

**TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES FOR JANUARY 10, 1994**

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

A. CALL TO ORDER

Commissioners present: Harle, Hayes, Julin, Sias, Israel, Mihaly
Commissioners absent: None

B. CONSENT

1. Minutes - December 20, 1993
2. **DR-9323 - JB Landscape, 151 San Anselmo Avenue, A/P 7-301-07, design review of an office and storage building for use by a landscape business on property located within the C-3 Zoning District. (After-The-Fact)**
3. **DR-9403 - Virgil Hoffmann, 47 Tomahawk Drive, A/P 177-250-58, design review of retaining walls and benches (After-The-Fact), on property located within the R-1 H Zoning District**
4. **U-9401 - Angelo Barone, 42 Redhill Avenue, A/P 6-201-02, A use permit to establish a retail apparel, accessories consignment sales and installation shop for Harley Davidson on property located within the C-2 Zoning District.**

Commissioner Israel to amend the Minutes as follows: Page 6, paragraph 8, change "He supported the notion..." to "He was concerned about the notion..."

Commissioner Israel asked to remove Item 2 from the Consent Agenda.

M/S Sias, Israel, to approve Items 1 with amendments, 3 and 4.

Conditions of approval for 42 Redhill are as follows:

1. The following project is approved subject to the plans date stamped received by the Planning Department November 22, 1993.
2. The applicant shall conduct all repair and modification work on motorcycles inside of the building.

Ayes: Hayes, Harle, Israel, Sias, Mihaly

Abstain: Julin

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

D. PUBLIC HEARINGS - CONTINUED TO THE MEETING OF JANUARY 24, 1994

1. **V-9328/DR-9320 - Edmund Coyne, 25 Canyon Road, A/P 7-064-14, a design review and variance to construct a new single family residence 11'0" from the front property line (20' required), and 4' from the west side property line (8' required), and to remove three (3) redwood trees having trunk sizes of 24", 24" and 26" in diameter, on property located within the R-1 Zoning District (Above 150' mean sea level).**
2. **DR-9314 - Andrea Moyer of 43 Tomahawk Drive, A/P 177-250-60, a design review request to paint the exterior of the house with an alternative color that does not conform to the approved color palette for homes on Quarry Mountain, on property located within the R-1-H Zoning District.**

E. OPEN TIME FOR PUBLIC DISCUSSION

Mr. Schmidt, San Anselmo, stated that he has a dog that can go over a 3.5' fence and felt that a maximum height fence of 3.5" will not keep out deer and plants will be ruined.

Mrs. Schmidt, San Anselmo, stated she would like limited parking at San Anselmo Avenue and Oak because of all the traffic. Chairman Mihaly advised her to take her concerns to the Traffic Safety Committee.

F. PUBLIC HEARINGS

Item # 2 Taken from the Consent Agenda.

- B.2 DR-9323 - JB Landscape, 151 San Anselmo Avenue, A/P 7-301-07, design review of an office and storage building for use by a landscape business on**

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property located within the C-3 Zoning District. (After-The-Fact)

The applicant was present.

Ms. Wight presented the staff report.

Commissioner Israel had a question about the fence and the landscaping. He felt that it was a piece of blight on the street and now there is an opportunity to provide a little landscaping. He would like to see trim at the top of the fence to finish it off and some landscaping.

Commissioner Harle stated that the site looks better now than it did in the past when there was no fence.

The applicant said that the site was a junk yard before and they have put up a fence and planter boxes on the property as well as two storage sheds.

Commissioner Julin stated that this is an improvement over what it looked like in the past and that great care was taken in constructing the brick planter boxes.

Commissioner Harle concurred with Commissioner Julin. However, if the planter boxes were dressed up a little it would also be good advertising although he did not feel it should be a requirement.

Barbara Schmidt, San Anselmo, stated that she did not think the lot could be built on and wondered if the trucks could access the site from the rear. Ms. Wight stated there is access from the back. The applicant stated he accesses the lot from the back.

Commissioner Israel stated that he did not think there was a shared concern about the additional landscaping from the Commission and takes note that the site has been cleaned up and is an improvement. He would like to see the fence spruced up a bit although it does not seem to be a requirement from the rest of Commission. The applicant stated that he would be happy to fix up the fence.

M/S Sias/Harle to approve DR-9323 - JB Landscape, 151 San Anselmo Avenue, A/P 7-301-07, design review of an office and storage building for use by a landscape business on property located within the C-3 Zoning District. (After-The-Fact). 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 finding could be made if the office building were covered with shingles. The structure is small, but it is visible from the Avenue, so it should be well maintained. The yard should be clear of debris on a regular basis. there are windows on the adjacent building that view this yard. 2. Provides for protection against noise, odors, and other factors which may make the environment less desirable; The applicant only stores equipment on the site and does not use equipment that causes noise, odors, and other factors which may make the environment less desirable.

