

**TOWN OF SAN ANSELMO  
PLANNING COMMISSION MEETING OF OCTOBER 7, 1996**

The regular 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 Planning Assistant Chip Griffin.

**A. CALL TO ORDER**

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

Commissioner's Absent: Sargent (note: Commissioner Mihaly arrived at 8:00 p.m.)

**B. OPEN TIME FOR PUBLIC DISCUSSION**

**C. CONSENT AGENDA**

1. MINUTES: August 19, 1996 - continued  
September 23, 1996

2. V-9422/DR-9411 - John Paletta, 29 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.

3. V-9634 - Will and Janet Fleming, 10 Richmond Road, A/P 7-302-30, A variance to build a second story, street facing dormer, 5' from the northerly side yard setback (8' required), on property located within the R-1 Zoning District.

A member of the audience requested that Item C.2 be removed from the Consent Agenda for discussion.

M/s Wittenkeller/Harle, and passed, to approve C.1 and C.3 on the Consent.

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

**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 11/4/96**

2. 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. **CONTINUED TO 10/21/96**

3. 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 10/21/96**

**E. PUBLIC HEARINGS**

**Taken from Consent.**

V-9422/DR-9411 - John Paletta, 29 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.

Ms. Chaney presented the Staff Report, noting that the applicant is requesting an extension of time on this project.

Mr. Paletta explained that he did not proceed with his project during the appropriate time constraints due to personal reasons.

Rick Sheviakoff, 30 Oakwood Court, protests this as a legal building lot as he did during the original hearings. He wanted to make sure that the original conditions of approval not be modified. He is concerned about the parking and that any parking be on the ramp or in the garage. He is also concerned about the turning radius of the street and that the house be given an appropriate number, noting that the current number is out of sequence. He stated that a new concern is drainage.

TOWN OF SAN ANSELMO  
PLANNING COMMISSION MINUTES OF OCTOBER 7, 1996

Grant Volx, 27 Oakwood Court, was not aware that the property had been approved for a single family house and would now like input on the construction. He is additionally concerned about the drainage.

Chair Israel stated that it would not be fruitful to readdress all the issues about this project but would look at it any new issue.

Richard Chartock, Architect, stated that the drainage plans have changed since the original approved plans will submit them to the Public Works Department.

Commissioner Duys stated that her only issues are regarding drainage and sewer because of the concerns of the neighbors but otherwise was inclined to approve the project.

Commissioner Harle stated that he is not willing to reopen the entire project however, because of the comments by the architect that the drainage will be changed, it should be continued.

Commissioner Wittenkeller felt that the final drainage and sewer plans be approved by the Public Works Director. He also suggested that Staff look into the house number.

Commissioner Cronk suggested that the sewer and sanitary lines be separate from the neighboring property.

Chair Israel stated that Item 3 regarding the change of Oakwood and Camino de Herrera be looked at if the physical constraints have changed. Additionally, he was unable to see that there is a tree protection plan for this project and would like that made a condition of approval.

M/s Harle/Duys, and passed, to continue to the meeting of 10/21/96 for reasons as stated during discussion.

All ayes.

1. V-9633 - Mo Nazari, 431 San Anselmo Avenue, A/P 7-251-18. Parking Variance to reduce required parking from 6 spaces to 0 spaces. Variance is needed to as the new office use is consider an intensification of the existing storage use. The property is located in the C-2 Zoning District.

Because the applicant was not present, the Commission requested this be placed tot he end of the agenda.

2. V-9632- Dirk Brinckerhoff, 228 Sir Francis Drake Boulevard, A/P 6-252-06. Parking Variance to reduce required on-site parking from 6 spaces to 0 spaces. Variance is needed because the applicant proposes to convert a residential apartment to an office use which is considered an intensification. The property is located in the C-2 Zoning District.

Mr. Griffin presented the staff report.

Commissioner Wittenkeller was concerned about the loss of a residential unit due to seismic retrofit. Secondly, he stated that there is overflow parking up to Lincoln Avenue. He wondered if the Town Attorney was asked about the loss of a residential unit.

Commissioner Cronk wanted to know if there are Building Code issues due to exiting and wondered how many uses there would be.

