

**TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES FOR MAY 6, 1996**

The regular meeting of the San Anselmo Planning Commission was convened at 7:30 p.m. by Commissioner Mihaly. Staff present was Planning Director Ann Chaney, Associate Planner Lisa Wight, and Assistant Planner Chip Griffin.

A. CALL TO ORDER

Commissioners Present: Wittenkeller, Harle, Duys, Mihaly
Commissioners Absent: Sargent, Israel

B. CONSENT

1. **Minutes - April 15, 1996: Continued to May 20, 1996**
2. **V-9612 - Walter Riedl, 55 CROOKED AVENUE, A/P 6-116-16, front yard and rear yard variance to construct a gable roof on a flat roof house within 10' of the front property line and within 14' of the rear property line (20' code minimum), on property located within the R-1 Zoning District.**
3. **V-9613 - Jean Scherman, 869 SAN ANSELMO AVENUE, A/P 7-162-01, replacement of two uncovered decks within 7' and 11' of the front property line (14' Code minimum) and after-the-fact construction of covered stairs within 3' of the Grove Lane side property line (10' Code minimum) on property located within the R-3 Zoning District.**

M/s, Harle/Wittenkeller, to approve the consent agenda. Ayes: All.

C. OPEN TIME FOR PUBLIC DISCUSSION

No comment was received at this time.

D. PUBLIC HEARINGS - WITHDRAWN

Environmental Review/PDP-9501/V-9541 - Jack Hunt, BETWEEN 41 AND 43 TOMAHAWK DRIVE, A/P 177-250-31.

E. 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 MAY 20, 1996**
2. **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 MAY 20, 1996**
3. **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 MAY 20, 1996**
4. **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 MAY 20, 1996**
5. **PDP-9505/Parcel Split - 9503/V-9549/DR-9525 - Carlos Castro, 444 REDWOOD ROAD, A/P 7-191-10, 1) a land division, precise development plan, density determination and design review to subdivide an existing property currently developed with a single family residence in order to construct a new house; 2) a variance to allow an access easement across the existing driveway for 444 Redwood in order to serve the proposed new parcel; 3) a variance to construct a retaining wall a total of 60 feet long along the uphill side of Redwood Road (within 0' of the property line) in order to widen Redwood Road to 15' of paving for fire safety reasons; and 4) remove**

one heritage tree (30" bay) (this project will involve the removal of 12 bay trees between 6" and 22" in diameter and one 15" walnut tree), on property located within the R-1-H Zoning District.

Commissioner Mihaly noted that Item 5 has been CONTINUED TO MAY 20, 1996. This was not included in the final agenda.

E. PUBLIC HEARINGS

1 PDP-9602, DR-9604 - Warren and Deborah Hernand, 33 CHERNE LANE, A/P 5-300-30, 1) Precise Development Plan, and 2) Design Review to construct a 1,124 sq. ft. pool house, 780 sq. ft. garage, and new lap pool. The project also involves new landscaping and relocation of a 15' wide drainage easement on property located within the R-1-H Zoning District.

Ms. Chaney presented her staff report. The applicant is proposing to construct a 3 car garage, a pool house and lap pool. She summarized the history of this property, beginning with a rezoning in 1979. The pool house is proposed to be 1,124 square feet, with a full kitchen, to be located on the level part of the site. The 3-car garage is 28 1/2 feet tall when viewed from the valley below. The lap pool would require 125 cubic yards of excavation, to be used on site. The landscape plan is included. A fifteen foot easement on the property may conflict with the garage plans. A drainage area along Lillian Court is recommended to be put underground. For staff, the biggest issues were visibility, drainage and a second unit consideration. This site is highly visible as it is mostly native grasslands. Consequently, staff recommends that the size and height of the buildings be reduced, supplementing the landscaping to provide more screening. Staff recommends the garage be two car rather than three car to reduce visibility. Regarding the pool house, the applicant proposes to use this for his children and guests and staff feels this is legitimate. However, due to the visibility, staff recommends the pool house be reduced to a width of 22 feet, and the roof line be more in keeping with the garage roof line. A downslope neighbor wrote with concerns about visibility and drainage down to the Carlson area. A new condition is recommended that the applicant prepare a mitigation plan for drainage from around the pool house, showing how any new runoff will be handled. Regarding the second unit potential in the pool house, Ms. Chaney recommends the floor plan to redesigned to take the kitchen out but allow a wet bar situation with a refrigerator and sink, and include a single family deed restriction.