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

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

Hal Shirley, Bob Anderson and their Architect A.K. Strotz, were present.

Ms. Wight presented the staff report. She requested that the following be added to the Resolution that is the staff report. Number 2. The low income is defined by the Department of Housing and Urban Development. Lower income households means persons whose income does not exceed the

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qualifying limits for lower income families as established and amended from time to time pursuant to Section 8 for the U.S. Housing Act of 1937. Between #2 and 3: The maximum rent charged for 13 of the 14 apartment units shall be affordable at a rent that does not exceed 30 percent of 60 percent of area median income.

Ms. Wight also stated that Mr. Strotz has submitted a site line summary which indicates neighbors across Mariposa Street and how their view of Mt. Tam will be affected. He also has provided a landscaping plan.

Commissioner Julin asked about #3, pg 9 of the resolution. She wondered if comparable or similar disabilities should be included in the category.

Mr. Shirley stated that Commissioner Julin is correct that it might change in 40 years but it is really how HUD defines it. Bob Anderson should state ;

With regard to Resolution Number 7 that the recreation room can only be used by the residents and their guests. Commissioner Sias stated that the room shall not be used by the general public.

Mr. Strotz talked about the sitelines, namely 22, 26 and 28 Mariposa. The concern is the view of Mt. Tam. His photographs indicate that the view of Mt. Tam will not be obstructed by the development. With regard to the landscaping; he stated that St. Anselms School does have some deciduous trees fronting the street and therefore he is suggesting deciduous trees, with colorful foliage and it also continues the look down the street. With regard to Commissioner Israel's suggestion about turning the corner unit around as suggested; the way the units are designed, the bay windows would go under the eaves peak. If the unit is turned around, the windows would be eliminated. With regard to parking; they are proposing a maximum of 5 stalls, of which one is a handicapped. If there is more parking needed, they want to leave a space in front, landscaped, but so that it could be available to add another parking space in the future. Therefore, the rearyard can be increased to 12 feet from 10, and a distance of 40 feet in the front. He stated that from the experience of Mill Creek, the manager has one car, and one tenant has a car. Therefore, it will be primarily just visitors needing the parking, or if they were being picked up and taken somewhere. Regarding the trees along the side yard. Staff liked evergreens however he would hate to see a pine tree or acacia or eucalyptus; consequently, that limits the kind of evergreen. He would like to see a tree that gives shade but also light. He felt the trees that they have chosen will have leaves that fall primarily onto their property.

Commissioner Israel stated that the public was very concerned about landscaping; deciduous trees are good for the seasons but will not screen during the winter, and the one long facade would show during the winter.

Mr. Shirley stated that he hoped he has addressed all the concerns of the public and the Commission.

Commissioner Israel stated that it makes sense that there might not be a need for parking but would that mean that potentially people could be limited because they might drive. Mr. Shirley stated that the only other project he has been affiliated with is Mill Creek and he does not know of any other ones in California; most people live in group homes. Mr. Strotz stated that they did consider the suggestion about making a front porch but they decided that the residents are not the type of people who congregate on the front porch. They tend to meet in the community room and the courtyard.

Commissioner Julin asked about the area for the dumpster. She wondered if that area will be sufficient to handle the Town's future recycling needs. Mr. Strotz stated that he will study that. Commissioner Julin also wondered if there will be any openings of the fence to the school. Mr. Strotz stated that the school has a cyclone fence. Commissioner Julin stated that the access from the street is rather restrictive. In an emergency situation where the residents could not use the access in front, she wondered if there could be a safety concern. Mr. Strotz stated that there is sufficient space, 12 feet and 14 feet from the building to the fence.

Commissioner Sias asked about access to the dumpster. Mr. Strotz said that there is a 4.5' walkway. This walkway will also be used for anyone in a wheelchair.

Mrs. Schmidt, San Anselmo, asked if there were any balconies. She does not like sycamore trees; she thinks the tenants should have more of a view and she would like to see more yard space and would like to hear more about the safety issues. She thought 10-12 units is excessive. She also felt that this particular area of town has excessive cars now and this will only add to the area.

John Silvey, 50 Mariposa, felt that less concrete is best. He would prefer fewer parking spaces to allow for more landscaping. He asked that the maximum size planting be put in for trees. He thought there were 24 inch box trees. He would like to see no more building in the area.

Richard Harwod, 35 Ross, said it should be noted that the Mill Valley project is located in a commercial area not a residential area. With regard to the financial consideration about the grant from HUD; it is based on 14 units with the location in San Rafael. He wondered what the time constraints were on the grants. Regarding #3 on the Resolution, it does not talk about the density

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bonus.

