

TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES FOR JANUARY 9, 1995

The regular meeting of the Planning Commission was convened at 8:00 p.m. in the Council Chamber by Chairman Israel. Staff present was Planning Director Ann Chaney.

A. CALL TO ORDER

Commissioners Present: Sargent, Harle, Ollinger, Israel
Commissioners Absent: Hayes, Julin, Mihaly

B. Town of San Anselmo, Proposed Revision to the Ordinance for Maximum Development Size to revise the floor area ration (FAR) for residential properties above 150' mean sea level elevation thereby allowing deviation to the "Maximum Size of Dwellings" in Table 4E. (Note: 5,000 square feet maximum dwellings is the current threshold). CONTINUED TO THE MEETING OF FEBRUARY 6, 1995

C. CONSENT

1. Minutes December 5, 1994
December 19, 1994

2. V-9438/U-9408 - Jerome Draper, 29A San Anselmo Avenue, A/P 7-302-15, 1) a parking variance to establish 400 square feet of independent office space above Ceasers' Cyclery. 1 on-site parking space is provided, 9 are required; and 2) a use permit to allow the establishment of a wine broker in this location, on property located within the C-3 Zoning District.

3. V-9501 - Fay Weimer, 194 Butterfield Road, A/P 5-101-18, 1) a 20' front yard variance and a 5' south side yard variance to construct a parking deck with a roof overhang within 0' of the front property line and within 3' of the south side property line (an encroachment permit will be required to extend beyond the front property line); and 2) a 7' south side yard variance to construct a retaining wall within 1' of the south side property line for property located within the R-1 Zoning District.

4. V-9502 - Barton Goode, 333A San Anselmo Avenue, A/P 7-252-18, a parking variance to allow a bagel shop to intensify its use, for property located within the Commissioner-2 Zoning District.

M/S Harle/Sargent to approve Consent Agenda.

Conditions of approval are as follows:

29A San Anselmo Avenue: 1. The applicant shall limit the maximum number of employees in the 400 square foot office space located above the cycle shop to four. 2. All visits for either business (software or wine sales) shall be one an appointment basis only. 3. If the applicant chooses to establish a broader retail use on this site e.g. (wine outlet) and have customers on a drop-in basis, he will be required to return this item to the Planning Commission for an amendment to the Use Permit and Parking Variance.

333 A San Anselmo Avenue: 1. That the rear of the building remain clear for at least two parking spaces and that employees park in that area, to the greatest extent possible, in order not to interfere with nearby public parking.

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

D. OPEN TIME FOR PUBLIC DISCUSSION

E. PUBLIC HEARINGS

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.

The applicant was present.

Ms. Chaney presented the staff report.

Mr. Gill stated that he had no problem with Recommendation number 2 but thought there should be a time period. He did not think painting on the road would be effective but has no objection to a sign that states "barrier ahead". Regarding the height, he agrees with the staff recommendation.

Chairman Israel asked how the applicant felt about the lower gate alternative with a modification to raise the center. He is somewhat against approving a fence that exceeds 6'. Mr. Gill said it could be lowered somewhat to have the fence not exceed 6', but would like the posts to remain at 7'.

Kathy Sanders, Open Space Chair, felt that 3.5' was an adequate height and that it did not seem feasible that bicyclists would attempt to jump the fence.

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Jerome Draper did not feel the height should exceed 3.5'.

Mr. Gill said that his understanding of the safety issue was that if the fence was below eye level it would be difficult for people to see.

Commissioner Sargent felt the lower the fence the better. He concurs that the 6' maximum height is fine.

Commissioner Harle concurred with the staff recommendation.

Commissioner Ollinger felt it was more graceful to have a lower center and would prefer a maximum of 3.6' in the center. He concurs with the materials; he thought the light would be on a photocell, which would be less obtrusive. Regarding the sign, he thought it was a good idea and an added precaution. He had no trouble with the sign proposed.

Chairman Israel preferred the lower height in the center but did not want to suggest anything contrary to the Public Works Director's recommendation. He wondered if there should be a limitation in the wattage for the lighting.

Mr. Gill said a photocell is on a timer and won't be too bad because it is lower voltage.

Chairman Israel did not feel a "barrier ahead" sign was necessary although he had no objection to a small sign.

