

**TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES FOR JUNE 10, 1996**

The special Planning Commission meeting was convened at 7:30 p.m. in the Council Chamber by Chair Israel. Staff present was Planning Director Ann Chaney, Associate Planner Lisa Wight and Assistant Planner Chip Griffin.

A. CALL TO ORDER

Commissioners present: Mihaly, Duys, Wittenkeller, Sargent, Israel
(Commissioner Harle arrived for the first public hearing item)

B. CONSENT

1. Minutes - May 20, 1996 and June 3, 1996

2. DR-9612-Ludwigs, 431 SAN ANSELMO AVENUE, A/P 7-251-18, Design Review to modify the existing facade with new windows, door, facade treatment, colors and signs, on property located within the C-2 Zoning District.

3. DR-9611-Morgan and Uni Song, 636 SAN ANSELMO AVENUE, A/P 6-102-28, Design review of remodel to former restaurant "The Arbor", to include facade/patio modification and addition of a small storage space inside, on property located within the C-2 Zoning District.

4. V-9616 Mark and Ann Susnow, 105 SCENIC AVENUE, A/P 7-064-01, a variance to replace a 192 square foot garage (1 car) with a 230 square foot garage (1 car) within 4'6" of the front property line (20' required), on property located within the R-1 Zoning District.

E1. V-9617-John Potts, 196 OAK SPRINGS DRIVE, A/P 5-292-06, a variance to build an attached 483 square foot garage, with a roof deck to existing two story house within the ridge zone, on property located within the R-1 Zoning District.

A member of the public asked that Item B3, 636 San Anselmo Avenue be removed from the Consent Agenda for discussion.

Staff suggested that Item E1, 196 Oak Springs Drive, be placed on the Consent Agenda.

M/s Wittenkeller/Duys, and unanimously passed, to place E1 on the Consent Agenda and remove B3 from the Consent Agenda.

M/s Mihaly/Duys, and unanimously passed, to approve the Consent Agenda as modified.

Conditions of approval are as follows:

431 San Anselmo Avenue: 1. That the project be constructed per plans date stamped received by the Town of San Anselmo on May 21, 1995, except that: a) The arched doorway along the Tunsteead Street side shall not be plastered over and shall remain as an architectural element even if it is not a functioning doorway. b) 8" to 10" wide molding shall be located along the top of the building on all sides and painted with the approved accent color. 2. That the project colors are as follows: Main building color (stucco and wood siding areas) = warm grayed-off tan; Accent color (windows, topmolding) = medium brown-gray color; Wood detail (lower store front, windows, sign) = high gloss dark forest green; Existing shingles = Spanish moss solid stain; Sign letters and trim around sign = silded gold; Door (main door into store) = natural mahogany. 3. That is 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.

105 Scenic Avenue: 1. That the request for a variance be granted to construct the garage in accordance with the plans date stamped April 3, 1996, with the addition of drainage and sidewalk, received by the Town of San Anselmo Planning Department, March 12, 1996; 2. Applicant shall apply for and pay all appropriate fees for building permits, plan checks and inspections; 3. This permit and each condition contained herein shall be binding upon applicant and any successor to the title ownership of the property; 4. Garage shall have trim and paint to match that of the residence; 5. Applicant must design, submit plans, obtain proper permits and build a drainage solution for the in place storm drain system that is acceptable to the Director of Public Works. This includes the repairs to the system from

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the headwall/outlet to the opposite side of the garage pursuant to the adopted public works standards, as these improvements are integral to the garage, they shall be submitted and built concurrently with the foundation of the garage replacement; Applicant shall build concrete sidewalk and driveway apron from the northwesterly corner of the property approximately 28' to the stone walkway, pursuant to the adopted public works standards; 6. Applicant shall remove only the necessary Bay trees, or portion(s) thereof to insure proper utility of drainage and garage; and 7. That is 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.

196 Oak Springs: That the request for a variance be granted to construct the garage and roof deck in accordance with the plans date stamped, received by the Town of San Anselmo Planning Department, April 12, 1996; 2. Applicant shall apply for and pay all appropriate fees for building permits, plan checks and inspections; 3. This permit and each condition contained herein shall be binding upon applicant and any successor to the title ownership of the property; 4. Applicant must remove existing driveway, replace existing curbcut with curb and landscape the new front yard area before building permits are finalized; and 5. . That is 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

The audience was advised of the ten (10) day appeal period.

