

TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES FOR SEPTEMBER 12, 1994

The San Anselmo Planning Commission was convened at 8:00 p.m. in the Council Chamber by Chairman Mihaly. Staff present was Director of Planning Ann Chaney and Associate Planner Lisa Wight.

A. CALL TO ORDER

Commissioners present: Sargent, Harle, Israel, Julin, Ollinger, Mihaly
Commissioners absent: Hayes

B. CONSENT

1. Minutes - August 22, 1994

Ms. Chaney asked that 53 Tomohawk be placed on the Consent because staff could approve it and there has been no opposition from the public.

2. DR-9419 - Everett Harry III, 53 Tomahawk Drive, A/P 177-220-66, design review to construct a swimming pool, deck and arbor. These structures will be located beyond the rear line of the building envelope but will not encroach into the open space easement. This property is located within the R-1-H Zoning District.

M/S Julin/Ollinger to approve the Consent with the addition of 53 Tomohawk.

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

C. OPEN TIME FOR PUBLIC DISCUSSION

A representative for Marin Center for Independent Living has asked to speak.

No one was present to speak on this topic.

D. PUBLIC HEARINGS - CONTINUED

1. SPD-94 AMEND./DR-9418/U-9405/SR-9401/ER Unocal Service Station - 930 Sir Francis Drake Boulevard, A/P 6-061-31, 1) Amendment to a Specilow portions of a fence and trellis to be 9' in height (6' is permitted); 4) to relocate an existing 192 square foot arbor that encroaches 4" on the neighbors property and will be within 0' of the side property line (8' is required) on property located within the R-1 Zoning District. (After-the-Fact) Note: The spa and portions of the fence trellis and arbor currently encroach into the adjoining property.

E. PUBLIC HEARINGS

1. V-9420/DR-9414 - Leonard Garriott, 422 Scenic Avenue, A/P 7-031-08, 1) 20' front yard and 8' south side yard variance for required parking spaces to be within 0' of the front and south side property lines (Code minimum setbacks: 20' front and 8' sides); 2) a parking variance for the third required parking space to encroach over the right of way (an encroachment permit will be required); 3) a 3' south side yard variance to construct a dwelling within 5' of the south side property line); 4) a 2.5' south side yard variance to construct an uncovered deck within 3.5' of the south side property line; 5) 20' front yard and side yard setback to construct a retaining wall (up to 13' in height) within 0' of the front and side yards (code minimum setbacks, 20' front and 8' sides); and 6) design review of a new dwelling, on property located within the R-1 Zoning District (Above 150' Mean Sea Level).

The applicant was present.

Ms. Wight presented the staff report.

Commissioner Ollinger asked about the south front corner. Mr. Garriott stated that no wall is closer than 5.6" to the property line.

Mr. Garriott stated that he is improving the two-on street parking spaces and has tried to address the concerns of his neighbors.

Commissioner Israel stated the Commission has granted parking variances on hillside lots and felt the retaining wall could be reduced if the applicant was granted a parking variance. Ms. Wight stated that there is so little parking as it is in the hillsides that the ordinance requires additional parking.

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Owner 418 Scenic, stated that her property and Mr. Garriott's property were owned by the same people at one time. She feels the parking that he will put in will be a benefit to the neighborhood and that she approved of the things he has done so far.

Commissioner Ollinger appreciated the changes made by the applicant, particularly those down on Scenic. However, if the house was turned it would be better and the side yard variance would not be necessary. He would like the north elevation roof line to be similar to the south elevation, i.e. a hip roof.

Commissioner Julin had nothing to add.

Commissioner Israel said he is troubled by the height of the house and the height of the retaining wall. The elevations show a shallow overhang and a more dramatic overhang help.

Suzanne Anderson, Agent for the sellers of the land expressed how Mr. Garriott has made an effort to build without a detriment to the neighbors.

Commissioner Harle supports the application in accordance with the staff report and conditions. He appreciates his colleagues statements but is unwilling to impede the process.

Commissioner Sargent agrees with Commissioner Harle with regard to design

Chairman Mihaly felt that this house has gone a long way and will therefore support the application.

Commissioner Ollinger asked about the construction hours.

Ms. Wight stated that she copied the conditions from the Vista Lane Conditions of Approval with the exception of the noticing of uphill neighbors..

