

**TOWN OF SAN ANSELMO  
PLANNING COMMISSION MEETING OF SEPTEMBER 9, 1996**

**A. CALL TO ORDER**

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

**B. OPEN TIME FOR PUBLIC DISCUSSION**

No one spoke at this time.

**C. PUBLIC HEARINGS - CONTINUED**

**1A.** Environmental Review/GPA-9601/Z-9601 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 SEPTEMBER 23, 1996.**

**1B.** U-9608/SR-9601/DR-9619 - Russ Johnson, 700 Sir Francis Drake Boulevard, A/P 6-091-40, Use Permit for a mini-mart, Design Review, and Sign Review of spanner signs for Chevron Service Station. **CONTINUED TO SEPTEMBER 23, 1996.**

**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 SEPTEMBER 23, 1996.**

**D. PUBLIC HEARINGS**

**1.** V-9628 - Ted Thurgate, 291 Butterfield Road, A/P 5-055-04, 1) Replace in kind, 238 square foot garage within 6' of the side yard property line; and 2) a Variance to build a second story room addition 6' from the southerly side property line (8' setback required) on property located within the R-1 Zoning District.

Assistant Planner Griffin presented his staff report. This item was presented at an earlier meeting and the applicant was instructed to have a Civil Engineer perform tests on the concrete footings and to redesign the proposed second story to conform with zoning regulations and show the overall construction plan. The new plans have been received but the test has not yet been done. The applicant also wishes to replace in kind his garage, which also requires a variance. Staff suggests the Commission approve the garage variance and deny the variance for the second story addition.

Harle asked if the building on the other side of the property will require a variance. Mr. Griffin said it seems not to require a variance but the accuracy of that would have to be shown.

Wittenkeller asked if approvals would be subject to a legal determination of the property line. Mr. Griffin said he didn't believe it would.

Ted Thurgate, 291 Butterfield Road, said his intent is to be within the setback on the other side of the property. He asked if he set his second story back within the setbacks if it would be approved.

Commissioner Sargent said he would approve the garage replacement, encouraging the second story addition to be within the current zoning ordinance.

Commissioner Cronk said she is undecided due to the deminimus nature of the request and the pending discussion on the new setback requirements for existing homes built within 5' of the property line.

Commissioner Harle said he feels it would be worthwhile to require the second story to be within the setback requirements as the home will be fairly wide on the property.

Commissioner Wittenkeller agreed with Commissioner Harle. Even within the setbacks, the space is fairly generous.

Commissioner Mihaly agreed that until the rules are changed he feels they should be followed in cases like this, especially because building within the setbacks in this case seems fairly easy. He is inclined to decline the garage variance as well.

Chair Israel said he has no problem with the garage replacement. He advised the applicant that the Town is reviewing its setback requirements for homes built within a five foot setback requirement.

M/s, Mihaly/Harle, to deny the variance for the second story addition, and approve a variance to replace in kind the subject garage on the southerly side of the property, with plans submitted at Phase 2 reflecting the step back of two feet in the second story. Ayes: All.

Conditions of Approval

1. That the request for a Variance be granted to construct in accordance with the plans date stamped May 14, 1996, received by the town of San Anselmo Planning Department to replace in kind the one car garage on the southerly side of the property.
2. Applicant shall apply for and pay all appropriate fees for building permits, plan checks and inspections.
3. The applicant shall submit the results of a concrete test and structural inspection of the subject residence to the satisfaction of the town's Building inspector before issuance of any building permits.
4. This permit and each condition contained herein shall be binding upon applicant and any transferor, or successor in interest.
5. 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.

2. V-9630 - Mr. And Mrs. Dal Santo, 97 Elm Avenue, A/P 7-052-33, a Variance to construct a sun room and deck 4' from the north side property line (8' required for the sun room; 6' required for the deck). The proposal is to remove the existing deck and construct a 91 square foot sun room and 221 square foot deck at the rear of the house, on property located within the R-1 Zoning District. The deck is After-the-Fact.