C. OPEN TIME FOR PUBLIC DISCUSSION

No one spoke during this time.

D. PUBLIC HEARINGS CONTINUED

1. WORKSHOP: Town of San Anselmo - Ordinance Amendment - Evaluation of the 8' interior side yard and 12' street side yard set back requirement in residential zoning districts for additions to existing structures which do not meet current set back requirements .CONTINUED TO 6/17/96

2. V-9604/DR-9606/U-9603 - Pacific Bell (applicant), 1509 SIR FRANCIS DRAKE BOULEVARD, (Seventh Day Adventist Church), A/P 5-153-03, a variance to increase the height of the church tower by 5' (currently the Tower is 33'-6" tall, it will be increased to 38'-6") and a use permit to locate a cellular phone site at this location, the panel antenna will be located within the tower addition, on property located within the R-2 Zoning District. CONTINUED TO 6/17/96

3. V-9603/DR-9602/U-9602 - Pacific Bell (applicant), 324-330 SIR FRANCIS DRAKE BOULEVARD, (Tamalpais Theater) A/P 6-251-04, a variance, use permit and design review request to establish a cellular phone site at this location. The proposed cellular antenna will be located on a section of the building that exceeds the 30' height limit, on property located within the C-L Zoning District. CONTINUED TO 6/17/96

4. V-9615/DR-9608 - Howard and Maria Silver, 17 IDALIA COURT, A/P 7-232-04, 1) Design Review to construct a 924 square foot-second story addition to an existing 1,332 square foot single family dwelling; 2) Variance request to locate required parking (2 spaces) within 0' of the front yard setback (20' required) and into the public right-of-way due to a request to convert an existing 1-car garage to office space; and 3) a height variance for the chimney height to be 32' above average grade (code maximum 30') on property located within the R-1 Zoning District. CONTINUED TO 6/17/96

5. DR-9610-David Bott and Karen Nelson, 80 SOUTH OAK AVENUE, A/P 7-241-50, Precise Development Plan and Design Review request to construct a new single family home; and a variance to construct a patio wall (9' high maximum) within 3'6" of the south side property line (8' required) on property located within the R-1-H Zoning District. CONTINUED TO 6/17/96

6. DR-9530/S-9503 - Red Hill Shopping Center, 834-916 SIR FRANCIS DRAKE BOULEVARD, A/P 6-061-23, design review of new exterior building colors and sign review of a new sign program on property located within the SPD Zoning District. CONTINUED TO 6/17/96

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E. PUBLIC HEARINGS

B3. DR-9611-Morgan and Uni Song, 636 SAN ANSELMO AVENUE, A/P 6-102-28, Design review of remodel to former restaurant "The Arbor", to include facade/patio modification and addition of a small storage space inside, on property located within the C-2 Zoning District (Taken from Consent).

Mr. Griffin presented the staff report.

The applicant noted that the fence will be painted the same color as the building.

Bill Hendrickson, adjacent property owner, wanted to know if the garbage cans are going to be contained on the existing property. Chair Israel affirmed.

Commissioner's Harle and Mihaly and Wittenkeller were in favor of this improvement for the building.

Commissioner Duys was in support of the project but would like to have the doors and trim clearly defined. Staff noted the colors as follows as taken from the proposed color board: umbrellas AND DOORS are to be Hunter Green; Siding: Tan, Fence: Tan, Trim of door and umbrellas are Hunter Green; Wood trim around the door (either beige or green). Awnings: tan with green lettering.

Chair Israel was concerned about consistency in the downtown area regarding specific details submitted during design review and would like future projects to have better details when a project is under design review. He asked that Staff bring any revisions forward to the Commission if there are any questions during the building permit issuance.

In response to Chair Israel, Ted Smith, Building owner, stated that the windows will be aluminum, surrounded by wood trim.