Commissioner Ollinger suggested that the uphill neighbors be noticed.

M/S Julin/Harle to approve V-9420/DR-9414 - Leonard Garriott, 422 Scenic Avenue, A/P 7-031-08, 1) 20' front yard and 8' south side yard variance for required parking spaces to be within 0' of the front and south side property lines (Code minimum setbacks: 20' front and 8' sides); 2) a parking variance for the third required parking space to encroach over the right of way (an encroachment permit will be required); 3) a 3' south side yard variance to construct a dwelling within 5' of the south side property line); 4) a 2.5' south side yard variance to construct an uncovered deck within 3.5' of the south side property line; 5) 20' front yard and side yard setback to construct a retaining wall (up to 13' in height) within 0' of the front and side yards (code minimum setbacks, 20' front and 8' sides); and 6) design review of a new dwelling, on property located within the R-1 Zoning District (Above 150' Mean Sea Level). The approval is based on the following: 1. Due to special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the controlling zoning ordinance or regulation deprives such property of privileges enjoyed by other property in the vicinity and under an identical zoning classification, and the granting of a variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity ad zone in which such property is situated. Special Circumstances are the substandard size of the lot and slope of the lot and the accommodation to the neighbor at 418 Scenic to set the structure further back from the property line at 418 Scenic: 2. The granting o 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 will not be a grant of special privileges.

DESIGN REVIEW:

1. Is functionally and aesthetically compatible with the existing improvements and the natural elements in the surrounding area; 2. Provides for protection against noise, odors, and other factors which may make the environment less desirable; 3. Will not tend to cause the surrounding area to depreciate materially in appearance or value or otherwise discourage occupancy, investment, or orderly development in such 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; and 5. Will not adversely affect the health or safety of persons using the improvement or endanger property located in the surrounding area. 6. Conformance to the approved precise development plan; 7. Adequacy of screening; 8. Selection of architectural features and colors that enable the structure to blend with its environment and which results in a low visual profile. All conditions of the design review have been met. Conditions of approval are as follows: 1. A deed restriction be recorded with the County and incorporated into the deed restriction and recorded with the County) Proposed building materials and colors are as follows: Siding: Natural Red Cedar Shingles; Trim: Light Brown; Roof: Dark Brown Asphalt shingles; Retaining Wall: Boquet Canyon Flagstone. 2. Only the following trees shall be removed: a) a 48" bay cluster located in the

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front center of the property (location of the parking area); b) a 36" bay tree located above the graded area (location of the proposed dwelling); and c) landscaping shall be in accordance with the landscape plan; 3. Landscaping shall be in accordance with the landscape plan; 4. No exterior lighting has been proposed and none is herein approved. Any future exterior lighting shall be permitted for safety purposes only, must consist of low wattage fixtures, and must be directed downward and hooded; 5. The Town Engineer shall approve a construction schedule, with consideration given to the Planning Commission's recommendation that there be limited times of road closure, and prohibition of road closures between 4:00 p.m. and 10:00 a.m. 6. The applicant shall be responsible for ensuring that the number of construction vehicles shall be limited to the minimum number necessary to complete the project. In addition, the up hill neighbors will be notified of the construction schedule; 7. The applicant shall be responsible for ensuring that all construction vehicles, equipment, and materials are stored on-site and off the street so that pedestrians and vehicles can pass safely at all times.

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

2. **DR-9421 - North Bay Rehabilitation Services, 27 Mariposa, A/P 7-301-05, Design Review Amendment, to revise the south (rear) elevation of the proposed building on property located within the R-3 Zoning District.**

Ms. Chaney presented the staff report.

Mr. A. Strotz, Architect, stated that they have improved it because they need the space internally for a storage room also, it is less costly to do it straight and they need to keep the cost in balance. It also did not help the elevation to make the notch and they have added three windows, and trellises. Finally, no one will see the notch and therefore it will not have an impact one way or another on anyone. The trees are obliterating the area. He presented photographs of the site.

Andy Thornley, 22 Mariposa, stated that this elevation will not bother him and in fact the trees will probably obscure the area.

Commissioner Julin stated she will defer to her colleagues.

Commissioner Israel stated he feels strongly about post approval changes. He is sensitive to the cost but given the limited visual access and limited window access he could support the change.