Planning Director Chaney presented her staff report. This is a request to allow a deck built without permits to remain and to construct a sunroom on the deck four feet from the property line. Staff couldn't make the findings due to the constricting width of the property, although it is not too different from other properties in the area. However, conditions of approval are included in case the Commission wishes to approve the project.

Commissioner Wittenkeller asked if the adjacent neighbor has been notified. Ms. Chaney said the neighbor is present this evening.

Commissioner Mihaly asked if the sunroom can be specifically designed to certain dimensions or if they come in set sizes. Ms. Chaney said she believes they are designed for the space. The applicants are constrained by access to a rear doorway.

Contractor, Golden Gate Sunrooms, said they want to keep the existing lines of the house, and thus need a variance. The involved neighbors don't have a problem with this. The rooms are prefabricated although they can do special designs.

Jane Donnell, 95 Elm Avenue, said she is a neighbor and she doesn't have a problem with the addition. The room next to the sunroom is a bedroom.

Bill deBisschop, Elm Avenue, said he has no problem with this addition as there is plenty of screening in the area.

The public hearing was closed.

Commissioner Cronk said she is inclined to approve the application.

Commissioner Harle agreed but said findings must be made. He doesn't like to reward anyone for doing illegal building without permits.

Commissioner Wittenkeller agreed and said the encroachment is de minimus.

Commissioner Mihaly said this is not an intrusive plan and difficult to change to conform to the setbacks.

Commissioner Sargent agreed.

Chair Israel said he has a problem with the deck being four feet high and encroaching on the privacy of the neighbor's backyard.

Commissioner Sargent asked if the Commission is approving the deck de facto. Ms. Chaney said approval tonight will in fact legitimize the deck that is already built.

M/s, Wittenkeller/Sargent, to approval a sideyard variance to construct an elevated deck and sun room 4' from the north property line (8' required for sun room, 6' required for deck). proposal, with staff conditions, based upon the de minimus nature of the request, Ayes: Cronk, Wittenkeller, Harle, Mihaly, Sargent. Abstain: Israel.

3. 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.

Planner Wight presented her staff report. This parcel already has an approved access from Miwok Drive, through the County of Marin. The applicant is requesting access be across the private open space easement on 40 Tomahawk. The County access plan shows that a number of Bay trees would have to be removed for property access. The applicant proposes a 40 foot easement to allow him freedom to design the road; but the road would not be that wide. The applicant believes this plan would have less impact on the topography. Staff's interpretation is that the Quarry Mountain CC&R's reference to access roads is not a permit for new driveway access easements across private open space. Given that, it would be necessary to amend the CC&Rs. Before staff can support an amendment to the CC&Rs and support this proposed driveway access, additional information would be necessary: such as the exact location of the existing easement. Staff would like more specific cut and fill data, data on the removal of vegetation, new landscaping, building envelope size, and more information from other utilities and Fire Department. Staff needs to investigate the intent of the Quarry Mountain CC&R's on permitting driveway access easements across private open space.

Commissioner Cronk asked about the possibility of sharing the 34 Tomahawk easement. Ms. Wight said it would be the same curb cut but not the same driveway.

Commissioner Wittenkeller said he would be interested in grading information.

Commissioner Mihaly asked where the computer generated photos were taken from.

Chair Israel asked if the Fire Department requirement to cut down trees 30 feet from a dwelling is nullified if the home is in private open space. Ms. Wight doesn't believe it is, but will check with the Fire Department.

Commissioner Cronk asked why access can't be off Miwok. Ms. Wight said the applicant believes Tomahawk access would have less of an impact on the property environmentally.

Commissioner Sargent said we have no control over the County and this could be a question for the Attorney.

Commissioner Mihaly asked if this would affect the ingress and egress of the other two lots. Ms. Wight said it would not.

Laurence Bartone, 58 Miwok Avenue, showed a video of the property. He said there are no trees that would have to be removed on the proposed building envelope. He believes there was a driveway in this spot years ago. The subject property once touched the road, but the road was moved off. He is willing to connect the heavily wooded area on his property to make it contiguous to the open space. Granting this request would save the forest. The written contract requires that access roads be for the good of the community.