M/s Wittenkeller/Sargent, and unanimously passed, to approve DR-9611, with the staff findings and with the proposed colors as follows: Awning and building: Sunbrella 4633-Linen (6033); Umbrella: Sumbrella 4637 - Forest Green (6037); Siding: Tan; Fence: Tan; Trim of door: Hunter green (to match umbrella); Wood trim around the door: beige or green. Lettering on awnings: green. Staff is to pay particular attention to colors and windows. Conditions of approval are: 1. That the request for a design review be granted to improve and modify the building and patio in accordance with the plans date stamped, received by the Town of San Anselmo Planning Department, June 3, 1996. 2. Applicant shall apply for and pay all appropriate fees for building permits, plan checks and inspections; 3. This permit and each condition contained herein shall be binding upon applicant and any successor to the title ownership of the property; 4. The applicant must provide a space large enough to accommodate sufficient room for garbage cans inside the building near the rear door. Trash cans shall be kept in this place except during times of garbage pickup. This space must be kept clean and away from any food preparation, service or storage areas. 5. The rear exterior of the building must be improved with new siding and trim where needed and the application of a non-opaque clear or natural tint sealant must be applied and maintained. The area near door must be kept clear of trash and other debris that may assemble. 6. That is 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.

The audience was advised of the ten (10) day appeal period.

2. DR-9513/U-9606- Andronico's Market, 100 CENTER BOULEVARD, A/P 6-101-04, 1) Design Review amendment to add an enclosure along Bridge Avenue side; and 2) Use permit to allow outdoor seating, on property located within the C-3 Zoning District.

Ms. Wight presented the Staff Report.

Commissioner Mihaly asked about the noise and visual impacts of the wall and mechanical equipment. Ms. Wight responded that Boston ivy will eventually cover the blank wall. She noted that if a parapet wall was added to cover the mechanical equipment, less greenery would be viewed of Bald Hill.

Commissioner Duys was concerned about the amount of space for ingress and egress of delivery trucks.

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Commissioner Sargent requested a site plan that indicates the location of all the equipment to ensure the contained space would be large enough to handle the recycling and other equipment as well as delivery vehicles.

Cherilyn Gilboy, Luna Lane, was concerned about the increase in noise during the evening. The wall facing Red Hill is barren of planters and would like to see some soundproofing take place in that area.

Commissioner Harle supported the Staff Report and did not think the noise factor was a crucial part of the application.

Commissioner Wittenkeller was concerned that the service area becomes very apparent and, although it is the back door to Andronicos, it becomes a front door to Bridge and Center. There are no trees in the two large planters fronting Bridge Street and would like to see a trellis structure with vines which would also screen. He was opposed to the chain link fence.

Ms. Wight stated that she did not require trees in the area of Bridge and Center but the Landscape Architect was not opposed to that. In the Area of Sir Francis Drake and Bridge Avenue, the Police Chief was very concerned about site distance.

Mr. Sutti stated that he was not opposed to trees or wood trellis and vines rather than the chain link fence.

Commissioner Duys concurred with Commissioner Wittenkeller and added that she would like to see the rear area detailed similar to the front.

Commissioner Sargent also concurred with Commissioner Wittenkeller, adding that he wanted to see diagrams that indicate ingress and egress as well as a detailed plan of all the equipment in the area.

Commissioner Harle was not in favor of a roof parapet to screen the machinery.

Commissioner Mihaly concurred with Commissioner Wittenkeller and wondered what the need was to have umbrellas in the eating area under a trellis.

Chairman Israel stated that it might be redundant but he was not bothered by it. He agreed to the screening for the trash area because it has been messy. He was concerned about the configuration of the enclosure; if the only access is through the big doors, it will always remain open; he would like to see a visual buffer (a man door) for those frequent trips into the area.

Mr. Sutti explained that the employees have access from inside the store and the main doors are only open for the garage company.

Chairman Israel would like a protected curb for use by the garbage trucks; he was not sure how the noise problem has increased because the area in question is a preexisting wall and likes the simplicity of the plane. He supported the idea of an overhead trellis to aid in screening. He also supported the cafe concept. He felt very strongly about the lack of roof screening. At the corner of Bridge and Sir Francis Drake, the mechanical equipment is right at eye height and he would like screening.