Commissioner Harle stated he liked it better the new way and the windows provide more of a balance.

Commissioner Sargent concurs with Commissioner Harle.

Commissioner Ollinger stated that he has no comment.

Chairman Mihaly said the notch was important but because it is visually unimportant, he is willing to support the change.

M/S Sargent/Mihaly to approve DR-9421 - North Bay Rehabilitation Services, 27 Mariposa, A/P 7-301-05, Design Review Amendment, to revise the south (rear) elevation of the proposed building on property located within the R-3 Zoning District. Approval is based on the reasons as stated by the applicant.

All ayes. Motion unanimously approved. The applicant has a ten day appeal period.

3. **V-9424 - Maurizio Rossetti, 57 Yolanda Drive, A/P 7-043-06, an appeal of an administrative variance to reconstruct a detached one car garage that was destroyed by fire, within 5' of the side property line (8' is required) on property located within the R-1 Zoning District.**

The applicant was present.

Ms. Chaney presented the staff report.

Mr. Rossetti stated that the garage is to be constructed smaller than what was previously there and was asking the Commission for approval of the reconstruction of his garage.

Commissioner Israel has no concerns about this application, in fact he felt it is an improvement because the garage is smaller. The Uniform Building Code was established to determine safety codes and this can be rebuilt safely within those codes at the current location.

Commissioner Harle said the objection of the neighbor was one of fire safety and if the Building Code allows it, then he has no objection to the rebuild.

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Commissioner Sargent said he had no objection to this because it is just a rebuild.

Commissioner Ollinger said the Commission could require a stronger fire wall of 5/8" fire board.

Commissioner Israel stated that the Uniform Building Code does not require that and therefore he did not feel they should supercede it.

Commissioner Julin has nothing to add.

Chairman Mihaly supported the application.

M/S Harle, Julin to approve V-9424 - Maurizio Rossetti, 57 Yolanda Drive, A/P 7-043-06, an appeal of an administrative variance to reconstruct a detached one car garage that was destroyed by fire, within 5' of the side property line (8' is required) on property located within the R-1 Zoning District. the staff report. Approval is based on the following: 1. Due to special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the controlling zoning ordinance or regulation deprives such property of privileges enjoyed by other property in the vicinity and under an identical zoning classification, and the granting of a variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity ad zone in which such property is situated. The approval of this variance is not a special privilege for this property. The property is only 50 feet in width and variances have been granted on other properties with similar width limitations. The structure is a rebuild of a pre-existing garage, except that it will be smaller. 2. The granting o 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 setback is consistent with the requirements in the uniform building code and will not create an undue safety hazard on neighboring properties. The height of the garage at the five foot setback line will be 9 feet which will not impact light, air, or privacy on the neighboring property. Conditions of approval: 1. The new garage shall be constructed in conformance with the plans date stamped August 8, 1994 by the Town of San Anselmo. 2. The applicant shall install an all-weather surface on the driveway accessing the garage to the satisfaction of the San Anselmo Public Works Director. 3. The applicant shall prune the trees and shrubs along the driveway to improve the site distance along Center Blvd to the satisfaction of the Public Works Director.

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

4. V-9425 - John Blackwell, 865 San Anselmo Avenue, A/P 7-162-03, In conjunction with creating a legal second dwelling (by legalizing a garage conversion and constructing an addition to the "garage" structure), parking variance requests are: a) 8' east side yard variances for 2 of the required 4 parking spaces to be within 0' of the east side property line; b) for Alternative No. 1: 2 of the 4 required on-site parking spaces to be in tandem; and c) for Alternative No. 2: a 3' west side yard variance for 1 of the 4 required parking spaces to be within 5' of the west side property line, on property located within the R-2 zoning district (Code minimum setbacks: 8' from side property lines; Code minimum parking: 4: 9' by 19', clear, on-site parking spaces.

Staff presented this request. The lot is 7,500 square feet and is occupied by a single family home and a garage that has been converted to another living unit without permits. The request is to legalize the garage conversion, add to the garage, and satisfy the four car requirement with one of two alternatives plus one he will present tonight. One concern of staff is that the neighboring property is developed with an apartment with windows facing the side of this property.

Staff presented his parking alternatives and stated that the applicant notes that parking could be provided without a variance if the heritage tree were removed. The advantage of staff's recommendation with that two of the cars would be located in the garage out of sight.

