

**TOWN OF SAN ANSELMO  
PLANNING COMMISSION MINUTES OF NOVEMBER 4, 1996**

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

**A. CALL TO ORDER**

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

**B. OPEN TIME FOR PUBLIC DISCUSSION**

**C. CONSENT AGENDA**

1. MINUTES: August 19, 1996  
October 21, 1996
2. DR-9619 - Rob Ham, Lot 3 - Past 449 The Alameda, A/P 5-320-03, Design Review to construct a single story, manufactured home with detached garage, on property located within the R-1-H Zoning District.
3. V-9422/DR-9411 - John Paletta, 29 (now 25) Oakwood Court, A/P 5-062-83, a time extension for a design review and variance application to construct a new single family residence that will be 0' from the front property line (20' required) and have 2 off-street parking spaces (3 required), on property located within the R-1 Zoning District (Above 150' Mean Sea Level). Project was approved 8/15/94 and not built within the two-year permit period. No change to the approved plans are proposed.
4. V-9638 - Brian Mullins, 95 Hillside Avenue, A/P 7-121-63, Variance to build a garage within 0' of the front property line (20' required) and within 1' of the easterly side property line. The site is downhill sloping, on property located within the R-1 Zoning District.
5. LLR-901 Sharon and Allen Luce, 106 The Alameda, A/P 5-102-57 and 118 The Alameda, A/P 5-102-59, Lot Line adjustment would add ±18,965 square feet to 106 The Alameda. The proposal would change 106 The Alameda from ±28,914 square feet to ±47,878 square feet and 118 The Alameda from ±44,014 square feet to ±24,976 square feet, on property located within the R-1 Zoning District.
6. V-9641/DR-9621 - Lesley and Glen Fries, 16 Vine Avenue, A/P 7-231-47, request for 1) a variance to construct a 1,105 square foot second story addition within 5' of the north property line (8' required); 2) a side yard variance to locate a fireplace enclosure and flue 8' from the adjoining dwelling (10' required); and 3) Design Review of the second story addition, on property located within the R-1 Zoning District.

M/s Harle/Cronk, and passed, to approve the Consent Agenda.

Ayes: Harle, Mihaly, Wittenkeller, Sargent, Duys, Cronk  
Absent: Israel

The audience was advised of the ten day appeal period.

**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 750 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 11/18/96
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 11/18/96.
3. V-9635/U-9609 - Tamsel Hug, 15 Durham Road, A/P 5-205-10, Variance to do the following: 1) allow carport within 5' of side property line (8' required); 2) allow a second unit structure 4'4" from the southerly side property line (8' required); 3) allow 2 required parking spaces within the rear setback (20' required); and 4) a Use Permit to allow a second unit, on property located within the R-1 Zoning District. CONTINUED TO 11/18/96
4. V-9639 Bill Federighi, 216 San Francisco Blvd., A/P 6-011-06, a 5' east side yard variance to construct a storage shed within 3' of the east side property line, on property located within the R-1 Zoning District. CONTINUED TO 11/18/96.

**E. PUBLIC HEARINGS**

1. 40 Tomahawk Drive, A/P 177-250-63, Request by Laurence Bartone 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 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 177-171-05) directly from Tomahawk Drive.

Ms. Chaney presented the staff report as well as discussing her memorandum to the Commission dated November 4, 1996.

**TOWN OF SAN ANSELMO  
PLANNING COMMISSION MINUTES OF NOVEMBER 4, 1996**

Commissioner Wittenkeller asked about the plans for landscape. Ms. Chaney responded that conditions of approval include a landscape plan that will be required during the precise development plan permit stage. Commissioner Wittenkeller said that there has been a lot of public input on landscaping and his vote of approval was based on the Commission reviewing a landscape plan, not staff.

In response to Commissioner Mihaly, Ms. Chaney explained that Johanna Patri from Marin County Community Development Agency is asking that the applicant submit a "conceptual design review".

Commissioner Mihaly asked if it is staff's understanding that the Final Map cannot be approved until a conceptual design review has been approved. Ms. Chaney affirmed, noting that by relocating the house higher on the lot, the County may want to take a closer look at the site.

