

TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES OF NOVEMBER 21, 1994

The regular meeting of 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, Planning Consultant Delvin Washington and Associate Planner Lisa Wight.

A. CALL TO ORDER

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

B. CONSENT

1. Minutes - October 3, November 7, 1994

2. Michael and Linda Gill, a design review of a gate to be located across Oak Avenue near the driveway entrance to 555 Oak Avenue. The gate is proposed to incorporate pedestrian access. Also included for review are signs denoting trail use restrictions.

Ms. Chaney suggested that the Gill application be removed from the Consent Agenda and be open for discussion.

M/s Julin/Hayes to remove Item B2 from the Consent Agenda for discussion. All ayes.

M/S Julin/Harle to approve Consent Agenda Item B1. All ayes.

C. OPEN TIME FOR PUBLIC DISCUSSION

D. PUBLIC HEARINGS

(Taken from Consent)

1. Michael and Linda Gill, a design review of a gate to be located across Oak Avenue near the driveway entrance to 555 Oak Avenue. The gate is proposed to incorporate pedestrian access. Also included for review are signs denoting trail use restrictions.

Ms. Chaney presented the staff report. Commissioner Julin asked for the locations of the signs. Ms. Chaney suggested that it not be signed at the top of Worn Springs; those who know about the area will use it.

Bill Abright, 190 Oak Avenue, Bald Hill Committee Member, was suprised that the item was on consent because it was understood that the Bald Hill Committee would be able to discuss the proposal and that has not occurred. He suggests a white backing on the fence from the uphill side for visibility and safety of bicyclists. Also the limited access access agreement plainly states that bicycles can be ridden and in fact, it is easier to ride the bicycles, not walk them. He is offended by the wrought iron gate because it seems stately, He would prefer no gate but if a gate is necessary it should be as rustic as possible and would be more consistend with what people see in the open space. He would like to see a white, wooden gate.

Barbara Schmidt, agreed with Mr. Abright.

Stuart Jacobson, 500 Oak, was concerned about the location of the gate. The way it swings down is an issue because of vehicles idling, waiting for the gate to open.

Claudia Tarantino 190 Oak Avenue, said the agreement stated that there could be some compromise encouraging people to walk, however having to walk bicycles would be less safe. She would also pefers a rustic gate.

Kathy Sanders, the wooden gate would be more consistent with the environment. Once the new gate is constructed the two aluminam gates that border the Hanson property should be removed. Perhaps a white wooden gate is not in tune with the environment but white tape on the uphill side would be a good idea. Regarding the signs, she suggested a duplicate sign between the gate and the walk through.

Mr. Gill agreed that placing tape on the uphill side of the fence would be a good idea. He would prefer the wrought iron fence but will go with a wood fence. With regard to walking bicycles down hill, he felt that the Commission should defer to the wording in the Agreement. Regarding the signage, he has no objection to what was decided at the Bald Hill Committee meeting. He did not feel the aluminum gates were appropriate to discuss at this meeting because he has not had an opportunity to discuss it with the other owners. Regarding Mr. Jacobson's concerns, the gate will open automatically for the owners. Guests will have to wait until the gate is opened for them. He suggested that the Town and the owners plant hedges which will eliminate the concerns. The gate will function better opening down hill as is recommended by

TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES OF NOVEMBER 21, 1994

the manufacturer. The ideal location of the gate is by the redwoods. This location is just below the new turn outs and he did not want anyone to park in the turnouts. The gate will cover the width of the road, the maximum height of the gate will be 6'; with the lights it might be above 6'.

Commissioner Sargent preferred a natural wood fence with white reflectors. The lighting is troublesome and wonders if it is a safety issue. Mr. Gill said the lights will be on at dusk after the public has gone. It is a security and safety issue.

Commissioner Harle is curious about the reflective tape because people should be only going five miles an hour. Mr. Gill said that there is a turn there and the tape is good for safety reasons.

Commissioner Israel thought that wrought iron could be light and transparent and a gate well done either in iron or wood would be fine. He would approve the design of the iron gate tonight but would ask for a redesign if they were going to go with wood. If wrought iron, it should be lighter. He noted that reflective tape only works when it is dark. The columns are a bit of a concern, he would rather have something softer. He agrees with the lighting that it should be controlled at a minimum. He suggested something like a cross bar, similar to what they have in the water shed area. Mr. Gill said that the post will be iron but would be boxed with wood as shown in diagram number 3.

