

**TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES OF APRIL 4, 1994**

A. CALL TO ORDER

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

B. CONSENT

1. Minutes - March 21, 1994
2. **U-9404 - United Market, Espresso! Espresso!, 100 Red Hill Avenue, A/P 6-167-04, use permit for the outdoor sale of coffee and soft drinks, on property located within the C-3 Zoning District.**

M/S Julin, Harle, to approve consent agenda Item B. 2.
Motion unanimously passed. Audience advised of the ten day appeal period.

M/S Julin, Harle, to approve Consent Agenda Item B. 1.

Ayes: Hayes, Israel, Hayes, Harle, Julin
Abstain: Mihaly
Motion carried.

C. PUBLIC HEARINGS-CONTINUED

1. **V-9406 - Michelle Chouinnard, 208 Sequoia, A/P 6-114-01, a variance request to: 1) allow the applicant to relocate a spa within 1' of the rear property line (8' is required); 2) a trellis and arbor to remain with 0' of the rear property line (8' is required); and 3) to allow portions of a fence to be 8' in height where 6' is permitted; on property located within the R-1 Zoning District. (After-the-Fact) Note: The spa and portions of the fence and trellis currently encroach into the adjoining property. **CONTINUED TO May 2, 1994****
2. **PDP-9401/VTM-9402/ER and Density Entitlement, Peter and Pamela Fraser, near 390 Redwood Road, APN's 7-071-03, 7-101-02, 7-154-04, Environmental Review, Density Entitlement, Precise Development Plan, and Vesting Tentative Map applications for a 25.65 acre site located off Redwood Road near 390 Redwood Road. The subdivision map would create seven (7) homesites on about 5.66 acres and a Public Open Space parcel totaling 19.95 acres. No homes are being proposed at this time and such homes would require Design Review approval prior to construction. A Density Entitlement of 12 units is requested although 7 units are proposed. This property is located within the R-1-H Zoning District. **CONTINUED TO THE MEETING OF APRIL 2, 1994 (this will be a site visit at 8:00 a.m.)****
3. **V-9411 - Nick Kaeonil, 727 Sir Francis Drake Boulevard, A/P 6-083-07, a design review and parking variance (6 required, 5 provided) to establish a new restaurant on property located within the C-L Zoning District. **CONTINUED TO THE MEETING OF MAY 16, 1994.****

D. OPEN TIME FOR PUBLIC DISCUSSION

There was none.

E. PUBLIC HEARINGS

1. **V-9410 - Roger Bettini, 18 Bank Street, A/P 6-253-02, 1) Variance to construct a deck facing Smith Lane that will be located 8' from the rear property line (20' is required); and 2) lot coverage variance to construct a deck (35% is allowed, 42% requested) on property located within the R-2 Zoning District.**

The applicant was present.

Mr. Washington presented the staff report.

Chairman Mihaly asked if any of the neighbors had objected. Mr. Washington stated that he has not been contacted by anyone, either for, or against the project.

Mr. Bettini said the building was originally used for commercial. He lives upstairs and the tenant is downstairs. He said he is trying to obtain some privacy for each unit and will also separate them from

**TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES OF APRIL 4, 1994**

the commercial area. His current view is of commercial buildings. The alley is used well into the night by customers of Teds Restaurant. Mr. Bettini provided photographs of the site which included his view from his property. He said his deck is also necessary to muffle the sound from the commercial area. One thought he had was to only have a three foot high fence on one side. Regarding staff's statement about landscape, it would not be desirable to plant landscaping on the lower unit because it is too dark.

Commissioner Harle asked staff to define lot coverage. Ms. Chaney responded.

Commissioner Hayes said he could understand the reasons Mr. Bettini has placed the deck where he has. However, it would be precedent setting to approve a lot coverage variance and the lot is fairly well built out now. The structure is already straining its boundaries. Commissioner Hayes remembered the variance approval in 1979 and there was some reluctance at that time to approve the variance. Unfortunately, he is unable to support this variance now.

