

**TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES OF DECEMBER 2, 1996**

The regular meeting of the San Anselmo Planning Commission was convened at 7:30 p.m. in the Council Chambers 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: Harle, Israel, Sargent, Cronk, Duys,
Wittenkeller

Commissioners Absent: Mihaly

B. OPEN TIME FOR PUBLIC DISCUSSION

No one spoke during this time.

C. CONSENT AGENDA

1. MINUTES: November 18, 1996

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

D. CONTINUED ITEMS

1. Environmental Review/GPA-9601/Z-9601/U-9608 Russ Johnson, 12 Loma Robles and 750 Sir Francis Drake Boulevard, A/P 6-091-41, 770 and 760 Sir Francis Drake Boulevard, A/P 6-091-38, 754 Sir Francis Drake Boulevard, A/P 6-091-39, and 700 Sir Francis Drake Boulevard, A/P 6-091-40: environmental review; General Plan amendment to amend the land use designation from Limited Commercial to General Commercial; Zoning Ordinance amendment to amend the zoning from C-L (Limited Commercial) to C-3 (General Commercial) or to revise the list of allowed uses (Table 3A) in the C-L zone to permit a mini-mart food store. This request is being initiated by the Chevron Service Station owner in order to permit a mini-mart at that service station. CONTINUED TO 1/6/97.

2. Town of San Anselmo - Ordinance Amendment - Approve ordinance language modifying the review process and standards regarding the current 8' side yard. Proposed language could allow additions to existing structures in residential zoning districts which do not meet current set back requirements through the Design Review process instead of the Variance process for new development within the 5' to 8' side yard set back area. CONTINUED TO 1/6/97.

E. PUBLIC HEARINGS

1. 40 Tomahawk Drive, A/P 177-250-63, Request by Laurence Bartone 1) to amend or interpret the Quarry Mountain subdivision CC&Rs and Map to permit a driveway access across the private open space easement on 40 Tomahawk Drive. This property is located within the Town in the R-1-H Zoning District. The purpose of the driveway would be to access a single family lot located in the County jurisdiction (A/P 177-171-06) directly from Tomahawk Drive; and 2) grant a private open space easement to the Town of San Anselmo over the undevelopable portion of A/P 177-171-06 located in the County.

Ms. Chaney presented her staff report. The Commission decided when it last heard this item that draft escrow instructions should be formulated so both parties know what is expected of them. The escrow officer will be Hadden Roth, Town Attorney. The Town needs to get written statements from a majority of the Quarry Mountain residents that they agree to this private driveway going over the private open space. The Town would agree to amend the CC&R's to this effect and approve a precise development plan and design review for the private driveway. The applicant would get written consent from the owners at 40 Tomahawk and get a tentative map amendment by the County, execute and acknowledge the grant of private open space easement and payment of any fees owed the Town. The Escrow Officer would then record the private space open space easement with the County. Regarding the building envelope, the actual envelope is important in terms of the amount of open space and tree removal. The Fire Department has

reviewed the plans and requires a 14' driveway width and a possible turnaround. The owners of the private open space, the Rusche's, are concerned that they are not part of the open space easement. A letter has been received from a woman at 53 Miwok who objects to the project.

Commissioner Harle asked about the objection from the woman at 53 Miwok. Ms Chaney said she believes her interest is that the original building envelope was further away from her home.

Commissioner Harle asked if the driveway easement has to be as large as is shown on the drawing. Ms Chaney said she believes this is because the property owner would like to have as much flexibility as possible for driveway design. Commissioner Harle said he feels that once the driveway is in place the easement should be just for the driveway area.

Commissioner Wittenkeller asked what difficulties would be involved in annexing this parcel to San Anselmo. Ms Chaney said she has looked at the Town's policies in situations like this and asked the County this question. In order for a town to annex a property there must be two special districts that need to access it, a Town and the water or sewer district. There is virtually no way to annex land unless it is volunteered. They tried to make a case for the fire service sphere of influence, but the County's interpretation is that it is only sewer and water.