Commissioner Julin said the 6' height is greater than what is necessary for a gate, probably a lower height would change the opinion of the Open Space Committee. If the upper curve gate were lowered it would be acceptable. If the Bald Hill Committee should be looking at this, there is an obligation to have the group consider the different designs. Regarding Gate Design #1, it is a hostile looking gate and she would not support that. She would concur with the Open Space Committee if less than 6'. Regarding the signs at Worn Springs and Oak Avenue, she would like directional signs placed there to inform the general public that it is a public access trail.

Commissioner Ollinger was appalled that the fences look so offensive. He thought the intent was just to keep the vehicles out; they are too big, and look like the fence is meant to keep people out. The gate should be informal, low, and adequately marked. Lighting can be from the ground.

Commissioner Hayes said that the gate should not really be noticed. This design looks like it is setting the estate lots from the rest of the town. He wants to minimize the obtrusiveness. They are more of a statement than is necessary. He urged the applicant to redesign.

Chairman Mihaly thought there was a consensus on the recommended signage on the gate; a sign that says bikes can be ridden, and a sign of bicycles at the top; there should be reflectors on the gate and the gate should be wooden. The consensus is that lighting should be low, and the fence should be of wood, maintaining the cross bar look. Mr. Gill said that has a strong phylogenetic difference from Commissioner's Ollinger and Hayes but would be willing to work with the Commission. Commissioner Mihaly suggested the applicant work with staff and the Bald Hill Committee and come back with a clearer design.

Commissioner Hayes felt strongly that the gate is too obtrusive.

Commissioner Sargent said that a consideration might be a ranch style fence (horse fence made out of tubes). He said there is a big difference between a horizontal fence and a vertical fence.

Ms. Chaney said she would be happy to meet with Mr. Gill and the fence company. Mr. Gill said he is not opposed to making some changes but reminded the Commission that what is before them has already been agreed upon by Open Space, Staff and himself. He also said that this is private property that goes across an easement.

M/S Mahaly, Julin, to continue Michael and Linda Gill, a design review of a gate to be located across Oak Avenue near the driveway entrance to 555 Oak Avenue. The gate is proposed to incorporate pedestrian access. Also included for review are signs denoting trail use restrictions. This is continued to December 19, 1994 to allow staff time to bring back a package with what has been discussed and circulate the information to the Bald Hill Committee. Also, could the Bald Hill and Open Space Committee.

1. V-9432 Terese Krasowski/Caroline Owens, 1549 San Anselmo Avenue, A/P 5-154-45, a parking variance to allow a garage conversion for the use of large family day care, on property located within the R-1 Zoning District.

The applicants were present.

Ms. Wight presented the staff report. She stated that a variance for parking for the additional space would be required if the Commission was inclined to approve the variance.

Terese Krasowski stated that the garage is a necessary room for the children. They will not ask for an overnight parking permit. Most of the garages on her street are used for something other

TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES OF NOVEMBER 21, 1994

than parking. She has no problem converting the garage back if and when the property is sold and she will also get building permits. She was opposed to widening the driveway because it would look ugly and would prefer to remove the fence.

Chantry Bell, San Rafael, spoke on behalf of Ms. Krasowski. If the garage had not been converted parking would be adequate. There does not seem to be any consistent development in the neighborhood. She felt there are special circumstances because the location of the house and garage would make it difficult to meet the setbacks. The project site as well as the adjacent site are unique to the neighborhood. Both have a reversed frontage situation; they require frontyard setbacks on San Anselmo Avenue. The lot depths are substandard because of the curve on San Anselmo Avenue. If the applicants wanted to add on, it would be difficult to build a second story within the setbacks.

Jeff Prior, adjacent neighbor, wanted to go on record with the Commission that he has spoken with the Drywall/Gypson officials and there are very strict rules about construction of a one hour fire wall. Regarding two vehicles next to each other, he would like to see the appropriate parking adhered to and wondered who will make the decision regarding the building codes.

Joyce Wernsman, Tunstead Avenue, stated that the applicant's representative has already suggested adding on a second story if they do not get the use of the garage. If day care is going to be a home occupation then it should be in the home, if there is a need to increase, then they should be moved into a commercial area.

