

**TOWN OF SAN ANSELMO  
PLANNING COMMISSION MINUTES FOR JANUARY 24, 1994**

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

**A. CALL TO ORDER**

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

**B. PUBLIC HEARING WITHDRAWN**

**DR-9404 - Rossetti's Restaurant, 510 San Anselmo Avenue, A/P 6-102-10, 1) design review request to remodel and paint the front facade of the restaurant, on property located within the C-2 Zoning District.**

**C. CONSENT**

1. Minutes - January 10, 1994
2. **PS-9201 - Geoffrey Koblick et al, 6-42 Redhill Avenue, A/P 6-201-02, 1 year time extension for recordation of a parcel map for property located within the C-3 Zoning District.**

M/S Hayes/Julin, to approve the consent agenda.

All ayes. Audience advised of the 10 day appeal period.

**D. OPEN TIME FOR PUBLIC DISCUSSION**

Ms. Chaney stated that Dorteia Shaw went to the Town Council to discuss the design review issues as she previously discussed with the Planning Commission. The Council directed her to discuss the issue with the Planning Commission. Ms. Chaney said that she would put the item on a future agenda as a discussion item if the Commission so desired.

The daughter of the owner of 124 Humboldt stated that there is a terrible parking problem on Humboldt closest to Fairfax. She suggested that when people build they should also consider a requirement for additional parking, both on-site and off-site.

Commissioner Sias arrived at 8:15 p.m.

**E. 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", and 26" in diameter, on property located within the R-1 Zoning District (Above 150' mean sea level).**

Mr. Coyne and his architect, Mr. Luis Huerto-Royo, were present.

Mr. Washington presented the staff report. He was given to understand by Mr. Huerto-Royo that the applicant and Ms. Dolinsek met earlier today and mutually agreed that there was no objection to the project as presented.

Commissioner Israel questioned the fence and trellis that were drawn on the plans and wondered what the height would be.

Mr. Huerto-Royo, stated that they tried to mitigate all the conditions of the Planning Commission. A major concern from the last meeting was retaining as many trees as possible and they now are considering the removal of one tree. The elevation of the house was reduced by 11 to 14 feet on the north elevation. They hope to save the two trees that the arborist stated would have to be removed. With regard to redesigning the house as suggested by staff, to get equipment to the rear of the property trees will have to be removed to allow the equipment to get to where the house is proposed. Therefore, they do not feel staff's suggestion is a good one. In response to Commissioner Israel's comment, the trellis is 6' high and mainly for the screening of oncoming headlight from the house next door. The color selection proposed is a painted color of natural cedar with a pine green trim. They are proposing to use cedar siding rather than shingles to save trees.

Ms. Chaney stated that the trellis will need an administrative variance because it is on the property line.

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Jonathan Braun 479 Scenic, stated that the suggestion by the Commission was at the previous meeting was to move the house more to the west but this plan has just stretched the house out. The bay that extends out two feet is really only five feet from the side property line. There have been several improvements but this has not been moved far enough away from the neighbor. With regard to drainage, he thought more work was going to be done. The house spans two drainages. There is one that comes from Fairfax and another that runs from Scenic under Canyon. He would like to see that drainage is adequate addressed prior to approval of the project.

Chairman Mihaly asked Mr. Braun if a bay window was more preferable to a regular window. Mr. Braun stated that a window raises a privacy issue, where as the bay window allows in light. He also stated that the alternative plan to move the house back can be accomplished by entering the site on the flat area without having to remove any trees.

Commissioner Israel noted that the dimensions of the bay are not noted on the plans and should be.