Marsha Hallet, 38 Mariposa, #3, bought her property knowing that the lot was commercial however she stated that her property value is going to be reduced because of the low income housing. She asked if the Commission considered the negative impact this project would be on the property owners. She said there is low income housing already in San Anselmo, and that low income housing attracts crime. She does not think that these individuals should be brought into her neighborhood at the expense of the property owners.

Connie Fortress, Marin Center for Independent Living Facility; stated that ISS is low income housing, not for the handicapped. There are very few homes that are equipped for handicapped. There is a residence care facility on San Francisco Blvd. Most people on disability live on Social Security and the maximum is \$750 per month. They cannot get housing. She asked how many units in this project are accessible and how many will be used for people in wheel chairs? She said that the Fair Housing Act state that there can be a maximum of three persons per unit and she does not know that by law there can be a limit of one person per unit.

Jim Cowperswaither, Oak Avenue, stated that this is an inappropriate use for the site and that it is zoned commercial. He wondered if this will be a problem for the Town; will the sidewalks be able to accommodate handicapped people. He is not sure that we as a Town can assume this.

Mr. Shirley stated that four of the units will be accessible, but the rest will be convertible.

Commissioner Sias stated that this is a very good proposal and has responded in large part to the concerns of the neighborhood. His main concerns is the number of parking spaces. 40 years is a long time to speculate what will happen regarding parking and by reducing the number of parking to allow for additional landscaping, is a concern for him. It could have a lasting impact on the neighborhood if the number of parking is wrong.

Commissioner Hayes liked the idea of dedicating the one space to future parking; there also looked to be space in the front were there is additional landscaping. He would be inclined to approve 5 parking spaces, with the future space to add the additional parking. Regarding visibility of Mt. Tam, the sight line summary done by the Architect is very helpful. It does not appear to be a serious issue. The only issue would be that #22 might lose the Mt. Tam view when the trees are fully grown. He liked the concept of the deciduous trees as proposed. Regarding future large scale development, he stated that this street has given its fair share of development and should be acknowledged by future Commissions and Councils. Regarding occupancy restrictions, can the Town restrict the number of people living in each unit? Ms. Wight stated that the Town cannot limit the number of people, only the number of units, but the Town can suggest only one per unit.

Commissioner Hayes stated that if this building was to be a commercial use, it would be more impacting on the neighborhood. He thought that this is particularly valuable project and that the applicants have gone a long way to listening to the needs of the neighborhood.

Commissioner Julin concurred with her fellow Commissioners and added that the existing zoning of C-3 is really not a viable use for the site. The design is excellent, and the parking variance is reasonable to have 5 parking spaces based on the reasoning of the applicants.

Commissioner Harle supported the current proposal and the wording as stated in the Resolution

Commissioner Israel liked the landscape reserve approach, and perhaps allow for a blended parking space with 8 or 8.5 stalls to allow for the future. He would like to see the landscaping reserve going to the rear instead of the front, He did not think the 4.5 feet path will meet the handicapped and that it will need a different paving. He asked if the Commission considered limiting the parking to 3 or 4 for the residents and the rest for guest parking. With regard to Item 3 in the resolution, the concern from the neighborhood was that the tenants not be ones that have drug and alcohol disability; but limit the tenants to non violent; non sex offenders, etc.

Commissioner Sias liked the "trap door" approach, but wondered if the building could be moved back 2 feet to allow for additional parking in the future. He would also like it left open for future discussion to increase the parking if it is warranted.

Chairman Mihaly was ambivalent about that. He liked the plan for the following reason. Landscaping is a real important issue with the neighborhood. He would also like the use to be very specific so there is no question about the type of use. He therefore would support the current plan with a mechanism to allow for the future parking.

Commissioner Hayes agreed and would like to see some review in the future.

Chairman Mihaly asked if they could have a report in their packets in a year to discuss parking and how it works.

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Chairman Mihaly felt that this was a very appropriate use. It will increase property values, not decrease property values. This project is absolutely ideal for the use and the neighborhood. This use will not increase crime any more than any other place in town. He addressed the issue of over density of institutional use within each neighborhood. The best way to deal with the density is to prepare a plan for the whole street. The resolution should contain a mechanism of a one year review after occupancy with the condition that parking can be modified if it becomes a problem. Also, #3, limited to persons who have disabilities that are appropriate uses that would fit into the neighborhood and next to a school. If a 24" box is required by the school, he would support the same requirement for this project.

Mr. Strotz said there is a bougainvillea planted now which will go up the proposed trellis. He can accommodate what Commissioner Israel wants, which is to move the landscaping on the right side, facing the property, back closer to the building.

M/S Julin, Harle, to approve the Negative Declaration for North Bay Rehabilitation Services, 27 Mariposa Avenue, San Anselmo.