Chair Israel said the Town has no control over the house building on this property as it is in the County. What guarantee does the Town have that the building envelope would in fact be smaller?

Commissioner Sargent asked why the envelope was placed with access off Miwok.

Mr. Bartone said they were required to show the County access to the building envelope.

Ms. Chaney said the original submittal to the County showed two options with access off Miwok or Tomahawk. The Town didn't support the access off Tomahawk.

Commissioner Wittenkeller asked about access to the adjacent lot.

Mr. Bartone said the additional information that Ms. Wight has asked for is excessive.

Jonathan Braun, 479 Scenic Avenue, said he attended all the Quarry Mountain hearings over a period of five years. The project was opposed by the community, but got approval through the promises they made, including the open space easement. He feels it would set a bad precedent to violate the private open space agreement. He sees benefit, however, to retaining all the trees. More information is needed.

Conn Rusche, 40 Tomahawk Drive, said he submitted a letter saying he feels strongly that the requested access destroys the landscape and sets a dangerous precedent.

Virgil Hoffman, 47 Tomahawk Drive, said he agrees that this is a sensitive issue and could set a bad precedent. The roadway is very narrow there. He is bothered by the fact that the Town has no say over what will be built.

Bruce Neff, 44 Tomahawk Drive, agreed with his neighbors.

Chair Israel said the Commission must try to decide if the solution is preferable or not preferable to San Anselmo and its citizens.

Beverly Leftwich, Applicant, said their primary concern is protecting the environment. They would landscape over the driveway area which would improve it over the present situation.

Chair Israel said the Commission must evaluate the project based on what could happen when the present owners sell.

Robert Gillardon, 56 Miwok (undeveloped County lot adjacent to the applicant's lot), said he is a trained planner and he has spent a lot of time going over these plans. He expressed support for the requested plans. On a professional basis, also as a neighbor, he feels this is a very good trade. He feels the neighborhood has less control if nothing is done about this and the process runs itself out with the County. This lot stands out as the only parcel in the area that has no access to the ridgetop.

Susan Rusche, 40 Tomahawk Drive, commented on the private open space area. It has been said that it is just scotch broom and poison oak. They don't intend to just leave the property like this.

Natalie Wilson, 45 Tomahawk Drive, said she agrees with her neighbors' concerns. Parking is limited in the area and this would reduce parking. More information is very important for ridge visibility.

Conn Rusche, 40 Tomahawk Drive, reminded the Commission that this is a floating easement and it would be 175 feet across private land. What are the liability ramifications of this?

Laurence Barton, applicant, said the road is wide where they propose to put the driveway. The house as proposed would impact the least.

The public hearing was closed.

Chair Israel said it is clear that there are a lot of issues involved, all of which point to the need for more information. At issue are the configuration of the proposed driveway, the County requirements for a home built on this property, the legal issue surrounding the easement considering the opposition of the property owners of the private easement, and what legal mechanisms are available to guarantee our conditions are legally made. A drawing with the location of the trees related to the new building envelope is important, and also delineation of the 30' fire zone.

Mihaly said he would like a staff recommendation on which open space configuration is more advantageous. If staff felt that the proposed trade was advantageous we could interpret policy that way. He feels the Town Attorney's advice is needed on whether we can condition

mechanisms are available to guarantee our conditions are legally made. A drawing with the location of the trees related to the new building envelope is important, and also delineation of the 30' fire zone.

Mihaly said he would like a staff recommendation on which open space configuration is more advantageous. If staff felt that the proposed trade was advantageous we could interpret policy that way. He feels the Town Attorney's advice is needed on whether we can condition this approval on County action and whether it is proper for this matter to be before us at all. Is there a floating easement in place or not?

Commissioner Sargent said he doesn't know how staff can assess the deal without having more information at their disposal.

Commissioner Harle said he agrees with Commissioner Mihaly. He would like a clarification of County policy.