Commissioner Wittenkeller stated there is a large blower on the roof and some reflective duct work that is very ugly, but if a parapet wall had to cover all the equipment it would be too massive. He noted that the Boston Ivy is a semi deciduous ivy; a creeping fig would have a lot of sound absorption, would be more dense, would grow quickly and is an evergreen.

M/s Wittenkeller/Duys, and unanimously passed, to move continuance to the meeting of 7/1/96, to allow the applicant time to make modifications as discussed by the Commission.

3. DR-9607 - Joshua and Lisa Stapp, 28 VINE AVENUE, A/P 7-231-17, 1) Design Review to construct first and second floor additions totaling 1,026 square feet to an existing 1,171 square foot single family dwelling, on property located within the R-1 Zoning District (above 150' mean sea level).

Ms. Wight presented the staff report, noting that staff is recommending conditional approval of the project.

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Chair Israel asked about the previously converted garage and questioned the required parking on the site. Ms. Wight responded that by adding a bedroom, the applicants are required to provide three off-street parking but are not required to provide parking within the setbacks.

Commissioner Wittenkeller wanted to make sure that the drawings indicate there will no longer be a second unit. Ms. Wight responded that the approved drawings will have an "x" through the second unit as well as a letter from the applicant, indicating that the second unit is no longer proposed.

Joshua Stapp, applicant, stated that they are trying to use the existing soap stone that is there but it is difficult to find. The vertical is T-1-11, and the ship lap is of redwood. He stated that he would like to continue the wisteria from the side of the house to the front.

Sid Shadel, 40 Vine, stated that he could view the front and the north side. He acknowledged the efforts of the applicant in trying to appease the neighbors and was happy to see the second unit omitted. He was in support of the addition but is surprised at the proposed colors. He hoped they would consider the utility lines when planting the trees because it is a very windy area.

Commissioner Wittenkeller had no problem with the project but would like it toned down if the neighbor is opposed to it. He would also like the motion to reflect that the second unit will not be part of the plan.

Commissioner Duys supported the project but was bothered that the front of the property would be used as for parking. She would like to see some integral covered parking incorporated into the project because the lot is quite large. Also, she would like to see more detailing on the colors and materials and would like that detailed for the record.

Commissioners' Sargent and Mihaly concurred with the other Commissioners.

Commissioner Harle had no objection to the project or proposed colors.

Chairman Israel stated that because the lot borders the flat land and the 150' elevation line, he would review it more for light and air as defined in the flat land design review guidelines. He also concurred with Commissioner Duys with parking in the front setbacks because it appears that there are numerous ways to get parking off the street. He suggested tucking some parking to the rear of the site, or provide some screening so they cannot be viewed from the street. Another alternative would be to expand the house to the rear. Because of the configuration and topography of the lot he was not sure that he wouldn't support a front yard setback just to get parking away from the front of the property.

Mr. Stapp responded that his immediate neighbors are parked right on the property line; he is setback more on the property line than the neighbors and has used landscape screening but the topography is an issue.

M/s Wittenkeller/Harle, and passed, to approve DR-9607 with findings in the Staff Report. Conditions of approval shall be: 1) The area of the 3 on-site parking spaces shall have an all-weather surface approved by the Public Works Director; 2) the exterior colors shall be limited to: Glidden Charlottetown TR-010: (Dark Olive Green) and Glidden Harwichport TR-09 (Dark Beige); 3) Three (3) deciduous trees (with a growth potential of 40' in height), to be approved by the Planning staff, shall be planted along the south side property line; and 4) the roof material and door/windows shall be as shown on the color board dated April 2, 1996. The design shall be as shown on the site plan received by the Town on May 29, 1996, and the elevations and floor plans on March 25, 1996. The Commission added additional condition. 5) the second-unit be excluded from any approval.

Ayes: Sargent, Wittenkeller, Harle, Mihaly
Noes: Duys, Israel

The audience was advised of the ten day appeal period.

4. U-629 Lenny Lerner, Attention to Detail, 1535 SIR FRANCIS DRAKE BOULEVARD, A/P 5-153-01, Review of an existing Use Permit and conditions for an existing business due to possible violations, on property located within the C-1 Zoning District.