Commissioner Wittenkeller asked about plans for the disposal of the pool excavation debris, since the lot is so sloped. He is concerned about using it on site. The applicant will address this.

Commissioner Mihaly asked if this project is ready for a recommendation tonight. Ms. Chaney said it needs a resolution which has not yet been prepared. The Commission could direct staff to ensure the conditions are carried out or it could come back to the commission.

Commissioner Wittenkeller asked where the neighbor who wrote the letter lives in relation to the subject property and whether the site is visible from this house. Ms. Chaney pointed out the residence and said the home is visible from this property.

James Bradanini, Landscape Architect, said they are in agreement with a lot of staff's comments. Parking on Cherne Lane is very restricted as it is a narrow road. The garage would provide off-street parking on Cherne Lane. The pool is rather removed and down the hill from the house; hence the need for the pool house. He presented five different views of the home from a number of the areas in question. The most significant impact is from Lillian and Carlson. They agree with staff's recommendation for additional landscaping. They don't feel diminishing the pool house will have much effect on the view, especially with the additional landscaping. Regarding the garage, they would agree to soften the solid wall with windows as mentioned by staff. Regarding pool excavation, a retaining wall would be needed at the sun terrace, with several smaller walls required elsewhere. They have a soils engineer who will help them with placing the excavation material around the area. The slope of the pool house roof is intended to provide a loft area. They have no problem with the staff drainage recommendations.

Warren Hernand, applicant, said the idea of a three car garage was to get another parking space. The turnaround space in front of the garage is used by his neighbors. Regarding the pool house, he said his family entertains frequently and wants to use the pool house for that. They included the kitchen because it would be difficult to carry food that far.

Gene Berman, Cherne Lane, asked if Cherne Lane is depicted properly on the map. Regarding the garage, the cars parked on the street make it hard to turn around, and this project would improve it. They are supportive of the project and a three car garage.

Commissioner Wittenkeller asked if there is potential for any more development in this area. Ms. Chaney said she believes there is potential with access from below most probably. She will check into this.

Commissioner Harle said the visibility and drainage are significant issues. He feels reducing the size will reduce utility quite a bit. Adding the extra off-street parking with a three car garage seems like a good thing. He is inclined to support the applicant. Regarding the full kitchen, he feels that we should not restrict people who are not interested in second units from legitimate use of their property.

Commissioner Duys said she likes having the three separate structures which make less mass for neighboring views. The garage could be smaller, but the larger size is beneficial for parking considerations. She would like to see the windows on the back of the garage, perhaps making them even bigger, including trellis' for landscaping to reduce the mass. She likes the pool structure and is inclined to leave it as designed. The full kitchen could be a problem because of the second unit question. Additional landscaping is crucial as are drainage issues.

Commissioner Wittenkeller said he is in agreement with Commissioner Duys. He is concerned with the earth moving proposed on the site and feels a soils report should be required, as well as engineering for draining and excavation. Regarding the kitchen in the pool house, he feels the deed restriction should cover it.

Commissioner Mihaly said he agrees with the staff recommendations on conditions. The garage should be two cars, a parking pad can be included. He prefers the pool house be longer and thinner with a roof line that matches the house. He feels that the Commission is responsible to restrict possible second units, as it is secondary purchasers who cause problems. He supports the landscaping plan as it will soften the current house. He would support a continuance for the applicants to go back for redesign. The five foot retaining wall should be screened with trellis planting of a natural color.

Commissioner Harle said he would support redesign of the pool house roof without reducing the size of it, and reducing the garage to two car, with perhaps a covered trellis area for parking, leaving the kitchen as is.

Commissioner Duys said she feels the addition of these elements will actually reduce the effect of the house. She could see the two car garage. She doesn't see a need to reduce the overall size of the pool house. Perhaps a sleeping room could be included on the lower floor. She likes the plan, however, as it is.

Commissioner Mihaly said he doesn't have a problem with the overall size of the pool house, but he'd like it to be longer.