Mr. Sandy Magid, 49 Canyon Road, stated that the project is very large, larger than other houses in the neighborhood and projects such as this do not retain the small town atmosphere. He cited other houses within the neighborhood that recently have been approved by the Commission that also do not retain the small town feeling. Consequently, the neighborhood has drastically changed. The neighbors are in the process of buying the land of 25 Canyon and donating it to the Town so that it remain undeveloped. The current plan is drastically different from the proposal that was approved in 1985. Also, he spoke with Ms. Dolinsek on Saturday and he questions whether or not they came to a solution today after meeting with the owner of 25 Canyon. He would also not like to see staff's suggestion of pushing the house to the rear because it would adversely impact his view. He would also like to see the two trees remain that the arborist suggest be removed.

Chairman Mihaly stated that the Commission has to proceed even though the neighbors are interested in purchasing.

Thomas Roskopf, 20 Canyon Road, wanted to see the redwood trees remain and protected during excavation. Also, he would like to see the house moved back so no variances would be required.

Barbara Schmidt, Austin Avenue, recommended that none of the redwood trees be removed and wanted drainage explored more carefully. She also did not think that variances should be approved.

Rory Phoenix, 21 Canyon, presented photographs of the site from the road and his house, including a photo of a stump that is to be removed. He is concerned about drainage and the water runoff and felt that any excavation will cause risk of landslides and change the water course. He was concerned about the landfill, especially because he is the down hill neighbor. He was opposed to granting any variances. If granted, it would be a hardship to him and would devalue his property. The house is still too large, and too close to his lot. He felt the large house is being built to maximize the profits. He did not think that this lot would be considered buildable by today's standards.

Commissioner Israel asked if no variances were granted, what would satisfy the owner at 21 Canyon.

Ann Franklin, 21 Canyon, stated that if the bay was allowed it will be only 4' from their property and will take away their privacy. The house will loom over their property. They would prefer small windows placed higher so light can still get in but they will have privacy.

Steve Moran, 500 Scenic, wanted to see the hydrology studies and was concerned about saving the trees and if excavation takes place around the trees it will create a lot of runoff.

Jake Jakl, 24 Canyon, stated that five redwood trees had to be removed from 36 Canyon and other trees have come down in the neighborhood. The house of 25 Canyon has many redwood trees, and he is very concerned that the redwood trees will not be protected. The exterior color of 16 Ivy Lane was not painted as was approved and the neighborhood is drastically changing and he doesn't seem to have any control over it. He suggested that perhaps a leaded glass window instead of a bay would be preferable.

Ronald Basker, 106 Humboldt, stated that the beautiful area should not be defoliated.

Mr. Huerto-Royo stated that the east side of the house does not require any variances. In order to save the trees they were limited in where the house could be built. He also stressed that this type of construction will be excavated only in the areas where there are no trees. The area of instability will be removed to a 2:1 slope to prevent any future slide. Also, the photograph presented by the owners that showed their deck, is a newer deck, not as old as everyone thinks. There was an agreement with Mr. Coyne and a previous owner to build the deck in its current location. With regard to the color selection, is to be cedar siding with green trim to match the trees. The square footage of this home will be compatible with the neighborhood.

Mr. Coyne, stated the deck was existing in 1982; he gave his neighbor an easement because it encroached on his lot. He felt that they have done a major redesign on the property since the last

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Commission meeting. The house was brought down 11 feet and the redwood trees will also shield Mr. Phoenix's house. Regarding the variance on the west side, it was his understanding that the Commission would entertain a variance if the house was lowered. He said that Ms. Dolinsek's house will be a good 20' from the property line. He met with John Sharp and Ms. Dolinsek concerning their properties to make them compatible. By their absence at this meeting tonight, the Commission will note that they are in agreement. Regarding hydrology and the trees, he said they are only removing one tree and have changed the design to accommodate the trees. There is a recorded agreement with the deck. Moving the house across the ravine would make the house visible from all the houses on Canyon.

Mr. Jakyl stated that just because Ms. Dolinsek is not here doesn't mean that she is in agreement.

Ann Franklin stated that their deed said the easement was granted in 1907.