Commissioner Sargent wondered if there should be a new open space agreement with the Town because of the county action. Staff explained that if the building envelope is changed, revising the agreement would happen automatically. The agreement for open space within county will not be shown on any maps, that is why the Town would like an easement, which could be recorded on a map.

Mr. Bartone stated that the open space agreement uses the word "permanent" and thought the Commission would like it done in perpetuity; he has no problem with the Town. He has had a meeting with Ms. Patri, Planner, at Marin County Community Development Agency, and thought it would be fine for a map amendment, and as of today was told by her that there should be plans to a house. He stated that he has no intention to build, and will sell the lot without plans. He is proposing to save the entire forest and build a house in a meadow. He is trying to give this open space to his neighbors and the Town.

Don Lazarini, perspective buyer, prepared a sketch of the proposed driveway and easement. Because the elevation of the lot is quite difficult he is proposing to come in low on the lot. The building envelope will be located at approximately 320 feet; the road elevation is 340-345 feet. The roof of the house will be barely at the street level and the impact to the neighborhood would be minimal. There would probably be a retaining wall on the lower portion of the lot with a long driveway.

In response to Commissioner Cronk, Mr. Bartone said that the County never asked for this level of detail on any of his previous projects

Commissioner Sargent stated that since the applicant is asking to build on the open space land that might be the reason for more restrictions.

Mr. Bartone responded that he is asking for an exchange of open space land.

Commissioner Duys wondered if staff is comfortable about approving the driveway access or other locations of the driveway, or should the location of the driveway be limited at this time? Ms. Chaney responded that staff would like to look at alternatives and decide whether a conceptual location for the driveway is feasible.

Commissioner Wittenkeller stated that he has a difficult time understanding the proposal by looking at the different maps; it seems that the Town is going to grant an extra ordinary request but only getting limited information. He would like to see topographic lines across the easement; he does not need a building design but wants a driveway and landscape design that the neighbors will be able to comment on. He wants the strongest possible wording used for the open space easement. He felt the physical description of the project has been disjointed and staff should be certain it will work.

Commissioner Cronk was satisfied about receiving a conceptual plan and felt it would be unreasonable to ask for more. It is more important to focus on the open space easement at this time.

Commissioner Harle concurred with Commissioner Cronk.

Commissioner Duys stated that she would be comfortable with a conceptual plan and is sympathetic with the applicant in not having to invest the time and money on something that may not work in the future. She does not need to see specific engineered driveway plans or house plans. However, she stated that it is important to have enough information to determine that a driveway is feasible in the proposed location without having to construct high retaining walls.

Commissioner Mihaly felt the driveway should be limited in that it should be built in a reasonable way without a huge retaining wall or major visibility. Most important in his mind is the open space easement. He suggested staff breakdown the process, step-by-step, so it is very clear what steps, and what agencies or individuals are required to do, and when. He suggested that the open space be offered Mr. Bartone but not have the county dedicate it. It is important to know that the driveway will work prior to approval, then it can go to the County for the tentative map approval. The third stage is Design Review and that is when landscaping and the driveway details should be required. If the driveway is designed at the beginning, there could be problems. If a Memorandum of Understanding is done with the County, it could work.

Commissioner Sargent stated that there is a trade for open space but the owner is getting a better property. The biggest problem is precedent setting and there is a level of Precise Development Plan. The map gives a rough idea of elevations of the house. It does not seem that there are many locations for the driveway and house. He concurs with the MOU of how the process will take place which will also show that there was rigorous thought put into the decision to give up open space.

Commissioner Mihaly stated that he did not know what power the Commission had in making decisions about easements. Would it be in a form of a recommendation to the Council for their decision?

**TOWN OF SAN ANSELMO  
PLANNING COMMISSION MINUTES OF NOVEMBER 4, 1996**

In response to Commissioner Sargent, Ms. Chaney stated that the property in question is not included as open space within the General Plan and therefore not required to be looked at by the open space committee.

Mr. Bartone stated that he has submitted a topographic map and a tree survey as well as a conceptual drawing of the driveway to staff.

Commissioner Mihaly stated that there have been problems in the past of approving project in abstract and then when the project is developed there have been problems. In this case, we want to make sure there are no large retaining walls.

Mr. Bartone stated that he has submitted a conceptual plan for retaining walls and the perspective buyer has concurred with the location as well as having support from the neighbors.