Warren Hernand, Applicant, said he is willing to compromise regarding the pool house roof. He is concerned about changing the shape of the pool house. Regarding the garage, he is concerned about the look of a carport structure.

M/s, Duys/Mihaly, to move the staff recommendation with the following changes: 1) maintain the proposed footprint of the pool house, with a lower roof pitch, to match the pitch of the existing structure, 2) the garage is reduced to two car with the addition of an allowable covered carport structure with a trellis, with windows added to the rear of the garage, 3) additional language on drainage requirements is to be included, 4) the wall behind the sun patio is to be covered with a trellis structure made of natural wood. Ayes: All by roll call.

CONDITIONS OF APPROVAL:

1. That the project be constructed per plans date stamped received by the Town of San Anselmo on January 29, 1996 and April 29, 1996, except that:

- a) The garage be reduced by 12' in length thereby creating a two-car with a trellis covered carport structure, and that the reduction be taken from the north side of the building;**
- b) That the pool house retain the proposed footprint and that the roof line be modified from a 8:12 to a 4:12, similar to the garage. The roof change will result in the elimination of the "attic" space;**
- c) That the floor plans for the pool house be revised to eliminate the kitchen, including the cabinetry and cooking facilities. However, a sink and small refrigerator is permitted; and**
- d) That the east elevation wall of the garage be treated with an element such as a trellis or windows in order to soften its appearance.**

2. That a single family deed restriction be recorded on a form provided by the Town, reaffirming that the property is to be used only for single family purposes unless a Use Permit is granted to allow a second unit.

3. That the landscape plan be carried out as proposed on plans date stamp received by the Town on January 29, 1996, except that:

- a) In the lawn terrace in front of the house, at least three (3) canopy shade trees be planted to help screen the house; and
- b) In the lawn terrace in front of the pool house, at least (2) canopy shade trees be planted to help screen the pool house.

4. That regardless of the construction phasing of the structures:

- a) The 14 canopy shade trees should be installed prior to the issuance of a final Occupancy permit for any of the three structures (garage, pool, or pool house); and
- b) The trees and shrubs surrounding the particular structure shall be installed prior to a final occupancy permit in the event the full landscape plan is not yet being implemented. For example, if the pool house is built first, then the trees and shrubs surrounding the pool house shall be planted subject to the review and approval of the Planning Director.

5. That an automatic irrigation system be installed (extended) to ensure that new trees and shrubs receive adequate water prior to their establishment.

6. That the inlet catch basin on the subject property should not be relocated unless it is demonstrated that there is no diversion of water to another watershed.

7. That a pipe shall be installed from the outlet of the existing pipe on the subject property to the inlet at Lillian Court and Woodside Drive. At present, connection of these two pipes is via an open ditch along Lillian Court.

8. That the applicant provide a mitigation plan for restoring the natural sheet flow from the new impervious surface areas. Such plan shall be subject to the review and approval of the Public Works Director.

9. 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 (1) year provided the applicant places such request in writing to the Director showing good cause prior to the expiration of the discretionary action.

2. V-9611 - David J. Franzoia, 1 BROOKSIDE DRIVE, A/P 5-223-05, a Variance to construct an addition 3'3" from the easterly side property line (8' required). The proposed addition, a 386 sq. ft. playroom, will be built below an existing 2nd story living space and deck on property located within the R-1 Zoning District.

Mr. Griffin presented the staff report. The applicants want to build a playroom underneath the existing living unit and deck. This property experienced a fire in this area of the home years ago and the owners were given permission to enclose a portion of this area, but didn't do so, apparently due to economic reasons. Several neighbors have expressed support for the project. Staff cannot support the variance in that it grants special circumstances. He feels the project might be a detriment to 55 Cordone, but the current residents don't have a problem with the project, although future residents at that address may not agree. An alternative to the proposed plan would be to make use of the existing laundry area. Another alternative would be to utilize the existing rear portion of the four-car garage. The third alternative would be to enclose just the portion that is underneath the existing home. The fourth alternative could be to construct as proposed but with conformance to the eight foot setback. Staff suggests the alcove be replaced with a bay window, which is not counted as floor space. Staff recommends denial of the variance, but supports a reduced variance to include the first 15.5 feet of the proposed addition with the bay window.