Tamra Peters, 12 Oak Knoll Avenue, really loves her home and garden and presented photographs. She now accepts the fact that a large family day care center is next to her however the garage is next to the back portion of her house and really affects her. She felt that this request is for a grant of special privileges and felt that if this is approved that a precedent will be set to change the house into a school.

Philip Torres, 1601 San Anselmo Avenue, is in support of staff's recommendation to deny the variance. He felt that each neighborhood should have their own small child care facility rather than coming into his neighborhood. He stated that he uses his garage for the storage of his car.

Ann Maria Torres, 1601, feels it is a detriment to the neighborhood to approve this. If approved, she felt it would be a grant of special privileges. Parking is very badly needed in this town. The granting of the variance would be detrimental to the neighborhood. The two adjacent neighbors will be affected by this. If the garage space is approved there will be additional blacktop in this neighborhood.

Allan McClellan 1540 San Anselmo Avenue, understands the parking problem in the neighborhood. The neighborhood has gotten more congested within the last eight years and speeding vehicles are also an issue.

Bill Karney, 12 Oak Knoll Avenue, is in support of staff's recommendation for denial. The conversion is not necessary to have to allow the use permit. It is important to remember that this is a home use and should reside in the home. There is adequate room in the house to provide for the children. To grant the variance would be to grant a special privilege which the rest of the neighborhood does not have. The property being converted will be injurious to him because of the use of the rear portion of his house which is at the end of the driveway and in the location of the garage. It is also injurious to him relative to property value. The conversion is also a detriment to the neighborhood. Having cars in the front yard is obtrusive. The use of the garage is converting the house into a school. It is an erosion of the zoning ordinance. He is concerned that the use could expand. He felt that the zoning laws really need to be adhered to, that is why the zoning laws are in place.

David Hunter, 1546 San Anselmo Avenue, wanted to know if the appearance of the garage door would change. Ms. Krasowski said they would prefer to have one large door or two panel doors except they would not roll up.

Ms. Krasowski said that all the concerns are valid. The garage is only used an hour a day and it was not her intent to cause dissension in the neighborhood. She does not want to upset the neighbors and therefore she would like to just convert the garage back to the garage. Therefore she wanted to withdraw the variance application.

Chairman Mihaly appreciated the applicant and the audience and all the eloquent testimony. The application was formally withdrawn.

2. V-9430 Peter and Toni Thompson, 26 Vineyard, A/P 7-265-13, a variance to construct a new carport that will be 4' from the front property line (20' required); 2) an addition on the east building wall 6'6" from the side property line (8' required); 3) a new deck 9'9" from the front property line (14' required); and 4) to exceed the 35% lot coverage by 320 square feet (4.2%) on property located within the (R-1) Zoning District.

TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES OF NOVEMBER 21, 1994

The applicants were not present.

M/S Israel/Hayes to continue V-9430 Peter and Toni Thompson, 26 Vineyard, A/P 7-265-13, a variance to construct a new carport that will be 4' from the front property line (20' required); 2) an addition on the east building wall 6'6" from the side property line (8' required); 3) a new deck 9'9" from the front property line (14' required); and 4) to exceed the 35% lot coverage by 320 square feet (4.2%) on property located within the (R-1) Zoning District. This is continued to December 6, 1994. Motion unanimously passed.

3. V-9415/DR-9410 Roger and Mary Hedin, 176 Oak Avenue, A/P 7-231-44, a design review and variance to construct a new single family residence that will include: a variance to construct a parking deck on the front property line, and locate 3 required parking spaces within the required 20' front setback; the garage will be located 3'6" from the front property line (20' required); and removal of 12 bay, oak and buckeye trees between 8" and 12" in diameter, on property located within the (R-1) Zoning District (above 150' mean sea level).

Mr. Washington presented the staff report.

Commissioner Harle wanted to know if alternative locations had been discussed. Mr. Washington affirmed.

Commissioner Julin asked why the Town is requiring a peer review. She also questioned the statement by MMWD. She felt this contradicts the rules imposed by Gill and Fraser. She also questioned the condition that states the applicant shall adhere to all recommendations of the Public Works Department. She wondered what they were. Mr. Washington stated that the Public Works Director is requesting some paving be done. Commissioner Julin wondered if the house would be viewed from other locations other than 30 Echo Court. Mr. Washington stated that probably no more than the roof line could be viewed from across the valley but it is not a very visible lot.