Commissioner Hayes stated that this is a significant improvement over the last design. The Commission's insistence to preserve as many trees as possible does set some parameters on the house and would probably move the project to the east side. Regarding drainage and stability of the land, in certain circumstances staff asks for a peer review.

Ms. Chaney stated that when a geology report is presented, an independent review is done, paid for by the applicant, and this review was completed. The peer review was done on soils but not yet completed on drainage.

Commissioner Hayes asked about the previously approved house. Mr. Washington stated it was 1,920 square feet. with an 11.5" setback from one side yard and 8' on the other side (Dolinsek's side); 4 trees were to be removed, with a 20' front setback; average height was 32 feet; there were more windows on the original plan.

Commissioner Hayes, stated that the current design is smaller, the east elevation from 21 Canyon is a good deal shorter and has fewer windows although it will be closer than previously approved. This design will not take out as many trees, in fact saves approximately 3 or 4 trees. Therefore, the current design is less of an impact. There is a significant problem in this unique canyon and there has been a real accumulation of development in the neighborhood. In fairness, he felt the current design is less impacting. He wonders what it would be like to move the house farther away from the east side property line, although it might mean removing trees. Regarding the bay window, it is successful incorporated into the plan but he understands why the neighbors would like it moved back. Finally, he would prefer a real natural cedar instead of cedar paint.

There was a 10 minute break at which time Commissioner Julin took her leave.

Commissioner Sias tended to support the staff recommendation; the house is smaller than what was proposed and steps have been taken to give privacy. He would like to see steps taken to provide more privacy but not at the expense of losing trees. The idea of moving it across the creek will bring it into view of the neighbors and would be difficult in case of a fire as well as inconvenient for accessibility to the house across a bridge. He would prefer shingles to paint. He felt it was a big step in the right direction.

Commissioner Harle supported staff's recommendation and resolution with some reservations. He said that the applicant has made a bonafide effort to meet the criteria of the Commission and the public from the last presentation, specifically, saving the trees and reducing the impact and encroachment by the neighbors. He understands about the closeness to the neighbors however if they could eliminate the bay and soften the wall he would like to see that as a mitigation.

Commissioner Israel stated that the site is very difficult however this is a buildable lot. This plan is a dramatic improvement to the street front, to privacy and saving the trees. he would like to the house stepped to the west, and was not comfortable with the west setback. Regarding the 2' easement, he feels differently with the side setback. The 3' bay is inappropriate. In many jurisdictions setbacks are measured by easements, not property lines. He would like to see the wall softened where the bay is. The siding should be natural, suggested redwood siding used from the tree that is to be removed. He would go with the current setbacks to save the trees. He felt that a three bedroom house could be built and still move the house back on the lot.

Chairman Mihaly agreed with Commissioner Israel, he wanted the bay removed because of the close proximity to neighbors. He would grant a west sideyard variance to reduce the bulk. He agreed that this is a difficult site and would like to see a house constructed that saves the trees and not close to the adjacent neighbors.

Chairman Mihaly was worried about testimony of neighbors regarding previous projects. He asked staff what could be done as an enforcement mechanism. Mr. Washington stated that in other towns trees have been fenced off, or require that the arborist be present on site.

Commissioner Israel stated that the arborist's report indicated that no vehicles should be permitted

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to go over the drip line of the trees although all construction is upslope of the trees.

Chairman Mihaly stated that the house size is acceptable but supports another effort of redesign. He asked the applicant if they would consider a redesign. Mr. Coyne stated the biggest issue is the bay window and the saving of the trees. He wondered if they could discuss the merits of the bay window. Chairman Mihaly stated that they should consider all the comments made by the Commissioners.

M/S Sias/Israel, 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", and 26" in diameter, on property located within the R-1 Zoning District (Above 150' mean sea level). This is continued for a redesign, specifically to consider softening the east elevation of the house, stepping it back from the neighbor, stepping it in, not out vertically, and changing the siding to natural cedar; and with the principal of preserving as many trees as possible. This is continued to the meeting of January 28, 1994

Ms. Chaney suggested that the applicant meet with staff prior to submitting revised plans.