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

M/S Hayes/Julin, to approve Resolution 9401 as proposed in the staff report as well as the language suggested from staff as follows:

1) Add to Number 2: The low income is defined by the Department of Housing and Urban Development. Lower income households means persons whose income does not exceed the qualifying limits for lower income families as established and amended from time to time pursuant to Section 8 for the U.S. Housing Act of 1937.

2) Between Number 2 and 3 Add: The maximum rent charged for 13 of the 14 apartment units shall be affordable at a rent that does not exceed 30 percent of 60 percent of area median income.

3) Modify Number 6: The maximum number of parking shall not exceed five, of which two shall be reserved for guest parking. A review of the parking adequacy shall be conducted at a public hearing by the Planning Commission one year after occupancy of the units. Should there be a need in the opinion of the Planning Commission, the parking variance shall be modified to require additional on-site parking by the removal of front yard landscaping. Motorized vehicles do not include motorized wheelchairs.

4) Modify Number 7: The community room shall be available strictly for the use of the residents and their guests of 27 Mariposa and shall not be available to the general public.

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

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

The applicant's designer, Joel Baumgardner was present.

Ms. Chaney presented the staff report.

Commissioner Harle asked about the change in use. He thought that it should require a parking variance. Ms. Chaney stated that the take out deli generated more of a use than a sit down restaurant therefore Staff did not think the use would be more intensified. However, if the Commission felt that the project should be noticed for a parking variance then it will be.

Commissioner Sias thought the use would change by having tables rather than take out.

Commissioner Hayes stated that he would agree with staff on the assumption that the use has not intensified.

Mr. Baumgardner stated that the circulation through the space would be better by moving the door. It is primarily a flow issue and has to stay below 49 people because otherwise the Fire Department would require two fire exits

Mr. Bill Hendrickson, building owner, stated that the two tables on either side of the door are impracticable and by moving the door to the south side will give a waiting area. Regarding the symmetry of the building, when the building was remodeled in the 1980's the flower shop door was moved but no change was made to Rossetti's because he was operational. Now, they want to take out the air conditioning unit over the front door when the remodeling was done.

Commissioner Hayes stated that this is really a pleasant building and is inclined to meet the needs of the people that use them although he would really like to see it stay the way it is now.

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Commissioner Julin was concerned about the building in the commercial district in that any change affects all the businesses along the avenue. There are not that many good buildings along the avenue although this is a very good building. The current design weakens the building and does not fit in with the rest of the building. She would like to see some guidelines in the future to give guidance to the Commission. Therefore, in the meantime she would like to see the building remain the same as it is now.

Commissioner Harle, understands what Commissioner Julin said however he felt it is a fairly minor change will go along with what the applicant needs.

Commissioner Israel said that the bay will have to be enlarged. He would love to leave it the way it is, that would be the best case. If it is to be asymmetrical, the consistency in the building should be maintained.

Chairman Mihaly wanted to leave the door exactly as it is and would consider this as a historical building. He does not see a very apparent need for a change.

Commissioner Hayes stated that he has seen this building go through changes and this is the best the building has ever been. Therefore, he does not object to the change because he knows that the property owner will make tasteful changes.

Chairman Mihaly asked for a straw vote.

1. Approve the application with the changes;
Commissioner Harle
2. Allow it Off center with a square door;
Commissioner's Sias, Hayes
3. Leave centered and square off door;
Commissioner's Mihaly, Julin, Israel

M/S Israel/Julin, to deny design review in favor of the current building configuration.

Mr. Hendrickson stated that he would like to talk to Mr. Rossetti prior to making a decision to deny.

Commissioner Sias would like to see this approved because he would not like to see the business close.

Mr. Hendrickson wondered what if all the doors of the building were arches.

M/S Israel/Julin, to withdraw their motion for denial.

M/S Israel/Julin to Continue DR-9404 - Rossetti's Restaurant, 510 San Anselmo Avenue, A/P 6-102-10, design review request to remodel and paint the front facade of the restaurant on property located within the C-2 Zoning District. This is continued to the meeting of the 24th of January.

All ayes.

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

M/S Israel/Sias to continue this to the meeting of January 24, 1994 because of the lateness of the hour.

G. GENERAL DISCUSSION

1. Discuss second Planning Commission Meeting in February

The consensus of the Commission was to meet on February 28th if there applications to warrant it.

Ms. Chaney stated that the owners of 22 Magnolia are requesting a 40 year roof rather than the 20 year diamond roof.

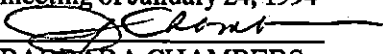
The consensus of the Commission was that they had to go with the approved 40 years roof because the diamond shape asphalt roof was one of the interesting features of the building.

H. REPORT OF UPCOMING APPEALS TO TOWN COUNCIL

I. ADJOURNMENT TO THE MEETING OF JANUARY 24, 1994

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The special meeting of the Planning Commission was adjourned at 11:45 p.m. to the next special meeting of January 24, 1994


BARBARA CHAMBERS