M/s Mihaly/Duys, to continue the application to the meeting of November 18, 1996.

2. V-9670/DR-9620 - Klaus and Ellen Werner, 26 Magnolia Avenue, A/P 7-212-35, design review of a second story bedroom addition to one apartment, first and second story window alterations, a first story garbage enclosure, and front yard parking area and driveway apron extension; and 2) a parking variance to continue to have 5 rear yard parking spaces substandard in width at 8' by 19', and 3 front yard parking spaces substandard in length at 9' by 15.5' (minimum number and size: 7: 9' by 19') (no additional living units will be created), on property located within the R-3 Zoning District.

Ms. Wight presented the staff report.

In response to Commissioner Mihaly, Ms. Wight said that there could be six parking spaces on the lot if the spaces were reconfigured.

Commissioner Sargent stated that the previous owner stripped one parking space into three parking spaces. Ms. Wight said there is no recommendation by staff to remove the stripes. The police department has the right to ticket if they hand over the sidewalk.

Steve Murch, Architect for the applicant, knew the building was non conforming but did not know the extent of the non conformance and was not aware the spaces were illegal. They thought there were three legal spaces in the front and five in the rear and were not aware they exacerbated the parking situation. The parking in front could possibly be reconfigured to conform. He was happy the restripping will not be a code enforcement issue. They do want to proceed with the lean to and the garbage enclosure; he suggested a revision to the enclosure to a sliding door instead of a swinging door. The windows are needed for light and will be an esthetic improvement.

Commissioner Cronk asked how the tenants of the lower side in the rear be able to walk by. She wondered if there were alternative locations.

In response to Commissioner Wittenkeller, Mr. Werner stated that recycling does take place on the site. Commissioner Wittenkeller wondered if the dumpster could be made smaller with additional recycling cans. Mr. Werner responded that they only have the size they need.

In response to Commissioner Mihaly, Mr. Werner stated that all the units are one bedrooms, rented for \$675/month and he was hoping to increase the rent by the addition.

Commissioner Cronk stated that she was leaning towards the staff recommendation but is not comfortable about the trash enclosure. She wanted the applicant to consider relocation or changing the can configuration and was interested in the justification in not granting a parking variance when there is a significant parking on the site and not denying other parking variances on sites that have no parking.

Commissioner Harle did not like the garbage can arrangement because the access is rather cramped. There is already an over use of the property and the property is extensively developed. He cannot find a lot of reasons for allowing the extension of the building, however, parking is the governing reason for denial.

Commissioner Duys was in agreement with the staff report. Her concern is from a density standpoint; it would be different if they were reducing the number of units. The three parking spaces in the front should not be taken away from the applicant but she is typically opposed to parking in the front of the property without landscaping to screen. Her suggestion would be to have specified parking for each unit.

Commissioner Mihaly concurred with the staff report but is struggling with it because the Town needs low income housing such as this. He would like to see a better location for the garbage, landscaping in the front, and an alternate plan for parking.

Commissioner Wittenkeller concurred with the staff report. He is enticed by Commissioner Mihaly's comments but does not think that would work. He would also like to see the parking designated as compact in the front.

Commissioner Sargent concurred with Commissioner Mihaly's point of view but sees a fire hazard because of ingress and egress for circulation of the tenants.

Mr. Murch stated they would be willing to take a continuance and make revisions. Perhaps he could get circulation, landscaping and get six good parking spaces for the building.

**TOWN OF SAN ANSELMO  
PLANNING COMMISSION MINUTES OF NOVEMBER 4, 1996**

Commissioner Sargent stated that the Commission is interested in promoting this type of housing in downtown and looking at the safety aspect of the tenants access to the units as well as landscaping to the site.

Commissioner Duys suggested the applicant also consider converting some of the laundry room into the garbage area.

M/s Mihaly/Cronk, to continue to the meeting of December 2, 1996.

All ayes.

**F. GENERAL DISCUSSION**

Staff was interested in setting another joint meeting with the Commission and Council on December

**G. REPORT OF UPCOMING APPEALS TO TOWN COUNCIL**

**H. ADJOURNMENT TO NOVEMBER 18, 1996.**

The regular meeting of the San Anselmo Planning Commission was adjourned at 9:30 p.m. to the next meeting on November 18, 1996.