Commissioner Wittenkeller asked the size of the playroom recommended by staff. Mr. Griffin said it would be 425 square feet in combination with the existing laundry room. Laundry rooms can be less than 100 feet leaving the remainder for a play area..

Commissioner Duys asked about the findings for the reduced variance, other than the fact that it was previously approved after a fire. Mr. Griffin said it would be continuity; they believe it was enclosed before the fire.

Edward Hageman, Architect, said he doesn't care what went on before in this home. There are plenty of windows in this area. They are building under the existing house and the present deck. The alternatives suggested by staff are not acceptable to the applicants. All the affected neighbors have signed in approval of these plans.

Commissioner Mihaly asked if the deck was on the property before the fire. Ms. Chaney said it was.

Commissioner Duys said this is a real dilemma as this is the logical addition for this property. The problem is that it is within the setback area where they have to make findings. If there were replacement in kind due to a fire, perhaps the findings could be made.

Commissioner Wittenkeller said the property to the southwest, adjacent to the driveway, is right on the property line. He feels that since much of the building in this area is over the setbacks, they would not be making any special circumstances.

Commissioner Harle said he doesn't feel the adjacent property location is sufficient for granting a variance.

Commissioner Mihaly said he could support the variance for a room that is shorter in length. This situation does involve a replacement in-kind due to a fire, even though that original variance has expired. He could support the 13 by 29 foot room that recreated the original structure, 7 feet beyond the existing structure.

M/s, Mihaly/Harle, to move approval of the variance request, modified so that the room goes out from the house no further than 7'9", with the exception of the bay window; reasons for the variance are 1) to the best of our knowledge the originally constructed structure filled this space, and 2) the overall structure impacted the light and air of the neighbor approximately equal to what this structure would allow. There would not be adverse impact on the health and safety of the surrounding neighbors in excess of the previous structure. Essentially this replaces the structure lost in a fire that was previously approved by a variance which has since lapsed. Ayes by roll call: Duys, Mihaly, Harle. Noes: Wittenkeller.

CONDITIONS OF APPROVAL:

1. That the request for a variance be granted to construct the "playroom," in accordance with the plans date stamped, with the exception of a reduced variance to include construction no further than 7'9" out from the present house, with the exception of the bay window, 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; and
- 4) That if this development which has received conditional discretionary approval, has not begun construction within one year from the date of final action, the permit becomes null and void. However, this discretionary action may be renewed by the Planning Director for a maximum period of one (1) year provided the applicant places such a request in writing to the Planning Director showing good cause prior to the expiration of the discretionary action.

Commissioner Wittenkeller reiterated that this would not be a special granting because other neighbors are already on the property line. He would like a legal opinion on this subject.

Ms. Chaney said her interpretation of property is the physical building. She will contact Town Attorney Roth regarding his interpretation of this. Staff's dilemma is that if we permit building with no setback just because a neighbor has it, this can have a domino effect. She will get a legal opinion.

Mr. Griffin confirmed that what was approved is a room 7'9" beyond the corner of the garage, plus the bay window.

F. GENERAL DISCUSSION

1. Upcoming tour on May 20 at 4:30 p.m.

Ms. Chaney said she is working on a list of properties for the tour. Commissioners should let her know if they have any properties they want to see. There will be about eight people on the tour.

2. Issues/trends for San Anselmo in 1996-97

Ms. Chaney said the Town Administrator is asking Commissioners to think about three trends/issues that are important to you. Planning staff has also been asked to do this. Downtown revitalization, customer service, and implementation of the housing element are the issues staff came up with.

3. Appointment to Marin technological group

No Commissioners were able to attend this seminar.

G. REPORT OF UPCOMING APPEALS TO TOWN COUNCIL

Ms. Chaney said the Barker project on Sir Francis Drake Blvd. has been appealed and will be coming up soon.

Commissioner Mihaly asked about the slide on the Helfrich property.

H. ADJOURNMENT TO Monday, May 20, 1996.

M/s, Wittenkeller/Duys, to adjourn at 10:45 p.m. Ayes: All.

Debbie Stutsman