Commissioner Ollinger asked about the distance between the homes and agreed that the distance was at least 100 feet.

Dr. Hedin stated that they met with the Guerins and they have requested that the house be moved up the hill. That is not viable because the view is lost and is not a good building site. He presented photographs of the site. They did consult Jay Nelson, Soils Engineer. The proposed site is the stable noll; the upper site has a greater risk and would require a catch wall and would be additional expense and the foundation would still be riskier than the site proposed. The site is most visible to their current home but it will only be viewed at the upper floor, the same as the Guerins.

Commissioner Israel asked about dropping the upper floor. Dr. Hedin said several alternatives have already been considered.

George Beck, 170 Oak Avenue, is not opposed to development but would not like it so close to him. He is also concerned about fire danger. There could be a lot of congestion on Oak Avenue because of the location of the house. Drainage is also a problem in this area and should be addressed. The enjoyment of his deck will also be affected based on the location of the story poles. He does not have a problem with the design.

Tom Guerin, 30 Echo Court, privacy is very important. Their view of the site will be the northern elevation of the site. He is not sure that trees will provide adequate screening. Mr. Guerin said he would help with the cost of an additional soils report to look at an alternative site. He wondered about the erosive effects on the creek. Regarding the design, he is in support of it. It is the flattest portion of the lot but the lot is not flat and will be an engineering challenge where ever it is built. If moved, he would like to see the house only two stories. The change design is minimal from the first proposal.

Marilyn Guerin, 30 Echo Court, wanted to encourage the Commission to come to their house and see that they will be able to clearly view all the three stories. They wanted to have a secluded house and purchased this property for the privacy.

Dr. Hedin said that he thought only the upper floor would be viewed and presented drawing sheet 4 that showed the tree line. The views from the proposed site are primarily of the Seminary.

Commissioner Harle said this seems more like an equity problem rather than a planning problem. It seems like when the Guerins house was built the builder would have had a right to expect that no building would take place. Then a lot split that took place and the second lot could be developed. On the other side of the coin, when the lot split was achieved they had a right to build and there was no design review at that time. In summary they were both caught in this situation. The Guerins should understand that there will be a loss of view or privacy and the

TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES OF NOVEMBER 21, 1994

Hedins are under a great obligation to listen to the needs of the Guerins which means changing the location of the house. It will mean that they will lose some views. The compelling argument is the safety of moving the house and, if it is unsafe he would be inclined not to move it.

Commissioner Israel is sympathetic with the Guerins and it is very unfortunate that they were not told that there was a developable lot next to them. He questioned past practice by the Commission on moving houses if there are not variances and doesn't think they have done that.

Commissioner Harle said that normally a 100 feet distance would not be an issue but this is a hillside lot.

Commissioner Julin said the siting of the house is being driven by geotechnical observations and would not argue that it was a good trade off to move the house to a less stable location for a lesser view of the house. The hillsides at the higher elevations impact more people and the design review is to protect the public interest. The loss of privacy at 100 feet is not a big issue from the community standpoint.

Commissioner Ollinger asked if the garage area is included in the floor area. Mr. Washington said that the first 400 square feet is not counted. Commissioner Ollinger stated that the house, garage and unfinished space is pretty close to the maximum size allowable. The house could be moved further down the hill and the variance would not be required but the house would become more visible. It is hard not to find a reason to approve this because there will be at least 100 feet between the two homes. Moving the house up Oak Avenue would become a more difficult engineering problem and more trees would have to be removed. They tried to put the house in the most logical place given the geological conditions; it makes sense to keep the house closer onto Oak Avenue. Regarding the fire issue; it will not make a difference where the house is located.

Commissioner Hayes said the house is a legal building site, and looks to be the safest site. He felt the design is nice given the constraints of the location. He therefore supports the project with reluctance.

Commissioner Sargent had nothing further to add, noting that equity is an issue but not a planning issue.

Chairman Mihaly is not uncomfortable in discussing alternative siting at a design review proceeding. He agrees that the design review process is designed to affect several properties. He would like to know if the commissioners would feel that additional review on alternative siting would be a possibility.

Commissioner Israel said he thought that moving the house would eliminate additional trees but would not eliminate the view. Unless the house was dramatically altered this is really an equity issue.