Ms. Chaney felt a warning is necessary to alert cyclists that they are approaching the gate.

Mr. Gill said that culpability would come in to play if the road is painted and then not maintained.

Mr. Draper asked about liability if the signage is not adequate.

Ms. Chaney said it seemed important that cyclists should be warned although she had not considered maintenance of a sign painted on road.

Chairman Israel had no problem approving this without the sign, with staff to confer with the Town Attorney regarding legal aspects of the sign.

M/S Ollinger/Harle, to approve 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. Conditions of approval are as follows: 1. The gate across Oak Avenue shall be per the drawing date stamped received by the Town of San Anselmo on January 6, 1995 except that the highest point of the gate may not exceed 6' and the center of the gate may not exceed 3'6". The gate shall be located upslope of the entrance to 555 Oak Avenue in the approximate location of the existing gate. 2. Issuance of the building permit for the gate may not occur until the signs are also ready for installation. 3. Materials used for the gate shall be wrought iron, with a copper/verdi coating, and redwood posts. 4. Lighting may be modified following installation of the gate if it is determined by Town staff (Planning and Police Departments) that lower light levels are appropriate for the area while still meeting safety and security standards. 5. That reflectors be placed on the uphill side of the gate to alert bicyclists traveling downhill. 6. Step over standards and basis sign design shall be consistent with Marin County Open Space district standards. 7. Refer to January 9, 1995 Staff Report for sign wording and symbols. Sign Location: 1. Approximately 20 feet downslope of the proposed Oak Avenue gate just above driveway to 555 Oak Avenue; sign to be on same side as step-over. Remove "Private Property sign." 2. Two-sided sign at the junction where the paved end of Oak Avenue joins the entrance onto Hansen's property; can be read by people traveling uphill or downhill. Staff to determine whether a sign is necessary on the roadway to warn bicyclists travelling downhill of the "barrier ahead."

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

2. U-9501 - Joseph and Susan Walsmith, 100 Chipman Place, A/P 7-271-21, a request to re-establish a second unit. The second unit will be located in an existing accessory structure, on property located within the R-1C Zoning District.

The applicant was present.

Ms. Chaney presented the staff report on behalf of Delvin Washington.

Mrs. Walsmith said they just bought the house. There was plenty of space for parking on the street, with no off-site parking and therefore does not understand why parking is a question now. During the title search, she thought the area was to be shared by all the houses.

Mr. Hendrickson, 90 Chipman Place, said the bulk of the property was created by deed in 1946. He explained a brief history of the property. The information he

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presented to staff was taken from the deed in 1946. The conflicting easement information is taken from Bill Johnson's deed and refers to exactly the same deed. He questioned staff's comments in the staff report regarding the use of the second unit. He disputes that the second unit was no longer legal as specified in the resale report prior to Mr. Johnson purchasing the property. However, his main concern is the parking. He would like to see the second unit revert back to a guest house. He said there was no problem with the second unit when the O'Brien's owned the property however there were problems when the succeeding owners had the property.

Commissioner Ollinger was generally in support of this second unit and how beneficial second units are to the community. This was a legal unit at one time but is bothered that the second unit couldn't be used in the near future. He would hope the legal issues between the property owners can be worked out quickly so it can be used as low income housing.

Commissioner Sargent supports staff's recommendations.

Commissioner Israel supports the staff recommendation but given the conflict and this cannot be accomplished as proposed, he would like to see an alternative to parking. He agrees that this is a good second unit.

Commissioner Harle supported the second unit.