Town Attorney Roth said he can look further into this if the Commission wishes.

Chair Israel asked about language tying the escrow agreement to the grant. Roth will add this language.

Commissioner Cronk asked about the escrow documents. She questioned how there could be a precise development plan before a house is ever designed. The driveway is conceptual at this point.

Ms Chaney said she had the impression that the Commission wanted to see the exact look of the driveway before final approval.

Chair Israel said he thinks the Commission is willing to give tentative approval, based upon getting an approval of the plans before the actual final approval.

Commissioner Sargent said the applicant is taking the risk that the Town has the ability to put more conditions on this approval.

Town Attorney Roth confirmed that escrow wouldn't include design review, but he'd have to come back to the Commission for design review.

Chair Israel said the wording should be changed to reflect the above changes. Town Attorney Roth will do this.

Commissioner Sargent said he has a problem that the possible buyer is getting into these already complicated negotiations. It is inappropriate and unusual that he should have any role in this.

Ms Chaney said the two different building envelopes resulted from a miscommunication between Mr. Bartone and the buyer. The original building envelope is the one that should be used.

Chair Israel asked Town Attorney Roth if he has any further guidance for the Commission. Mr. Roth said he feels they've anticipated what will be needed.

Laurence Bartone, Applicant, apologized for the confusion over the building envelope. He had thought the envelope would just be moved back about 20 feet to give more space. Regarding annexation his buyers are just not interested in being part of San Anselmo proper. The driveway on the plan is

conceptual, and other land surrounding it is just an easement. Language changes should be able to deal with this. When the driveway is actually built control over it is with San Anselmo.

Commissioner Sargent said Bartone's attitude on annexation is deplorable.

Commissioner Cronk asked Mr. Bartone when he expects to have a final building envelope.

Mr. Bartone expects that as soon as the Commission decides on its direction.

Commissioner Duys asked who will be taking care of the easement. Mr. Bartone said whoever puts in the driveway will probably be responsible for the landscaping required on the driveway.

Mr. Roth asked about the buyer's objection to annexation to San Anselmo.

Mr. Lazzarini, potential buyer, said he feels it would take too long to get approvals if the property was in San Anselmo.

Chair Israel asked about the tree clearance requirements from the Fire Department.

Mr. Bartone said the requirement is anywhere from 30' to 100', depending on the topography.

Con Rusche, 40 Tomahawk Drive, reiterated that this land remain private open space and that the current property owners should have enforcement rights. They feel they should be participants in the agreement.

Mr. Roth said as a policy matter the Commission or Council may decide that they want the property owner to have enforcement rights.

Ms. Chaney said the decision is that the County open space would dissolve and the only County property would be within the building envelope.

Chair Israel asked Mr. Rusche about driveway maintenance. Mr. Rusche said he thought the maintenance should go with the owner of the easement.

Ms. Chaney said some things are allowed in private open space easements, even though the intent is to keep it as natural as possible. The County's agreement was that everything outside the envelope is open space and that's what we would do too, excepting the driveway.

Jonathan Braun, Scenic Avenue, clarified that the final building envelope will be 4,065 square feet. He asked about the big black oak next to Tomahawk. He asked when the agreement will go to the Council. Does Mr. Roth feel comfortable that this will protect the open space of Quarry Mountain.

Mr. Roth said if Commission approval is obtained, along with the other approvals, then it would go to the Council. He is comfortable that the open space will be protected. Ms. Chaney agreed.

The public hearing was closed.

Commissioner Wittenkeller said we are approaching this all wrong. This property should be annexed. The escrow instructions are wasting a lot of staff and commission time.

Commissioner Harle said his main concern is the definition of the easement. There is potential for trouble down the road if the easement definition isn't clarified to include just the actual driveway and a reasonable side space. Regarding changing the envelope, he feels he would have to go out and look at it again. He feels the owner of 40 Tomahawk should be written into the agreement.