Commissioner Israel added that 45 degree angles are key elements that add to the bulk of the building and have a dramatic impact on the house. He offered to be available to clarify his comments with the applicant.

2. **V-9402/DR-9402 - Andrew McEachern, 574 San Anselmo Avenue, A/P 6-102-25, 1)** a design review request to construct a new 1,023 square foot, one bedroom residential unit above an existing retail store, and 2) a variance request to not provide (1) off-street parking space (1 required), on property located within the C-2 Zoning District.

The applicant was present.

Mr. Washington presented the staff report.

The applicant stated that he would like to have the living addition primarily for security and also because the rent would help in recovering the cost of the seismic renovation. He would like to have a deck that projects 6' would be satisfactory.

Commissioner Sias liked the design, his only concern is the parking and the need for one or two parking spaces. He would like to see a parking space acquired rather than granting a variance. He liked the idea that the owner is looking to lease parking elsewhere.

Commissioner Harle supported the staff report, including the 6 foot deck.

Commissioner Israel stated the plan was great but was concerned about the recess of the entry for protection of the building but those kinds of recess can be pretty unpleasant. Applicant stated that it might not be done by code and the insurance company states that they have to have lights for security.

Commissioner Israel did not have a problem with parking; he liked the cornice line on the east elevation by, either lifting the sill or lifting the cornice for the other side. The applicant said it anchored the roof into the building. The plan was to do this as conservatively as possible. Commissioner Israel was in support of all other aspects of the application..

Commissioner Hayes said the design was very interesting, supports the design of increased numbers of people living downtown. The scale is low, sets a tone for the San Anselmo frontage and is uncomfortable to having the roof line rise. He recognizes the virtues of this design but cannot not support it. He does not feel we should be moving up.

Chairman Mihaly supported the application.

M/S Harle Sias, to approve 2. V-9402/DR-9402 - Andrew McEachern, 574 San Anselmo Avenue, A/P 6-102-25, 1) a design review request to construct a new 1,023 square foot, one bedroom residential unit above an existing retail store, and 2) a variance request to not provide (1) off-street parking space (1 required), on property located within the C-2 Zoning District. the deck at 6'.

M/S Israel/Harle, to approve V-9402/DR-9402 - Andrew McEachern, 574 San Anselmo Avenue, A/P 6-102-25, 1) a design review request to construct a new 1,023 square foot, one bedroom residential unit above an existing retail store, and 2) a variance request to not provide (1) off-street parking space (1 required), on property located within the C-2 Zoning District. Approval is based on the following findings: 1. Due to the special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the controlling zoning ordinance or regulations 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

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such property is situated. Except for midday there appears to be adequate parking throughout the downtown. during the peak hours, which according to a parking survey done in February 1993, done during the early afternoon, there is some parking available which is primarily in the Creek Park parking lot. There are a significant number of existing businesses in the downtown area that do not have any off-street parking. The addition of one additional residential unit in the downtown is not expected to exacerbate the existing parking in the Town. 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. The introduction of a new residential unit in the downtown will be a complement to the existing retailers presently located in the downtown. Mixed use developments particularly housing and retail are encouraged in the General Plan and complement the downtown.

