concerns so that changes can be made.

**F. PUBLIC HEARINGS**

1. V-9328/DR-9320 - Edmund Coyne, 25 Canyon Road, A/P 7-064-14, a design review and variance to construct a new single family residence 11'0" from the front property line (20' required), and 4' from the west side property line (8' required), and to remove three (3) redwood trees having trunk sizes of 24", 24" and 26" in diameter, on property located within the R-1 Zoning District (Above 150' mean sea level).

Luis Huerto Rojo, Architect and Mohamad Salem, Soils Engineer, were present to represent the applicant.

Ms. Chaney stated that a phone call and letter was received from a neighbor requesting a continuance. By a show of hands, there were a considerable number of persons in the audience to testify.

Nelly Dolinsek, 37 Canyon Road, said she is the next door neighbor of 25 Canyon and has a building permit application in to the Town to reconstruct her home. She has recently received information from her soils engineer that points out Mr. Coyne's grading plan has changed and the driveway has been moved which will impact the access to her property. She would like time to have her attorney engage in a discussion with Mr. Coyne regarding the prescriptive easement use and they have been

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unable to meet to discuss this issue. Therefore, she is seeking a continuance to allow for adequate time to have the parties discuss the issue.

Mr. Washington stated that staff has just discovered information that Ms. Dolinsek has a prescriptive easement through 25 Canyon which was not shown on the original site plan. Ms. Chaney thought it might be best to resolve the issue prior to hearing the item.

Mr. Huerto Rojo stated that the driveway is a dirt road and was not sure there is a prescriptive easement. Also, the owner of 37 Canyon is proposing a new residence, and he submitted a proposal by 37 Canyon that indicates the driveway proposal is far away from 25 Canyon.

Commissioner Sias asked how the prescriptive easement could be verified. Ms. Chaney stated that it probably should be cleared up by the two property owners. Mr. Washington stated that the issue should be resolved prior to continuing the discussion. He would like to see this worked out with the two owners.

Mr. Howes stated that the slope stability has been done.

Mr. Huerto Rojo stated that they have provided all the information necessary to proceed with the hearing, so if there is a continuance it would be up to Ms. Dolinsek to specify a date that would be convenient.

Ms. Chaney stated that staff would prefer the meeting of January 24th so all the parties will have had an opportunity to talk.

Ms. Dolinsek stated for the record that she has not asserted that the driveway has a prescriptive easement.

M/S Sias/Hayes, to continue **V-9328/DR-9320 - Edmund Coyne, 25 Canyon Road**, A/P 7-064-14, a design review and variance to construct a new single family residence 11'0" from the front property line (20' required), and 4' from the west side property line (8' required), and to remove three (3) redwood trees having trunk sizes of 24", 24" and 26" in diameter, on property located within the R-1 Zoning District (Above 150' mean sea level). This is continued to the meeting of January 24, 1994 to give the applicant the opportunity to discuss access to both properties.

Motion unanimously passed.

2. **V-9336/ER/PDP-9301/Z-9303 - North Bay Rehabilitation Services, 27 Mariposa Avenue**, A/P 7-301-05 (vacant lot adjacent to Saint Anselm's School yard), 1) Rezoning from PPD C-3 (Preliminary Planned Development with a presumptive use of General Commercial) to SPD R-3 (Specific Planned Development for 14 apartment units to be rented to low income, developmentally disabled adults). Due to the fact that these apartment units will be rented to low income adults, the applicants are requesting a density bonus in line with the provisions of the Planning and Zoning Law of the State of California to permit 14 units, rather than the 5 maximum that would currently be allowed in the Town's R-3 zoning district; 2) Design Review of a 14-unit apartment building; 3) Variances: a) A parking variance to provide 7 on-site parking spaces, rather than the Code required minimum of 14 on-site parking spaces; b) 20' front yard and 4' west and east side yard variances for the parking spaces to be within 0' of the front and within 4' of the side property lines (Code minimum setbacks are 20' from the front and 8' from the side property lines); c) Variances to construct an apartment building within 10' of the rear and 0' of the side property lines (Code minimum setbacks are 20' from the rear and 8' from the side property lines); and d) a lot coverage variance to cover 52 percent of the lot (Code maximum is 50% lot coverage). 4) Environmental Review of a 14-unit apartment building.

Robert Anderson and Hal Shirley, applicants, as well as Mr. A.K. Strotz, Architect, were present.

Ms. Wight presented the staff report.

Chairman Mihaly asked if the project could be processed under the existing zoning. Ms. Chaney affirmed. She stated that staff is recommending that the property be rezoned back to what it originally was, therefore it should be residential.

Chairman Mihaly stated that since the rezoning has to be approved by the Town Council, he wondered how the variance and design review could be approved prior to the rezoning of the property. Ms. Chaney stated that it would be subject to the approval of rezoning.