Commissioner Cronk said she would like the easement tightened up, plus changing the precise plan to a conceptual plan.

Commissioner Duys said she agrees with Commissioners Wittenkeller and Harle. She would like to see it specified who is responsible to take care of the driveway easement space. She wants the envelope well-defined prior to final approval.

Commissioner Sargent said the Town should take a serious look at annexation.

Chair Israel said the envelope needs to be identified and the area of influence with regard to fire protection and removal of trees on the proposed envelope. He supports including the Rusche's in the easement agreement. Moving the envelope to the north is a positive change and he supports it. The drawing needs to reflect a 14' wide driveway. The easement should include a reasonable amount of landscape space on either side. Regarding the annexation issue, he asked if the Fire Department issue has any merit.

Town Attorney Roth asked about having the Rusche's included in the agreement. Roth said it is a practical issue because if there are two grantees, two parties have to agree to any change. If not included, they wouldn't have the veto power. This is the green outlined area on the map.

Commissioner Sargent said he feels the Commission needs to protect the Town's interests. It was the consensus of the Commission to not include the Rusche's in the bay grove area agreement.

Ms Chaney said she understands no approval is forthcoming without a definite building envelope. She asked if the Council wants the proposed envelope staked and trees to be removed marked. They will also designate the oak in the driveway area.

Town Attorney Roth asked if a majority of the Commission is in favor of pursuing the annexation issue. He would also want to see if the Council would go for it too.

Commissioner Wittenkeller said he feels quite strongly about it.

Chair Israel said the negative of annexation is that the applicant could choose to go back to the other site.

It was the consensus of the Commission to ask Mr. Roth to look into annexation.

Commissioner Duys said the drawing that was submitted without a signature does not show a date and needs to accurately show the driveway easement.

M/s, Wittenkeller/Harle, to continue this item to the meeting of December 16, 1996. Ayes: All.

2. V-9670/DR-9620 - Klaus and Ellen Werner, 26 Magnolia Avenue, A/P 7-212-35, 1) design review of a second story bedroom addition to one apartment, first and second story window alterations, two garbage enclosures, and front yard parking area and driveway apron extension; and 2) a parking variance to have 4 legal size rear yard parking spaces, and 2 diagonal front yard parking spaces substandard in length at 9' by 18' (minimum number and size: 7: 9' by 19') (no additional living units will be created); 3) a 3' south side yard variance to enclose a garbage area within 5' of the south side property line; and 4) a 20' rear yard variance to construct a garbage enclosure within 0' of the rear property line (Code minimum: 8' side and 20' rear setbacks, respectively) on property located within the R-3 Zoning District.

Ms Wight presented her staff report. The applicant has changed the plan for the parking configuration in the front and the garbage enclosure in the rear since the last meeting. The parking in the rear is proposed to go from five substandard spaces to four legal spaces. This plan is an improvement over the last submission, but staff is still not able to support the application. The unit is twice as dense as is allowed and it is substandard in the parking area. There is nothing unique about the lot requiring special circumstances for a variance. Staff is concerned that adding another bedroom will exacerbate parking demands in the neighborhood. Staff recommends that should the project be approved that it be a condition that small cars be assigned the front parking spaces and require landscaping.

Chair Israel asked if handicapped parking is required since a bedroom is being added.

Steve Murch, representing the applicant, said they redid the striping for the two diagonal lots. There is a small area that can be landscaped in the front. Taking out one of the parking spaces in the rear did give them a lot more space for walkways. Currently there is only a need for six spaces. He doesn't know if the handicapped parking is required.

Commissioner Duys asked about landscaping on the western triangle. The applicants are agreeable to that.

Chair Israel said if handicapped parking is required and the project is approved, it should be a requirement that it come back to the Commission as it will reduce the number of parking spaces.