Commissioner Ollinger did not think that by moving the house down the hill would reduce the bulk.

Chairman Mihaly had nothing further to add other than he also felt it was a straight equity issue.

M/S Hayes/Sargent to approve V-9415/DR-9410 Roger and Mary Hedin, 176 Oak Avenue, A/P 7-231-44, a design review and variance to construct a new single family residence that will include: a variance to construct a parking deck on the front property line, and locate 3 required parking spaces within the required 20' front setback; the garage will be located 3'6" from the front property line (20' required); and removal of 12 bay, oak and buckeye trees between 8" and 12" in diameter, on property located within the (R-1) Zoning District (above 150' mean sea level).

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 identical zoning classifications, and the granting of a variance will not constitute a grant special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated. This property has an extreme downslope that severely limits the available buildable area on the site. It would be extremely difficult to design a parking area on the property that conformed with all of the required setbacks for this district. Many of the existing houses in this neighborhood have similar reduced front setbacks as is requested by this applicant.
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

TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES OF NOVEMBER 21, 1994

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 proposed residence will not cause any detriment to adjacent properties. The request to reduce the front setback is within reason and typical for a property with this topography.

Design Review:

1. Is functionally and aesthetically compatible with the existing improvements and the natural elements in the surrounding area. The house design is consistent with existing residences in San Anselmo. The proposed residence has been reasonably placed on the property so as to take full advantage of the existing traffic pattern on Oak Avenue. The location of the house will be on a portion of the lot where existing geological conditions provide greater stability and better facilitate construction on this property. 2. Provides for protection against noise, odors, and other factors which may make the environment less desirable. The proposed use for this structure will be single family residential which is a use common in this part of San Anselmo. Therefore, no unusually high levels of noise or odors should result from the development of this property. 3. Will not tend to cause the surrounding area to depreciate materially in appearance or value or otherwise discourage occupancy. This proposed house will not cause depreciation problems for neighboring residences. Any potential visual impacts on neighboring properties should not be to such a degree to reduce the value of such property. The addition of this new residence should cause an appreciation of property values for adjacent residents because of the quality of adjacent residences. 4. Will not create unnecessary traffic hazards due to congestion, distraction of motorists, or other factors and provides for satisfactory access by emergency vehicles and personnel. The establishment of one additional house on this portion of Oak Avenue will not cause any accessibility problems or prohibit emergency vehicles from accessing this or neighboring residences further up Oak Avenue. 5. Will not adversely affect the health or safety of persons using the improvement or endanger property located in the surrounding area. This project will be subject to all of the necessary review safeguards required for developing a hillside property. This will include all necessary soils report and the complete review of the structural plans. 6. Conformance to the approved precise development plans. A precise development plan is not required for a property in the R-1 Zoning District. 7. Adequacy of Screening. The design minimizes the amount of trees that need to be removed. The existing trees that will remain on the property will screen the base of the house reducing the overall massing of the structure from the residence located on the opposite side of the canyon. 8. Selection of architectural features that enable the structure to blend with its environment. The proposed design will only have one floor visible from Oak Avenue. The proposed exterior materials used on this residence will be consistent with other materials used in San Anselmo. These are typical for hillside residences and include a natural color wood siding and dark grey tile roof. These materials will be used on all sides of the house and all levels. Conditions of approval: 1. The applicant shall construct the house in accordance with the plans date stamped received on October 13, 1994 by the Town of San Anselmo. 2. The applicant shall adhere to the recommendations made in the Arborist Report and Tree Protection Plan submitted by Mr. Trees and dated June 16, 1994. 3. The applicant shall adhere to all of the recommendations of the Marin Municipal Water District in their letter dated June 27, 1994.

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

Mr. Guerin stated that the house plans indicate the roof is 37' and should be reduced to 35' in the final plans. Chairman Mihaly directed staff to make the necessary change to the approved set of plans.

E. GENERAL DISCUSSION

Ms. Chaney suggested that the Planning Commission meeting in January be on the 2nd and 4th Monday because of the holidays.

She also suggested a workshop for the Commissioners and requested input from the Commission. She suggested a date of January 23rd.

F. REPORT OF UPCOMING APPEALS TO TOWN COUNCIL

G. ADJOURNMENT TO December 5, 1994.