Commissioner Sias asked how the number of cars on the premises could be monitored and enforced to seven or less. Ms. Chaney said that based on experience, there is one person who drives, the rest

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take public transportation, or bicycles. If there is a violation, the manager will be notified and would have to bring it into compliance.

Commissioner Israel asked about guest parking and wondered if there was a provision in the ordinance for that. Ms. Wight affirmed.

Chairman Mihaly asked if the limited income was a requirement. Ms. Chaney stated that they had no problem with that and if they were independent people, they would not be living in this type of housing. Also, HUD would be helping to enforce this.

Chairman Mihaly asked if the staff has discussed the dedication of the property in 40 years with the Town Attorney. Ms. Wight responded that she has not.

Commissioner Harle asked about the parking in the rear and how much parking was required for McGar House. Ms. Wight was not sure about the parking at McGar House. She went on to explain that the neighboring apartment house has windows that would be significantly impacted if the wall was twelve feet from the property line and therefore has suggested parking in the rear as an alternative.

Ms. Wight stated that a video has been provided that gives information on the Mill Creek Project.

He wondered about whether or not staff has spoken to the Mill Valley Staff about their project. Ms. Chaney said that she has spoken to the Planning Director in Mill Valley and there have been no problems and they have been good neighbors.

Hal Shirley, Director of North Bay, stated that HUD puts many conditions on the projects, one is that only disabled people can reside on the premises. This is a developmentally disabled project. The project which will be managed by the John Stuart Company, the Company that manages the Mill Valley project. The project will be monitored very carefully. The property will be maintained for 40 years and at the end of this time, the project is free and clear, although they would like to see it continue. They would be willing to deed the property to the Town of San Anselmo. Mr. Shirley thanked staff for the very thorough report. He said that in addition to the funding to the project, there is a project rental assistance project, that runs for 40 years, that will subsidize the project by the government. This will give the project full rent each month, as well as insurance. This is a non project origination. The people working on this project, excluding the architect, are volunteers. With regard to parking, he is not sure he likes parking to the rear, and that the concrete will be moved to the front and landscaping would be limited in the front. There is a demand for this type of housing and there is currently a waiting list of 37 people. They originally applied through HUD for fourteen units on another site which was similar to the one in San Anselmo. Subsequently, the Ross Hospital project was lost. Hence, the reasoning behind the request for 14 units. If they were to go back to HUD to put in fewer units, they would have to reapply and they might get approval in 1996. This is an invaluable project and very hard to get funded. The neighborhood is ideal and the Rehabilitation Hospital used to be housed at the Self Storage. They are getting funding of \$180,000 from the County and are putting in for a Buck Trust Fund as well as 1 million 6 that has already been collected. HUD does not require a manager's unit on the premises but it is counted in the 14 and allowed by HUD. HUD requires that the people who live there cannot make over a certain income. All people in the building will make between \$9,000 - \$11,000 per year.. Also, they can limit the number of people living in each unit. The project is run with a high amount of discipline. He would accept the low income as authorized by HUD, but can't accept a restriction of more than HUD's.

Chairman Mihaly asked Mr. Shirley if he would accept the offer of dedication to the Town after HUD. Mr. Shirley affirmed.

Chairman Mihaly asked Mr. Shirley if he would accept the limited number of cars. Mr. Shirley said he would restrict the number of cars, however, there will be visitors; some tenants have a social worker to help them and they come in during the day. There could be one worker for multiple tenants.

Commissioner Israel asked if Mill Valley was similar in size. Mr. Shirley said they are the same as what is being proposing in San Anselmo and most have one person per apartment. There are ten in Mill Valley, with four parking spaces; two of the four are parking spaces are used for guest parking.

Commissioner Israel asked if the type of disability of the tenants could potentially affect the school next door. Mr. Shirley explained that they are very quiet people, and have been highly screened. These people are highly functional and can live and cook for themselves.

Mr. Strotz stated that the residents do not drive, with the exception of one person and the manager. He liked the idea of hiding parking, but did not want to jeopardize the landscaping. He wants to make the project compatible with the neighborhood. It is not important if parking is in the front or rear because no one will utilize the parking. The apartments are small and are for single living. He presented a diagram as suggested by staff. He also presented another alternative that showed six parking stalls, no landscaping on the side property line, with an excessive amount of concrete. He felt that landscaping is an important factor for this building because it makes a better transition. He

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would like to have a bigger yard in the rear but the parking must be reduced because it will not be used. If he has 4 stalls, he only needs one handicapped parking. He would like to make the landscaping 10 to 12 feet and reduce the parking.

Albert Keller, 26E Belle Avenue, backs up to the rear of the proposed building. He does not like the idea of moving the parking to the rear, it is inconvenient and different to access. He would rather like to see it as a residential building than some other use. There should be planting in the rear rather than parking. He doesn't want to look at a paved lot.