**Design Review:**

1. Is functionally and aesthetically compatible with the existing improvements and the natural elements in the surrounding area. The addition, as designed, will complement the surrounding retail buildings and will not be out of scale with neighboring structures. The roof is designed in such a manner that it will not drastically increase the overall height of the building. 2. Provides for protection against noise, odors, and other factors which may make the environment less desirable; The addition of a second story residential unit will not result in creating a less desirable environment on properties adjacent to this parcel or throughout the downtown. some noise may occur during construction but these inconveniences will be temporary, and Town policies controlling construction hours should mitigate them. 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; This addition to the building will result in an appreciation of this property and more than likely the appreciation of neighboring properties because of the upgrade. This is a sensible, well designed, and professional upgrade that should have a positive impact on neighboring properties. 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 The addition of a residential unit in the downtown will not result in a substantial increase in downtown traffic. This will not result in an increase in downtown parking demand and should not have any detrimental impact on neighboring properties. 5. Will not adversely affect the health or safety of persons using the improvement or endanger property located in the surrounding area. The addition, as designed, will not cause any health and safety problems on neighboring commercial buildings or shoppers in the downtown. The introduction of more residential activity in the downtown should improve downtown security during the evenings. Conditions of approval: 1. The applicant shall construct the addition in conformity with the plans date stamped received November 8, 1993, by the Town of San Anselmo; 2. The exterior of the building shall be per the approved color and materials board which is as follows: a) Roofing: simulated slate, eternit rose-gray; b) Stucco; LaHabra X50 Crystal White; c) Facade Tile; ceramic tile design royal blue #8568. 3. The deck shall not project more than six feet (6) from the exterior wall. 4. If the residential unit is converted to any other land use the owner must secure and amendment to the parking variance.

Ayes: Israel, Harle, Sias, Mihaly

Noes: Hayes

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

3. **V-9401/DR-9401/TM-9401/ER - Scott Hochstrasser for Viking Leon, 5 Vista Lane - A/P 7-021-24, 1) Parcel Split to legalize the 1954 creation of 3 separate building sites, each of which is currently undeveloped; 2) Setback variances: Garage to be within 16' of the front property line; House to be within 10' of the front property line and the rear property line; Bay window to be within 8' of the rear property line; Deck to be within 9' of the rear property line; 3) Parking variance: The third tandem parking space will be substandard in length at 16'; 4) Design review of a new dwelling; and 5) Environmental Review of the parcel split, on property located within the R-1 Zoning District.**

Mr. Leon and Mr. Hochstrasser were present.

Ms. Wight presented the staff report.

Ms. Wight explained about a Certificate of Compliance that was issued in 1991 and found that a parcel map was necessary. Since that time, the Town Attorney sought another attorney's opinion expert in the Subdivision Map Act. This attorney's finding was that a parcel map was not required, thus this means that the lot is an existing lot of record.

One of the conditions is that a plan be submitted to the Public Works Director for review prior to issuance of building permits. This plan would include details on paving and drainage.

The peak of the roof is 29', measuring 12' above Vista Lane. Three parking spaces are proposed, with one in tandem. The colors and materials remain the same as previously presented. Ms. Wight also discussed the landscaping plans and the inclusion of an 8' shrub in addition to 30' crape myrtle to add

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varying heights to soften the view along Forest.

Mr. Hochstrasser spoke and expressed his delight at not needing a parcel map and asked that

He supported the staff recommendation, however, he asked that they not have to pave Vista Lane and would like to know what other improvement requirements would be imposed. He asked that the Planning Commission take action tonight because they have made many modifications that have been required since the last meeting.

Commissioner Israel asked about the siding. Mr. Hochstrasser said it was T-111.

Caroline Nakiamo, 124 Humbolt Avenue did not believe the house fit into the neighborhood. She was concerned that the property owners had no intent to live in the house and thus the house does not have a community feel. She was concerned about drainage, that Humbolt Road would not be able to withstand the traffic and construction traffic impact, and the loss of trees.

Guy Esburg, 12 Vista Lane, was concerned about the stability of the site and particularly about what happens when trees come down and retaining walls go up and anticipated slipping of the hillside. What protection is there for the residents if such things take place? He also complained about the applicant's process in working with the neighborhood. He has observed over the past 10 years (which is the length of time in the neighborhood) that Vista Lane was slumped and it is now very difficult to turn around. In other words, it is very difficult for the residents, let alone construction vehicles to get in and out of Vista Lane. Mr. Esburg said that he tried many years ago to obtain variances from the Town and was unsuccessful because he could not show a compelling reason to justify the variance.