Commissioner Julin said that the lot is substandard, and because the lot coverage is in excess, it might be a special consideration because of the substandard lot. Also, decks are not considered in the maximum house size within the Zoning Ordinance. Consequently, this could be considered an exception.

Commissioner Harle said he also remembered the discussion in 1979 and is reluctant to approve the deck because of the discussion at that time. However, it does not seem to be a detriment, although it will be a big structure up on stilts, and therefore could not make a finding to approve.

Commissioner Israel was sympathetic with the applicant but his concerns were that a six foot enclosed structures would create another gathering space in the alley. He would be willing to look at alternatives. He would also like to perhaps look at reducing the lot coverage for R-1 rather than have it the same as R-2. There is no specific topography to allow him to approve the request.

Chairman Mihaly concurs with Commissioner's Harle, Israel and Hayes.

Commissioner Julin asked her colleagues if they would consider the size of the lot as an exception. Commissioner Israel felt this lot already enjoys a special privilege because it is substandard. Chairman Mihaly said that the lot coverage bothers him.

M/S Hayes, Israel, to deny V-9410 - Roger Bettini, 18 Bank Street, A/P 6-253-02, 1) Variance to construct a deck facing Smith Lane that will be located 8' from the rear property line (20' is required); and 2) lot coverage variance to construct a deck (35% is allowed, 42% requested) on property located within the R-2 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.* This property has been developed to its maximum allowable square footage which presently is about 35%. any increase will further exacerbate this coverage issue which in the past has not been supported by the Planning Staff and Planning Commission. This property has been allowed to develop to its fullest potential. *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.* If this deck is constructed on this side of the house it will make Smith Lane appear more like an alley way. The deck, plus a six foot high railing will create a walling affect that will loom over Smith Lane.

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

2. **DR-9406 - Yolanda and Ester Ng, 141 Sequoia Drive, A/P 6-113-12, design review to demolish the existing house and construct a new single family residence on property located within the R-1 Zoning District (above 150' mean sea level).**

The applicants were present.

Mr. Washington presented the staff report as well as several photographs that were submitted by the applicant. He said that there was a concern about the exterior color chosen but this house can not be seen from a distance although it can be viewed by the immediate neighbors.

Mr. Ng said that he and his wife want to construct a house that looked like it had been there for several years and belonged in the neighborhood. He presented photographs of interiors of various houses that would fit their needs. They have very carefully thought out their plans. They intend to merge their two parcels so that there will be a lot of open space. The color was a very important decision, pale yellow house, with a green roof and white trim. The parcel has lots of vegetation and the green roof will blend well with the vegetation. He presented a photograph of the Lark Creek Inn

**TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES OF APRIL 4, 1994**

surrounded with vegetation; this is the identical color and setting that they want. He presented a petition with 30 signatures of neighbors who supported of the project. Lastly, they have one adjoining neighbor that had concerns and they brought these concerns to his architect. One concern was the height of the house. Currently the height is about 26' and the new house will be 30'. Also, the visual massing from the side and the new house will not be any more massive than what currently exists. He presented a study that he performed regarding massing, height, the difference with the 4' height increase, what the massing would look like visually from a 10' distance, and a view from Sequoia looking at the new structure. In summary, by reducing the height from 35' to 30', and reducing the height over the kitchen, it will create less of an impact to his neighbor. They considered moving the house farther away and shifting it but their Architect said that it would not be feasible.

Chairman Mihaly asked if the applicant was going to merge the two parcels. Mr. Ng said he would if it is a requirement.

Jean Adam, 10 Knoll Road, is concerned about the height and type of design of the house. The house seems very ostentatious in the neighborhood that is very middle class. She is also concerned about the view from her house.

Connie Irwin, 16 Sunny Drive, felt this house would be a wonderful addition to the neighborhood. She is in support of the project. There is a lot of love and care taken by the Ngs in creating this house.

Arthur and Lisa Vibert, 114 Sequoia Drive, loves the house and think it will be a wonderful addition to the neighborhood. The applicants have spent alot of time sharing their plans with the neighborhood and have made concessions to the neighbors.