Theresa Allen, 14 San Francisco Blvd., stated that there is a developmentally disabled housing as well as Isabel Cook low income housing in her neighborhood. They are very good neighbors and require convenient access to public transportation.

Marlon Olsen, 22 Mariposa, would like parking in the front, and he is going to sell his house because he will not be able to see the view of Mt. Tam once the development has been built. He suggested splitting the development into different lots.

John Corcoran, 26 Mariposa, will lose his view of Mt. Tam and felt that parking was currently intolerable. The self storage also has big moving vans blocking the street. Additional vehicles will be there for the support staff. Fourteen units will be too excessive for the lot. The structure will be larger than the self storage, and the self storage is quite large. The architecture will be in conflict with the neighborhood.

John Silvey, 50 Mariposa, will view the east elevation. His concerns are the number of variances, which indicate the excessive structure. He has no problem with the residential facility but would like to see only 10 units. He is against parking in the rear, it needs to be in front and the mass needs to be moved farther to the front. He did not like the idea of the driveway to the east with no landscaping. He was against setting a precedent on the density. He wondered how future density will be protected farther down the street at 60 Mariposa.

Jerome Boeman, 44 Mariposa, stated they would be good neighbors and would rather see it residential instead of commercial. He agreed that parking should be in front with additional landscaping.

Julia Marshall, 26 Mariposa, thought 14 units was too much for the location. She was concerned about traffic with the increase of Sohner Court and the addition to St. Anselm's. She would like to see the road repaved after the project is built. The project would be good for the neighborhood. It is an ideal neighborhood for people who do not drive.

Peter Fraser, 12 Keintz Lane, would like to see parking in front with landscaping, and supported the 14 units. The amount of money generated for this project will be maintained within the building and will therefore be a good and valuable neighbor.

Mr. Silvey, suggested that the applicant submit a formal landscaping plan, which will shield the parking.

Jerome Boeman, would like to see it remain developmentally disabled after the 40 years.

John Jolly, 5 Circle Drive, San Rafael, owns a unit in Sohner Court and likes the idea of reducing the number of parking spaces and would like to see the parking in front. He thought the project was quite nice for the neighborhood.

Barbara Tracy, 64/66 Mariposa, stated that 60 Mariposa is a big double lot, and wanted to know what kind of protection could be built into this project because it would make an enormous impact to the street.

A Resident of Sohner Court, wanted to know why there were so many exceptions for the project. He would like to see the project reduced and comply with the zoning regulations.

Bob Anderson stated that the community room is only for the benefit of the residents and he would be agreeable to conditions it as such. The units are not for people who need attendants.

Public Hearing closed.

Commissioner Hayes asked how high the elevation of the building is to the peak. Mr. Strotz stated it is 30' to the ridge line. The one story house across the street will lose its view of Mt. Tam but the two story building will still view Mt. Tam. It would not exceed the roof of what was the cabinet shop.

Commissioner Hayes stated that the community needs to have this kind of a project to help some of the disadvantaged people of the community. He stated that he has a cousin in Chicago that lives in this kind of housing and it has been very important in his life. Regarding parking, he supported the notion of keeping the parking in front, although does not want to reduce the number of parking

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spaces. With respect to the use, the residential use for this property is a way of preserving a low intensity of use for the property. If 5 units were built on the property, it could lead to a greater intensity of use. With regard to setting precedent, this neighborhood has done quite a bit in absorbing this kind of thing and there should be some degree of protection for the future. Regarding parking, he would like to see the parking remain at 7. Also, he would like to see screening options in the rear.

Commissioner Sias said was inclined to support this project. He lives near a group home and it works well because of the people who manage it and the neighbors cooperation. The community has to make room for the disabled. This will be a long standing asset for this street. He would like to see the conditions to parking be restricted, the number of people in each unit be specified, and a detailed landscaping plan as well as other items discussed by the Chairman to the applicant. He understands that the building should be buffered in the back as well as moved back as much as possible in the front. Also, he wanted staff to research what protection the Town can offer the residences for future density increases. Regarding parking in front, he is inclined to leave it at 7 and not be reduced to 4. Regarding the height, he asked if the roof slope could be shallower to reduce the overall height.

Commissioner Harle supports the comments of his colleagues.

Commisisoner Israel would like to see parking in the front, and would like to see the scale reduced, perhaps if the roof was turned it might give the double gabled affect. He would like to see the middle pulled back and the front pulled out but is not sure it is possible on the site. He liked the idea of the use of trellises which will help soften the building. He said anything that can be done to soften the south elevation would be helpful. He would like to reduce parking to a level that the Commission could be comfortable with to get additional landscaping. With regard to the fence, there could be a chance to put a fence up that could be used to have vines grow and could screen the cars. He would like to see a bond taken out at the building stage for street damage. He would like to see the notion of a front porch so the residents could be a part of the neighborhood. He was concerned about the notion of overdevelopment and would like to propose that any currently non commercial areas should not be upzoned; and that any commercial can be down zoned. Staff should look into the handicapped parking sizes.