The public hearing was closed.

Commissioner Harle said the redesign has satisfied most of his concerns.

Commissioner Cronk commended the applicant on his efforts to improve the plans since the last meeting. These plans are a great improvement over the previous ones. She would like landscaping in the northeast corner.

Commissioner Duys said the plans look good but she would like to see some landscaping in the front.

Commissioner Sargent said the property would be quite improved with these changes. He feels they can find findings for the variance.

Commissioner Wittenkeller said he understands tenants with small vehicles would be assigned the front stalls. Some kind of accent treatment would help soften the front.

Chair Israel said he is strongly against having parking in the frontyard setback area. Should a handicapped stall be a requirement, staff should be comfortable that it doesn't have any adverse impact on the project.

M/s, Sargent/Wittenkeller, to approve the application for a parking variance for 4 legal size rear yard parking spaces, a 3' south side variance, a 20' rear yard variance and design review of the second story bedroom addition, with the following conditions: 1. The two front diagonal parking spaces shall be used by small and midsize vehicles such that the vehicles shall not extend over the sidewalk right of way. Supervision of this condition shall be by the property owner; 2. Landscaping shall be provided in both triangular areas on either side of the front parking spaces and along the south side property line in the front yard. While the species and sizes were not specified, the objective is to soften the front parking area; 3. Should a handicapped parking space be required, staff will determine if a further parking variance is required; 4. Construction shall commence prior to December 2, 1997, or the approvals will be considered null and void. A one-time-only, one-year extension can be granted by sending a written request to the Planning Director prior to December 2, 1997; and 5. Building permits shall be

obtained prior to commencing the construction. Ayes by roll call: Harle, Wittenkeller, Sargent, Cronk, Duys, Noes: Israel

Chair Israel said he has a problem with this project from a safety standpoint. Some cars may have to back all the way out.

3. V-9644 - Kevin McGee, 5 Jordan Avenue, A/P 6-166-04, Variance to reduce the parking space length within a garage from 19' (required) to 16'6" to accommodate a new interior addition, on property located within the R-1 Zoning District.

Ms Chaney presented her staff report. The applicant plans to expand into the garage area. The request is to allow a reduction in the garage length to 16 1/2 feet. Staff recommends denial of the variance. The existing garage meets current standards. Regarding alternative solutions, there is really nowhere else on the site to put the addition. Because of the size of the lot there are no other alternatives for parking. The applicants could relocate the laundry facilities to the side of the garage. The applicant says the size of the lot constitutes special circumstances. Staff finds that many of the lots in the neighborhood are of this small size.

Commissioner Cronk asked if there is an acceptable parking footage between 16 and 19 feet. Ms. Chaney said they've kept to the 19 feet for the most part.

Commissioner Harle asked about moving the garage wall out 2 1/2 feet. Ms. Chaney said it would shorten the driveway to substandard length.

Commissioner Wittenkeller asked about leaving the right hand side of the garage intact.

John Hood, representing the applicant, said he feels the project still meets the Town's parking requirements. The intent of the rule is to keep cars off the street. 75% of cars today fit within the 16.5 foot length. This is a substandard lot in today's terms. There would be no impact on the neighborhood as their cars would still be in the garage. Regarding alternative floor plans, the applicants are having a second child and need this space. They could eliminate the closet, but they are trying to organize this space as efficiently as possible.

Chair Israel asked how you would get in and out of the cars in such a tight space. Mr. Hood said they can leave the garage door open until they get to the interior door.

Commissioner Cronk said she feels very strongly about the parking ordinance in Town. It is very difficult to predict what will happen to a property in the future.

Commissioner Duys said she supports the staff's finding. She sees a possible solution in pulling the garage forward a couple of feet rather than eliminating that space in the garage.

Commissioner Sargent said that if the closet were removed and one space was the standard 20' length, the other space could be substandard, he would see more possibilities with the project. He couldn't support it as currently drawn.