Dodge Irwin, 16 Sunny, said that this is their life dream and was totally in support of the project. They own two lots and potentially two houses could be developed on the two lots. This is a lesser impact on the neighborhood.

Bob Ivory, 145 Sequoia, said he spoke with staff at great length. He is very impressed with his neighbor in working with the neighbors and is convinced that any problems he had can be worked out and he will withdraw his concerns about the size because he is convinced that it is no longer a problem. He would like to see the house moved farther away, but understands that Mr. Ng has already spoken with his architect about that and it is not feasible.

Louise Berlin, 35 Westgate Way, said they purchased the house the Ng's sold. It was evident that they had quite a bit of pride in their house and they were very easy to work with. Also, this house has kept the charm but has moved forward. This house will look beautiful in the neighborhood.

John Gray, 27 Westgate Way. expressed that the Ngs are delightful neighbors and he is completely in support of the project.

Mr. Ng said they wanted the support from the neighbors and wanted them to be as pleased as they are.

The Commissioners were speechless and unanimously supported this project. They commended the applicants in preparing so professionally for their project and taking the neighbors comments into consideration.

M/S Hayes, Israel, to approve DR-9406 - Yolanda and Ester Ng, 141 Sequoia Drive, A/P 6-113-12, design review to demolish the existing house and construct a new single family residence on property located within the R-1 Zoning District (above 150' mean sea level)staff report and add the merger, and condition #9 to include the 6' fence. The approval is based on the following: 1. Is functionally and aesthetically compatible with the existing improvements and the natural elements in the surrounding area. This neighborhood is developed with single family residences and the proposed land use and structure are similar in scale and activity type as surrounding residences in this neighborhood. The addition of a Victorian era residence will be compatible with the eclectic nature of this San Anselmo neighborhood. 2. Provides for protection against noise, odors, and other factors which may make the environment less desirable. This proposal will not have any major long-term detrimental impacts on the environment. The proposed use is consistent with current activities occurring on this property and in this neighborhood. A condition of approval has been included limiting the work hours and days minimizing construction impacts on the neighborhood. 3. Will not tend to cause the surrounding area to depreciate materially in appearance or value or otherwise discourage occupancy. The construction of a new dwelling will not cause the depreciation of property values in the surrounding area. The activity of a single family residence is consistent and compatible with activities currently occurring in this area. The construction of a new house will cause appreciation of neighboring residences. The proposed residence will be an upgrade from the existing structure on the property. 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. This lot presently is developed with a single family residence so the demolition of the old house and the addition of a new residence will not increase traffic levels. The location of the house will not obscure visibility on Sequoia Drive, Coogan Avenue, or Roger Avenue. 5. Will not adversely affect the health or safety of persons using the improvement or endanger property located

**TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES OF APRIL 4, 1994**

in the surrounding area. The proposed dwelling will conform with all established codes controlling building and grading associated with the construction of a new single family residence. These standards have been adopted to insure that all new development will not create any adverse or hazardous conditions during construction and after completion. Furthermore, the construction of this new house will conform with all the required setbacks, eliminating the nonconforming setback issue this house has with its north property line. 6. conformance to the approved precise development plans. This property is zoned R-1 and a precise development plan is not required. 7. adequacy of Screening. all of the mature trees and much of the existing landscaping on the site will be maintained. The proposed location of the house is not highly visible and this property is not visible from the lower elevations around town. 8. Selection of architectural features that enable the structure to blend with its environment. The proposed use of horizontal wood siding on a Victorian style house is appropriate and will complement the neighboring homes in the area. This proposed location will not result in the need to modify the existing topography of the site. The color scheme presented by the architect is appropriate for this style of a house. since this site is not highly visible from various points around San Anselmo its lighter color does not present any problem. Conditions of approval: 1. That the request for Design Review be granted to construct a new single family residence, in accordance with the plans date stamped received by the town of San Anselmo on February 11, 1994. 2. The exterior of the house shall match the color board, siding sample, and roof material submitted by the architect. 3. The applicants shall maintain the existing natural redwood fence extending around the perimeter of the property. 4. The applicant shall strive to car pool site construction workers in order to reduce the number of vehicles driving on Sequoia Drive and to park construction vehicles on or immediately adjacent to the site. 5. Construction activities shall be limited to Monday - Friday between the hours of 7:30 a.m. to 5:00 p.m. 6. The applicant shall secure all necessary encroachment permits from the Director of Public Works prior to issuance of a building permit. 7. Unless waived by the Ross Valley Fire Department a sprinkler system shall be installed in this residence. 8. The applicant shall maintain all of the existing vegetation and mature trees and submit a tree maintenance plan prepared by a licensed arborist evaluating and monitoring the health of each tree before, during, and after construction of the house. 9. The applicant shall submit a landscape plan for the area between the subject house and the north property line to be approved by the Planning Director. 10. submit a soils report for the proposed new residence with a \$1,000 deposit to cover peer review costs. 11. Re-pave the entire frontage of the property including Sequoia Drive, Coogan Avenue, and Roger Avenue to the satisfaction of the Public Works Director/Town Engineer. 12. The applicant shall file a request for lot merger for the two parcels identified as APN. 6-113-12 and 6-113-13, prior to issuance of a building permit. 13. All necessary on and off-site improvements including drainage, road paving, and retaining wall construction shall be provided by the applicant, designed to Town standards and approved by the Director of Public Works/Town Engineer prior to issuance of a building permit.

All ages. Motion unanimously approved. Audience advised of the ten day appeal period.

3. Town of San Anselmo, Draft Ordinance Amendment to require Design Review for residential properties below 150' mean sea level (i.e. flatlands).

Ms. Chaney presented the proposal for the Zoning Ordinance Amendment. Also, a new finding would be included that states this will not impair access to light and air of structures on neighboring properties. She stated that she had not done an environmental review on this project and staff will also do an analysis on the potential impact on staff time.

Commissioner Harle opposed the whole idea. He thought it would be too restrictive; furthermore, he felt that design review was very subjective. He thought it could be substituted for variances in some cases. Property owners are trying to meet their own needs and tastes. This town incorporates bits and pieces of all kinds of points of view and that is what maintains the charm of San Anselmo. A great deal of design review in the hillside is to make houses invisible and not to be viewed from a distance. He accepts those ideas if they are community values but in the flatlands it is to impose taste considerations and he is opposed to the ordinance change.

Commissioner Israel said that this ordinance amendment should apply only to those houses in the flatlands that are visible from afar.

Commissioner Hayes would like staff to see why there is a need to change. He is not inclined to make a change but wondered what evidence there to make a change. He would like staff to put together a table that includes square footage cutoff; 500 square feet; 1,000 square feet, 1,200 square feet and how many houses would fall into those categories. Regarding Item 4, he thought staff should be more specific on the word "impair".

Commissioner Julin did not support this proposal as proposed. She felt this is an overkill that does not take care of this problem, which was the second story. This proposal would take alot of staff time. She would consider block by block, perhaps in the old part of town, it would be important to protect those neighborhoods.

Chairman Mihaly said that his suggestion was to set a criteria that if the development doesn't have a substantial adverse impact on light, air or screening, then the Planning Director can review it. He

**TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES OF APRIL 4, 1994**

asked staff to evaluate what kind of burden that would present. Other questions were: Would it require design review by staff or the Commission? What would the impact be? He did feel there should be a set of criteria in the flatlands that discusses streetscape, view and light. Regarding Number 4: the thought it was too draconian. If you want added protection in square footage, that can be incorporated.

Ms. Chaney said she will take the discussion under advisement and bring the item back at a later Planning Commission meeting.

F. GENERAL DISCUSSION

There was no discussion.

G. REPORT OF UPCOMING APPEALS TO TOWN COUNCIL

There was no discussion.

H. ADJOURNMENT

The regular meeting of the San Anselmo Planning Commission was adjourned at 10:30 p.m. to the next meeting of April 18, 1994.

BARBARA CHAMBERS