Commissioner Mihaly asked about the parking requirements for a residential unit. Mr. Griffin responded that a residential unit would require two parking spaces. He noted that they would require a use permit for a residential unit, not for the commercial use.

Commissioner Mihaly asked if the General Plan favors the residential use in a specific area. Mr. Griffin stated that he did not think so.

Chairman Israel was curious why the Zoning Ordinance requires specific parking but the General Plan does not. Ms. Chaney stated that the two have not been brought into conformance. She noted that Staff also wants to keep an eye on intensification and this is a good mechanism to do so.

Commissioner Harle noted that the parking variance for a residential use is for two parking spaces but the variance for commercial is five required parking spaces.

Ms. Chaney explained that staff struggled over this project.

Commissioner Mihaly said that there are arguments in the General Plan and wondered if Staff has a recommendation on the use of the site. Ms. Chaney responded that although she felt the use would be better as a residential use, Mr. Griffin felt the better use would be commercial. This unit would not be considered low income housing and a residential use was adequate for that building.

Commissioner Wittenkeller stated that the location of the building within the close proximity of transportation would be ideal in San Anselmo even if the unit is shared by a couple of people.

TOWN OF SAN ANSELMO  
PLANNING COMMISSION MINUTES OF OCTOBER 7, 1996

Mr. Griffin responded that a condition of approval does address alternative transportation for tenants.

Dirck Brinckerhoff, applicant, stated that the unit does not fit the requirements for low and moderate income. It is a larger unit and the owners have put in substantial improvements and it would be a high income unit. The noise along Sir Francis Drake is another issue; two of the bedrooms overlook Sir Francis Drake Boulevard. His proposal is consistent with the General Plan and should be a recognition that the downtown cannot provide parking. The stated goals of low and moderate housing have been met although the Town could always benefit from more. Multiple sharing of a residential unit could cause problems for the owner. Office vacancies would be a benefit for the downtown and would also bring additional business to downtown. The fire exiting has been addressed with the Building Inspector and he has not addressed any problems. There are numerous offices in the downtown area that have second floor offices and have been granted parking variances, therefore, his request is not a grant of special privileges.

Commissioner Harle supported staff's recommendation but prefers the residential use.

Commissioner Wittenkeller cannot support a commercial use and would like to see the residential use reestablished.

Commissioner Cronk was able to support staff's recommendation.

Commissioner Mihaly would favor a residential use but is not bothered by the fact it would not be low income because the Town always needs residential in the downtown area.

Commissioner Duys felt that it is difficult to not allow an office use because the Zoning Ordinance allows for it; however she does feel strongly about the residential use. In recognizing that this particular building would have the bedrooms on Sir Francis Drake and that they would not be low income, she supports the commercial use.

Chair Israel stated that it is hard to believe that this will serve long term housing because of the location on Sir Francis Drake. The commercial use will generate more services to the downtown area rather than residential use. However, there are always so many variance requests for parking in the downtown area and is having a hard time granting a benefit without a benefit to the Town long term. He wondered why there is no parking assessment for these downtown projects that require parking variances. Additionally, he felt the Zoning Ordinance and General Plan should be brought into compliance on this issue. As an aside, he felt the unit could be split into two residential units. It should be noted that the applicant has provided three on-site parking spaces.

There was a discussion as to whether a residential unit would work in this space. Commissioner Duys stated that it is just a question of finances. Commissioner Wittenkeller stated that it is a viable residential unit and has been for the last fifty years.

Commissioner Cronk was in support of an assessment for parking but not appropriate to add it to this applicant.

M/ Wittenkeller, to deny the proposal. Motion died for lack of a second.

M/s Harle/Duys, to approve the project based on the staff report.

Commissioner Mihaly asked if there is enough to deny. Ms. Chaney stated that there is enough information to deny this application based upon the two General Plan policies and that these are not sufficient moderate income units. With that information, Commissioner Mihaly stated that the issue should be looked at from a planning issue and not for legal issues.

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

Application denied. The audience was advised of the ten day appeal period.