Ms. Chaney stated that a policy could be written in the Housing Element that indicates they should be dispersed throughout the Town. Also, the second unit density should be taken into consideration.

Chairman Mihaly supported the project and commended the applicant, neighbors and staff. There have been many suggestions as to how to proceed with this project. With regard to the redesign, he wondered if it would matter if the building was three feet lower.

John Corcoran stated that it is hard to tell at this point although his neighbor would be more affected than him.

Chairman Mihaly made the suggestion to send the rezoning to the Council and the rest of the application can be approved subject to Council approval, with staff's conditions, including the following items: The project 1) shall have low or very low income people; 2) would be limited with developmentally handicapped 3) the project will be granted to San Anselmo after the 40 year period; 4) that the project be preliminarily limited to 7 cars; 5) units are meant for long term residents, limited to 1 person per room; ) that a planting and irrigation plan be provided; 7) a deed restrict be recorded on the property for a developmentally handicapped project; 8) the community rooms be limited to residents.

Mr. Shirley suggested that a Planning Commissioner be appointed to the Board of Directors. Chairman Mihaly suggested that someone in the neighborhood be on Board of Directors.

Chairman Mihaly would also like staff to talk with the Public Works Director to explore the idea of moving Mariposa up the list in terms of repaving

Commissioner Hayes would like to see it come back in the form of a resolution and that the resolution should include all the conditions. He would like to have the landscape plan brought back, and have staff or the Town Attorney research to see if a mechanism can be put in place to protect future development in the neighborhood. He would also like to see a site line analysis between the roof pitch. With regard to the 7 parking spaces, he would like staff to contact Mill Valley to verify the parking and other sources which will provide additional information. In summary, he would like to hold all of this and act on all of it together at a future meeting.

Mr. Stratz stated that Commissioner Israel had very valid comments and has new ideas because of that.

The consensus of the Commission was to continue the meeting to January 10th because it would not be a good idea to send the project to the Town Council without a complete project.

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M/S Hayes, Sias, to postpone the January 3, 1994 meeting to the meeting of January 10, 1994. Motion unanimously passed.

The applicant stated that he could work around the continuance.

M/S Hayes, Sias to continue V-9336/ER/PDP-9301/Z-9303 - North Bay Rehabilitation Services, 27 Mariposa Avenue, A/P 7-301-05 (vacant lot adjacent to Saint Anselm's School yard), 1) Rezoning from PPD C-3 (Preliminary Planned Development with a presumptive use of General Commercial) to SPD R-3 (Specific Planned Development for 14 apartment units to be rented to low income, developmentally disabled adults). Due to the fact that these apartment units will be rented to low income adults, the applicants are requesting a density bonus in line with the provisions of the Planning and Zoning Law of the State of California to permit 14 units, rather than the 5 maximum that would currently be allowed in the Town's R-3 zoning district; 2) Design Review of a 14-unit apartment building; 3) Variances: a) A parking variance to provide 7 on-site parking spaces, rather than the Code required minimum of 14 on-site parking spaces; b) 20' front yard and 4' west and east side yard variances for the parking spaces to be within 0' of the front and within 4' of the side property lines (Code minimum setbacks are 20' from the front and 8' from the side property lines); c) Variances to construct an apartment building within 10' of the rear and 0' of the side property lines (Code minimum setbacks are 20' from the rear and 8' from the side property lines); and d) a lot coverage variance to cover 52 percent of the lot (Code maximum is 50% lot coverage). 4) Environmental Review of a 14-unit apartment building. This is continued to the meeting of January 10, 1994 with the proviso that the five requests be addressed.

Motion unanimously passed.

3. DR-9323 - JB Landscape, 151 San Anselmo Avenue, A/P 7-301-07, design review of an office and storage building for use by a landscape business on property located within the C-3 Zoning District. (After-The-Fact)

This item was continued to the meeting of January 10th because the applicant was not present and the lateness of the hour. It should also be placed on the Consent.

**G. GENERAL DISCUSSION**

1. Election of 1994 Planning Commission Chair and Vice Chair

M/S Israel, Harle, to nominate Commissioner Mihaly.  
All ayes. Motion unanimously passed.

M/S Sias/Mihaly, to nominate Commissioner Israel for Vice Chair.  
All ayes. Motion unanimously passed.

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

**I. ADJOURNMENT TO THE MEETING OF JANUARY 10, 1993**

The meeting was adjourned at 11:15 p.m. the the special meeting on January 10, 1994.

  
BARBARA CHAMBERS