M/S Sargent/Harle, to approve U-9501 - Joseph and Susan Walsmith, 100 Chipman Place, A/P 7-271-21, a request to re-establish a second unit. The second unit will be located in an existing accessory structure, on property located within the R-1C Zoning District. Conditions of approval: 1. The second unit must be brought up to conformance to applicable building codes by the Town of San Anselmo, Marin County, and the State of California pertaining to the operation of a dwelling unit. 2. The applicant shall submit a landscape plan to be approved by the Planning Director for the area between the second unit and the residence at 155 Oak Avenue in order to provide privacy screening. 3. A deed restriction shall be recorded stating that the second unit is located on an Assessor's parcel where the owner of record maintains his principal residence, except as provided in Section 10-6.305 of the San Anselmo Municipal Code. The second unit is subject to the second unit rent and tenant income limits as provided for by Ordinance No. 706. 4. The applicant shall resolve the issue of the two conflicting easements with the neighbor at 90 Chipman Place, regarding the allowance of required parking in the turnaround area. If it is determined that parking is not allowed in the designated area the applicant must secure adequate parking elsewhere, otherwise this second unit permit will not become effective. This issue shall be resolved prior to the issuance of a building permit. 5. That if this development which has received conditional discretionary approval and has not begun within one year from the date of final action, the permit shall become null and void. However, this discretionary action may be renewed by the Planning Director for a maximum period of one year provided the applicant places such request in writing to the Director showing good cause prior to the expiration of the discretionary action.

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

3. V-9406 - Michelle Chouinard, 208 Sequoia Drive, A/P 6-114-01, a re-hearing of a variance request to: 1) allow the applicant to relocate a spa off the neighbors property to within 1' of the side property line (8' is required); 2) to relocate a trellis and arbor off the neighboring property and be within 0' of the side property line (3' is required); 3) to allow portions of a fence and trellis to be 9' in height (6' is permitted); and 4) to relocate an existing 192 square foot arbor that encroaches 4" on the neighbors property and will be within 0' of the side property line (8' is required) on property located within the R-1 Zoning District. (After-the-Fact) Note: The spa and portions of the fence trellis and arbor currently encroach into the adjoining property.

The applicant was present.

Ms. Chaney presented the staff report in the absence of Mr. Washington.

Ms. Chinnard said she is trying to comply to do the work. She stated that she never received the first letter and has just received a certified letter. It was her understanding that she had a permit and has every intention of complying with the variance. She said she has no problem with the time frame but her complaint is the way she has been treated.

Juno Bell, 47 Cypress, agreed that the arbor was removed from over the hot tub but is now over the roof. He would like this resolved as quickly as possible.

Commissioner Ollinger hoped that when variances are approved that the work is done in a straight forward manner. The neighbor has a right not to have people encroach on his property. The applicant stated she will comply with the 30 days and he hopes the work is accomplished in a timely manner.

Commissioner Sargent concurs with Commissioner Ollinger. This work has to be completed as quickly as possible. He would not support an extension of time.

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Commissioner Harle supports the staff report.

Chairman Israel said that he concurs that the work should be done as quickly as possible.

M/S Sargent/Harle, to approve an amendment to V-9406 - Michelle Chouinard, 208 Sequoia Drive, A/P 6-114-01, a re-hearing of a variance request to: 1) allow the applicant to relocate a spa off the neighbors property to within 1' of the side property line (8' is required); 2) to relocate a trellis and arbor off the neighboring property and be within 0' of the side property line (3' is required); 3) to allow portions of a fence and trellis to be 9' in height (6' is permitted); and 4) to relocate an existing 192 square foot arbor that encroaches 4" on the neighbors property and will be within 0' of the side property line (8' is required) on property located within the R-1 Zoning District. (Alter-the-Fact) Note: The spa and portions of the fence trellis and arbor currently encroach into the adjoining property. This approval to be amended to include the following condition: 4) The applicant shall submit three sets of working plans for a building permit by February 8, 1995. These plans shall be prepared to the satisfaction of the Public Works Director, and shall reflect all of the approved changes stated in the approval for variance (V-9406). Fees shall be paid and work shall commence within thirty days from the date of approval of plans. If the applicant fails to meet the requirements stated above, the Town of San Anselmo will begin abatement proceedings on this property.

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

Chairman Israel wanted to make it very clear to the applicant that she knows the fence does have to be removed from the current location and that it is her responsibility to come to the Building Department and apply for the building permit..

F. GENERAL DISCUSSION

Election of Vice Chair of the Planning Commission for 1995.

Commissioner Sargent agreed to accept the Vice Chair.

G. REPORT OF UPCOMING APPEALS TO TOWN COUNCIL

H. ADJOURNMENT TO JANUARY 23, 1995

The regular meeting of the Planning Commission was adjourned at 10:00 p.m. to the next meeting on January 23, 1995.

BARBARA CHAMBERS