Commissioner Wittenkeller said he would support Commissioner Sargent's comments.

Commissioner Harle said he cannot support the plans as presented.

Chair Israel said 16 1/2 feet is just too tight for garage space. Regarding the one compact and one full-sized space, he would prefer the front yard encroachment alternative.

Ms Chaney said pulling the garage forward would increase lot coverage which is already excessive.

John Hood said they would like to make modifications to these plans and come back without paying additional fees.

M/s, Wittenkeller/Sargent, to continue this item to the meeting of December 16, 1996. Ayes: All.

4. DR-9623 - Dave Claxton for Bomarc Design and Showroom, 42 Greenfield Avenue, 6-251-10, Design Review request to approve exterior modifications to an existing building (formerly Pagliacci Pizza and Pasta) including new color scheme and facade changes. New windows have already been approved administratively on property located within the C-3 Zoning District.

Mr. Griffin presented his staff report. This is a design review application for Bomarc Kitchen Remodeling. Their present space is not adequate for their needs and cannot be expanded. The modifications to the building include windows, signs, new color scheme, open framed front and side entryways, new awnings, and stucco facade treatments. Staff supports the application, excepting the stucco treatment on the two headers. The proposed signs are too big and require a variance, but that has not yet been requested. Staff would like them to reduce the square footage of the signs. Staff recommends deleting the strawberry pink color on the stucco relief area. Some letters of support have been received from the community.

Commissioner Cronk asked why staff would like the stucco removed. Mr. Griffin said there is already a lot of stucco.

Commissioner Wittenkeller asked about the Cypress trees that are presently there but not shown on the drawings. Mr. Griffin said the current plan is to keep the Cypress trees there.

Commissioner Duys asked if there is any room for landscaping along the long side of the building near the parking lot. Mr. Griffin said it might work.

Chair Israel asked about the trash enclosure that was eliminated. Mr. Griffin said the proposal includes a door and stairway area where the garbage cans can be stored.

Mark Mendolson, Bomarc, said he loves San Anselmo and has been active in the community. He wants to keep his business in San Anselmo. His business relies on drive-by traffic in large part so visibility is important to him. He submitted a number of letters in support from neighboring businesses and the Chamber of Commerce. The pink colors establish the visibility Bomarc needs and there is precedence for a pink color in town. He feels the method of calculating the sign square footage is penalizing them because of the unique shape of their signs. The actual square footage of the sign is only 135 square feet. Regarding landscaping requirements in the rear, they do not feel it is right to add more cost to an area that they need for handicapped access. Some of these recommendations are putting undue hardships on them.

Commissioner Cronk asked if the wheelchair access would be from the back door. Mr. Mendolson said both front and rear doors would be handicapped accessible. Handicapped parking is included on the proposed plan.

Commissioner Sargent asked about the colors. Mr. Mendolson said the pink and teal were to be his company colors. Teal is currently being used.

Stan Neilson, Architect, said the building is currently largely stucco. For visibility they wanted to work with geometric shapes. They planned their whole motif with this in mind. Regarding the colors, the pink was a preference as a corporate color. They calculated the signage a different way,

by taking the area of the triangle, and came up with 135 square feet, less than the maximum allowed.

Connie Rogers, Executive Director of the Chamber of Commerce, said the Chamber endorses this proposal. No merchant has been successful in this space before. She feels there is precedent for pink in Town. The Chamber hopes the plans are approved as submitted.

Roberta Robinson, businessperson and resident, asked for a show of hands of people in the room here to support Bomarc. Six people raised their hands. This proposal would be an enhancement to the present situation on Greenfield.

Dan Goltz, Holstein Road, said he is a businessperson and a member of the Chamber of Commerce. For too long the community has ignored the businesses and they give us our tax base. It is important to support the businesses. He takes issue with the calculation of the sign square footage. The signage is extremely important to the success of the business. He feels the architect explained the reasoning of the colors very well.