Ms. Wight presented the staff report.

Commissioner Wittenkeller supported Staff's recommendation but suggested that a screening structure be considered to help soften and hide the multiple uses.

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Mr. Lerner said he would be willing to go point by point with Staff. He does not understand that the use of the property is not consistent with any other businesses in the area in the automotive business. There have been vehicles that he has detailed that he has been told that the "for sale" signs must be removed. He said that Staff's concerns have been adjudicated. He stated that U-Haul solicited him and he did not know that there was no permission from the Town. When he discovered this, he removed this use from his property. He noted that the light poles for the Christmas trees will be removed tomorrow if they are not down now. He will not develop the back property without the property permits. He felt the restriction on the number of cars on the site was unfair and that the Town was restricting free enterprise. He has upgraded the property as well as the landscaping and stated the lattice was installed to protect the plants from pedestrians.

Chair Israel clarified that there is a process for use permits and to monitor the conformance under which the use permits are granted.

Mr. Lerner stated that he had a problem with the law being administered uniformly.

Ms. Wight noted that neighbors have made complaints as well as the Town Council hearing about complaints. In addition, this property is very restricted in terms of what uses are allowed.

Commissioner Duys asked if Valley Vagonworks is a division of Attention to detail. Mr. Lerner affirmed and stated that it was also part of the original use permit. He was also under the impression that buying Levi's was a permitted use. The white trailer on site is one that is borrowed but will be gone this week. The tent is used to shield the motorcycles that are being detailed and is moved behind the building when not in use.

In response to Commissioner Duys staff responded that a separate use permit would be necessary for the on-site sale of Levi's.

Mr. Lerner was uncertain why he was required to have permission to allow new signage on the site. Chair Israel explained.

Commissioner Sargent stated that the image of the site has changed by the number of uses and it may have confused the public image of what the use is.

Commissioner Mihaly supported the staff report however he felt it would be a good idea to have a serious look at what the current use is. He was pessimistic that staff's recommendation will end the problem.

Commissioner Harle stated that the original use had to fit into a predominantly residential area and on that basis a use permit was granted for the detailing business. The multiple uses would not have been approved and are not appropriate now; perhaps multiple uses are necessary for survival but it should not be on this site. He felt the use should be looked at directly; if the applicant can meet the conditions, that would be fine, otherwise he would abate the use.

Commissioner Wittenkeller stated that they might want to screen and allow the applicant to have other uses but would be willing to give the applicant time to clean up the site.

Chair Israel concurred with commissioner Mihaly. He stated that the site has wide open driveways and the site was visible. He agreed that there are other auto facilities in Town that are very visible and unsightly. The way to review this is, is to review as a package. He understood some of the needs of the applicant, but excessive signage and other things on site are not part of a use permit. If the applicant needs this, it should come back as an amendment.

Mr. Lerner stated that he was not about to come back to the Town to amend the use permit. He is willing to work within his use permit and is not violating the use permit.

Commissioner Mihaly stated that it seems that the applicant may want to use the site differently than what was originally approved. If the applicant out grows the use permit, the permit is either modified or the use moves off the site.

M/s Mihaly/Duys, move staff recommendations, and that the applicant communicate with staff at 258-4636, second: All ayes.

F. GENERAL DISCUSSION

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Ms. Chaney stated that the owner of 14 Rowland Court is asking for an amendment to his previous approval. He would like to plant two trees in the sidewalk in lieu of a trellis and vine. She asked for the Planning Commission to respond.

Chair Israel stated he could have moved the house back one foot prior to construction so this situation would not have occurred. Commissioner Wittenkeller stated that he has a very small garage space but is still able to use it. In summary, the Commission felt their original motion should stand.

Chair Israel asked that the downtown plan be agendized.

Chair Israel stated that he has received proposed color samples for Red Hill Shopping Center from Pat Burton.

G. REPORT OF UPCOMING APPEALS TO TOWN COUNCIL

H. ADJOURNMENT TO Monday, June 17, 1996.

The special meeting of the San Anselmo Planning Commission was adjourned at 10:30 p.m. to the next meeting on June 17, 1996.

BARBARA CHAMBERS