Commissioner Mihaly requested that Staff propose a change to the Zoning Ordinance state "...the conversion of a use from housing to office also makes that office a use" He would request that formally.

Mr. Brinckerhoff stated that one of the bedrooms has to go through another bedroom and there is no way to change the walls now. also, the building next door cut off some of their windows because of the parapet. Additionally, he would like to see the Commission take care of the inconsistencies in the General Plan and the Zoning Ordinance.

Chairman Israel stated he abstained because the Zoning Ordinance supports it although he was leaning against the project.

3. Appeal of administrative approval to allow Walker Catering Service at San Francisco Theological Seminary, 2 Kensington Road, A/P 7-292-03. A business license was granted administratively to permit a catering service at Alexander Hall which serves the Seminary but also provides commercial catering. The appeal by J. Colteaux states that an amendment to the Seminary Specific Plan is necessary before a commercial use is permitted. The property is located within the S-P-D Zoning District.

TOWN OF SAN ANSELMO  
PLANNING COMMISSION MINUTES OF OCTOBER 7, 1996

Due to misnoticing, staff has continued this item to the meeting of 10/21/96.

4. V-9631/DR-9618/U-9607 Duane Hines, 208 Greenfield Avenue, A/P 6-173-11, Proposal for: 1) Use Permit to allow a 565 unit mini-storage facility within an existing structure; ; 2) Design Review to modify the exterior color, window treatments and landscaping; 3) Variance to required on-site parking from 73 spaces to 0 spaces; and 4) Sign Review for proposed 150 square foot sign, "San Anselmo Mini Storage", on property located within the C-3 Zoning District.

Mr. Griffin presented the Staff Report.

Duane Hines, Applicant, stated that he is requesting the full allotment of signage. The back screen is to break up the line and to screen from downhill. The building is close to the property line and they did remove a shed and have tried to clean up that area of the property. They will also provide drainage to divert the water downhill and off-site. He noted that the up hill neighbor should also take measures to repair the drainage. There are aristocrat pears at the adjacent property and he is just continuing the line. He noted that the awning will be used to break up the line as well as useful to protect people as they enter during bad weather. The lighting is proposed on the sign, marquees style.

Chairman Israel asked about the blinds on the upper windows. Mr. Hines stated that behind the windows, he would like vertical blinds that can open but will have sheet rock behind the windows.

Commissioner Wittenkeller asked about a proposed existing irrigation system on the site, noting that he did not know there was one that currently exists. He also wondered wen the screened windows - and asked about the details about the traffic. He would like drawings of greater detail on the landscaping. Mr. Hines noted that the proposed landscaping on Spring Grove will be used to screen although it is not on his property.

Commissioner Wittenkeller stated that the building is highly visible and yet there are only a few detailed drawings on this project. He would like to approve the use but would like to continue the design review for further details.

Commissioner Cronk felt the applicant has improved the aesthetics of this building. She would like more information about the landscaping and would also require irrigation.

Commissioner Mihaly could support the use and design review with the exception of still wanting a landscaping and irrigation plan. The success of the design is based on the greenery.

Commissioner Duys concurred that a landscape plan should be brought back. The applicant should be commended on the improvements of the project and the beautification of the site. She was in favor of moving the staff report with exception of the landscaping plan.

Chair Israel stated that he also concurs with the approval with the landscaping to be reviewed by Staff. He noted that the conditions should be changed, noting the additional size of signage, the need for irrigation, and he would like the amount of illumination and hours of illumination (brightness and hours of illumination).

Mr. Hines though it was a condition that he provide a detailed landscaping plan during the construction drawings.

Commissioner Harle concurred with the comments of his colleagues, noting that perhaps Commissioner Wittenkeller could work with Staff and the applicant in reviewing the final landscape plans.

Commissioner Wittenkeller stated the street trees should be 24-inch box and would be willing to review the landscape plan with Staff.

M/s Wittenkeller//Mihaly, and passed, to approve staff recommendation with the exception that the detailed landscape and irrigation plans and a detailed illumination sign plan be reviewed by Staff. Also, the date of the drawings and the location and change of the awning should be modified.

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

The audience was advised of the ten day appeal period.