Dave Claxton, Project Manager, Bomarc Design & Construction, presented some pictures that show the visibility problems with the site.

Mr. Kim, Kim's Martial Arts, said he came to support Bomarc.

The public hearing was closed.

Commissioner Duys commended the applicant for his work. She is concerned that the design creates a lot of long, severe walls. She wonders how the light color will weather. Perhaps some landscaping or trellising. The architect's calculation seems reasonable for the sign. The color palette is very cool; she'd like to see it warmed up.

Commissioner Sargent said the sign calculation by the Architect seems reasonable. The gray wall is pretty bland and one simple trellis structure could break it up.

Commissioner Wittenkeller said the uniqueness of San Anselmo is variety. The colors are a strong design statement and that is appropriate. He'd like to keep the cypress trees. A small vine of planting would soften the wall but he could approve the project without it.

Commissioner Harle said the design is within the bounds of acceptable.

Commissioner Cronk said she would like some kind of vine would break up the largeness of the building. She is in support of what is presented.

Chair Israel said he is concerned with the building lighting as proposed with regard to the level of lighting. If it has a harsh glow it can be very detrimental to the Town. He supports having some small planting pocket on the big wall. He wishes the cypress trees could stay, but if they are removed, he would want to require some sort of planting material to screen the parking lot. He asked how the awnings will drain. Regarding trash, he is concerned with taking trash in and out of a door.

M/s, Wittenkeller/Harle, to approve this project subject to the following conditions: 1. That the request for a Design Review be granted in accordance with the plans date stamped September 23, 1996, received by the Town of San Anselmo Planning Department, with the exception that a) the applicant's sign calculation methodology will be verified by staff and b) a vine of the applicant's choice shall be included on the wall on the parking lot side of the building and the 2 cypress trees to be removed; c) the plans shall be revised to eliminate the rear planting area; and the applicant will provide a lighting plan; 2. All debris in the rear area shall be removed and general maintenance of the area shall be continued. 3. Plans shall be revised to include a garbage storage area. Garbage area shall be enclosed and

maintained in the rear storage room. 4. Color palette shall be as submitted on the color board. 5. Applicant shall apply for and pay all appropriate fees for building permits, plan checks and inspections. 6. This permit and each condition herein shall be binding upon applicant and any transferor, or successor in interest. 7. If construction is not commenced 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. Ayes: All.

5. Master Plan - San Domenico School, 1500 Butterfield Road: Presentation of the San Domenico School Master Plan. The Plan, which includes building and student expansion, will ultimately require County approval. The purpose of this presentation is to acquaint the Town with the project and receive initial comments.

Ms. Chaney presented her staff report. San Domenico is expanding and the expansion will have to be approved by the County. This item is for information because of the possible traffic impact on Butterfield Road.

It was agreed that this item should be noticed so the public can comment. Ms Chaney will check with the Town Council on hearing this issue as well.

M/s, Duys/Sargent, to continue this item to December 16, 1996. Ayes: All.

6. Z-9602 - Environmental Review and Proposed Amendment to the Second Unit Ordinance. This amendment would waive the current on-site residency requirement of property owners of use permit-approved second units located on property with Sir Francis Drake Boulevard frontage in the R-1 (Single Family Residential) zoning District. Application initiated by Shelagh Kew Barker at 1108 Sir Francis Drake Boulevard.

F. GENERAL DISCUSSION

Chair Israel suggested an ordinance amendment that would allow a blended parking stall size for commercial applications. He also suggested the size of commercial spaces be looked at.

G. REPORT OF UPCOMING APPEALS TO TOWN COUNCIL

H. ADJOURNMENT TO December 16, 1996.

M/s, Duys/Harle, to adjourn at 12:00 a.m. to the meeting of December 16, 1996. Ayes: All.

Debbie Stutsman