James Hatch, 10 Deer Park Lane, asked how many trees would come down. He did not understand why the applicant could not preserve more of the trees by incorporating them into the house and working around them.

Bill Jelinek, 53 Florence Avenue, said he disagreed with the Town's Negative Declaration in that it does not adequately address environmental concerns. He stated that if a significant impact may result, an EIR must be prepared. Consequently, he advised that a focused EIR be prepared on hydrology and soil stability.

Charlotte Hatch, 10 Deer Park Lane, asked that the existing path through this property to the parking lot on Forest Lane be preserved. Mr. Hochstrasser said the path crosses over two private properties.

Lois Linderman, 8 Vista Lane, reaffirmed the existence of the path. She questioned the mismarking of an important oak tree between the original and revised plans. She also questioned the mismarking of an extremely tall oak that is shown as a bay cluster. She identified another error in tree identification and tree removal. She also questioned a tree (Sleepy Hollow tree) that is shown on the map as dead and shown in the arborist report as alive but in decline. The revised plan does, however, save three bay clusters. She is opposed to granting the proposed variances because it would be a grant of a special privilege. She also questioned the need to remove a 20" oak within the right-of-way to accommodate the driveway. Allowing a two-car garage is a grant of a special privilege since so few homes have garages. An open parking deck would be more appropriate. The three car parking requirement should not remove the neighborhood parking space. Her home is 1,200 sq. ft. This home is 2/3's larger. She encouraged Mr. Leon to reopen discussions with the Town for a possible lot trade. Finally, she handed out a petition from the neighbors.

Ann Donnelly, 42 Humboldt, believes the neighborhood is already overburdened. There are a lot of children under the age of 12 who play outside and the street is very curvey. She was concerned that evacuation in the event of a fire would be very difficult and cited statements from the Oakland Fire Chief questioning hillside development.

Veronica Basker, 106 Humboldt, expressed opposition to the setback variances.

Robin McDonald, 10 Vista Lane (property to the east of the subject site), was concerned with bonding to help ensure that any damage incurred due to construction will be restored. She was also concerned about costs they may incur from water line improvements and repaving improvements.

Bruce Linderman, 8 Vista Lane, mentioned two neighbors that are out of state tonight but would be here otherwise. He said he attempted to meet with Mr. Leon without success. His issues include the narrowness of the street, fire safety, parking problems, loss of mature trees, and a previous landslide on this site. He asked that they open discussions with the Town for a possible lot trade.

Chairman Mihaly asked staff for information on the following: 1) the lot trade and why it was dismissed; 2) the status of the trail, particularly since it leads to a Town parking lot; 3) Check the accuracy of the trees in terms of type and size; 4) Mark trees to be removed in the field.

M/S Harle/Israel, to continue V-9401/DR-9401/TM-9401/ER - Scott Hochstrasser for Viking Leon, 5 Vista Lane - A/P 7-021-24, 1) Parcel Split to legalize the 1954 creation of 3 separate building sites,

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All ayes.

Motion unanimously passed.

4. **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.**

Ms. Chaney presented the staff report.

M/S Mihaly, Sias, to deny without prejudice 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. this denial is based on the applicant's inability to provide information needed to make an affirmative decision.

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

5. **Town of San Anselmo - Proposed Ordinance Amendment to limit fence heights within the front yard and streetside yard setback to 3'6" where 6 feet is currently allowed.**

This item was continued to the meeting of February 7, 1994

**F. GENERAL DISCUSSION**

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

**H. ADJOURNMENT TO THE MEETING OF FEBRUARY 7, 1993**

The special Planning Commission meeting was continued to the meeting of February 7, 1994.

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**BARBARA CHAMBERS**