Mr. Blackwell stated that he prefers the tandem concept with two of the cars in tandem. He has had experience where it works well. He hopes to live in the rear unit. He does believe there would not be any visual impact to the neighbor and would be willing to enhance the landscaping between the two properties. He has spoken with the owner of the adjoining property who did not object to the proposal. The rear unit currently contains two bedrooms and a bath. The new addition would include a living room, dining room and kitchen. He is concerns about the lose of yard space due to meeting the parking requirements.

Commissioner Harle stated that he found the applicant's arguments fairly persuasive. However, he was concerned about where the people would really park. He supports the scheme the applicant is proposing.

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Commissioner Sargent said that he visualizes more and more people wanting to intensify in the Downtown area which he supports. However, he is concerned with the long term operational aspect of the tandem parking situation. He also suggested a trellis structure on the side of the driveway to soften that area from the neighbor. Such a trellis would need a variance.

Commissioner Ollinger said he appreciates the proposed improvement to this site, however he is not convinced that tandem parking works particularly well. He also supported preservation of the redwood tree. His preference is to utilize the parking scheme which does not use tandem parking but rather two parallel spaces along the side yard and two side by side spaces behind the front structure. His concern with staff's proposal was that the addition of a second floor would involve more massing and more paving.

Commissioner Julin supported the two by two tandem approach. She felt that sometimes the ordinance takes things too far and can create a negative situation when in fact it is intended to achieve a positive effect. Thus she does not concur with the strict application of the parking standards in this situation.

Commissioner Israel said he does not support parking in the side yard setback. While he likes the concept that would destroy the redwood tree, he is not willing to see the tree removed. His concept would be to expand the garage to the side yard and use the garage space for parking. However, there is a fruit tree that provides screening that he is not willing to see destroyed. Therefore, he supports Sargent's notion of constructing a trellis structure in front of the garage to mask parking somewhat.

Chairman Mihaly also stated that he does not support tandem parking. He prefers the concept of yard and open space over accommodating the car. His concept is that the building be moved to use the wasted space along the side yard area adjacent to the garage.

The Commission asked the applicant if he would be willing to move the structure further back to take advantage of creating a larger backyard space. Sargent cautioned the Commission that what may be an adjoining parking lot today (there is a parking lot at the rear of the adjacent building) may not be tomorrow as density increases.

M/S Mihaly/Harle to adopt Alternative 1: Tandem Parking Plan dated June 31, 1994 for V-9425 - John Blackwell, 865 San Anselmo Avenue, A/P 7-162-03, In conjunction with creating a legal second dwelling (by legalizing a garage conversion and constructing an addition to the "garage" structure), parking variance requests are: a) 8' east side yard variances for 2 of the required 4 parking spaces to be within 0' of the east side property line; b) for Alternative No. 1: 2 of the 4 required on-site parking spaces to be in tandem; and c) for Alternative No. 2: a 3' west side yard variance for 1 of the 4 required parking spaces to be within 5' of the west side property line, on property located within the R-2 zoning district (Code minimum setbacks: 8' from side property lines; Code minimum parking: 4: 9' by 19', clear, on-site parking spaces. Special circumstances are that there are extremely constrained options to place parking on the lot. Mihaly recommends that an administrative variance be granted for the addition of a trellis so that parking on the easterly side will not have impacts on noise or air quality.

Commissioner Israel asked how this would be handled if it were new. Would he require a two-story with tuck under parking? It was generally agreed that the Commission would. He was struggling with the lot coverage of greater density later on.

The makers of the motion said another alternative is a razed house. In this case, the streetscape will be retained by keeping the front house.

The Commission asked about impervious pavers because it seems better to have impervious rather than previous surfaces. Wight suggested that pavers might be used with Alternative 2 at the rear so that the area behind the existing house could be used either for parking or a patio.

The question was called with a recommendation for impervious surfaces on the driveway area and with support for a trellis.

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

F. GENERAL DISCUSSION

There was none.

G. REPORT OF UPCOMING APPEALS TO TOWN COUNCIL

There was none.

H. ADJOURNMENT TO SEPTEMBER 19, 1994.

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The meeting was adjourned at 10:40 p.m. to the next meeting on September 19, 1994

BARBARA CHAMBERS