5. DR-9619/SR-9601 - Russ Johnson, 700 Sir Francis Drake Boulevard, A/P 6-091-40, Design Review and Sign Review of illuminated spanners with directional signs to be installed under the canopy and across the gasoline service area.

Ms. Wight presented the Staff Report.

Commissioner Cronk stated that there is a considerable difference from the spanners in Larkspur and those of UNOCAL in San Anselmo. She is not troubled at all with those in Larkspur.

Commissioner Mihaly asked Staff's recommendation to which Ms. Wight responded that she would prefer a 60% reduction.

TOWN OF SAN ANSELMO  
PLANNING COMMISSION MINUTES OF OCTOBER 7, 1996

Steve Bell, Robert H. Lee Associates, stated that there are a series of lights inside and there is a film on the back of the panel to diffuse additionally. The standard is 30%; the 60% has not been approved by Chevron but is being looked at.

Russ Johnson applicant, stated that he wants to conform to Chevron's standards and wants his customers to feel safe at night. He stated that the lighting is more of a soft white and not glaring. His canopy is lower by 4-6' from the UNOCAL station. He has fewer lights on his station than that of Larkspur although the spanner is the same.

Commissioner Cronk is not troubled by the spanner in Larkspur and can support this proposal.

Commissioner Duys had no problem with the spanners in Larkspur, although she viewed it at dusk, and does not find the light to be troublesome.

Commissioner Harle supports the statement that the lighting adds illumination and safety without glare.

Commissioner Wittenkeller had no objection to the project.

Chairman Israel stated that the design of the Chevron spanners is very nice but he sees them as signage. The plan drawings still show auto detailing and should be changed.

Mr. Johnson stated that there is a separate application that is not before the Commission tonight regarding the mini mart.

Chair Israel would be able to approve the project with 60%, or 30%, and would have adequate light and would like to review the lighting when it comes before the Commission again for the Mini Mart.

Mr. Bell stated that he has had conflicting information about the 60% reduction.

M/s Cronk/Harle, to approve the application as proposed by the applicant.

Commissioner Duys does not want to deprive the Chevron station of signage, which is the most tasteful signage on Sir Francis Drake.

Ms. Wight stated that this signage will be opaque and the signage at Red Hill shopping Center is not.

Motion carried with the following vote:

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

The audience was advised of the ten day appeal period.

Taken out of Order:

1. V-9633 - Mo Nazari, 431 San Anselmo Avenue, A/P 7-251-18. Parking Variance to reduce required parking from 6 spaces to 0 spaces. Variance is needed to as the new office use is consider an intensification of the existing storage use. The property is located in the C-2 Zoning District.

Mr. Griffin presented the Staff Report, noting. He noted that the difference between the proposal before them and the other proposal of 228 Sir Francis Drake Boulevard is that this space has been an office space for at least 10 years and the lot size is also smaller.

Commissioner Cronk was concerned about how the Commission could approve this and not the other one.

Commissioner Wittenkeller stated the plans indicate a refrigerator, but because the building has already been framed, he felt the project should be approved because it is counter productive.

Chairman Israel stated that this was done by error, not design and therefore he can support this project. He noted that this building has no usable outdoor space and could be a potential for the difference.

Ms. Chaney stated that the property on Sir Francis Drake constituted a conversion and the project on 431 San Anselmo was a continuation of use.

Commissioner Mihaly said this project can be supported because there is no evidence that there was a residential use in the past.

M/s Mihaly/Duys, and passed, to approve the project as proposed.

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

The audience was advised of the ten day appeal period.

TOWN OF SAN ANSELMO  
PLANNING COMMISSION MINUTES OF OCTOBER 7, 1996

**F. GENERAL DISCUSSION**

M/s Mihaly/Wittenkeller, and passed, to have staff come back with conversion of residential use in the C areas in such a manner to : 1. bring policy in consistency with the General Plan; 2) eliminate the bias, use permit, currently in the consistently law.

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

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

**H. ADJOURNMENT**

The regular meeting of the San Anselmo Planning Commission was adjourned at 11:15 p.m. to the next meeting on October 21, 1996

**BARBARA CHAMBERS**