Commissioner Wittenkeller said the Commission will look at this from an objective standpoint. He is surprised that none of the neighbors seem concerned about losing the trees or gaining open space.

M/s, Sargent/Mihaly, to continue this item to the meeting of October 7, 1996. Ayes: All.

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.

Assistant Planner Griffin presented his staff report. This is a request to use the old Braverman's Furniture building as a self-storage facility with 565 rental units. Staff supports this application with two conditions, that all carts be kept inside and an identified drainage problem be rectified with the addition of a berm. A parking variance is needed to eliminate all onsite parking, which is identified as 73 spaces. Mini storage is considered to be a very light use regarding traffic and parking. There are presently 34 on-street parking spaces in the area. The applicant has proposed three loading zones in the front of the building. However, this would eliminate those spaces from use by non-commercial vehicles. Staff recommends one loading zone, with 30 minute parking (green curb) for the remainder. This use is consistent with the General Plan and zoning ordinances. Regarding design review, the colors and siding choices were reviewed. Upstairs window treatment is in question. Staff would like to preserve the feel of a commercial building but the applicant feels he must make efficient use of space. Regarding signs, staff suggests reducing the size of the letters or stacking the words. Landscaping is proposed in front of the building. At present there is none. Staff suggests a maintenance program be included in the conditions. Staff recommends approval, but continuance is recommended for the design review.

Commissioner Wittenkeller asked about the drainage berm. He feels it should be of asphalt.

Chair Israel asked if the landscaping would be irrigated and the parapet planting drained. Mr. Griffin said irrigation is provided for but drainage is not. It could be conditioned in the maintenance program.

Duane Hines, Applicant, said he agrees the berm should be asphalt. The push carts used by the patrons are kept inside and won't be a problem outside. The street has a one hour parking limit, which is not a problem. This is a low intensity use.

Commissioner Wittenkeller asked about the proposed planter and if they would be adverse to adding more trees. Hines said it was the architect's idea to put in the planter and they would be open to planting more trees.

Chair Israel asked about the overhead door area. Hines said they wanted to reserve that area for people to pull in to unload in inclement weather. The garage would be for the employee to park.

Chair Israel asked if there is any possibility of mitigating the ugliness of the back of this building on Spring Grove.

Commissioner Wittenkeller said he is very familiar with this area. It is a nice residential area. He would like to consider requiring removal of the garage to improve the neighborhood for the residents. Perhaps landscaping could be employed.

occupancy? Will the carts be noisy? 73 parking spaces down to 0 doesn't seem reasonable. Regarding lighting, she hopes the signs and lighting will be an improvement over the Wild Oats sign. The roof is ugly from the Park Way side of the street too. She feels this may create a traffic problem at Sequoia Avenue and Red Hill Avenue.

Joyce Brown, 230 Greenfield Avenue, Elan Fitness, said most storage places have off street parking and loading. The loading zone in question will take out three parking spaces. There is currently a problem with homeless people on Greenfield; she is concerned with garbage collecting on the street. She is concerned that there will be larger trucks than anticipated. She noticed at other storage areas that there are young men waiting around to unload for you for cash. She is concerned that this will cause problems with neighbors in residential areas. She asked who will be maintaining this landscaping work. She asked if there will be any big storage sales planned. They generate a lot of traffic.

Joan Bogla, West Hillside, said there is an access problem from Spring Grove.

David Froman, Braverman's Furniture, said the furniture store had 15 - 20 employees and 300 customers on a given day.

Peter Fraser, Kienst Lane, said the mini storage use at the Crocker Bank was rejected because of its prime location and it not being in line with downtown revitalization. He feels the same is true about the Braverman's property. The Town will get no revenue from this space. There are lots of upscale uses for this property that should be pursued.

Karen Dallene, Coldwell Banker, said she has received many calls about this building and she has sent them information. Everyone has wanted the owner of the building to divide the lower floor into parts. Mini storage has turned out to be the most feasible and economical.

Katie Hogan, Park Way, said this part of Greenfield has been overlooked for years for planting and revitalization.

Joyce Brown, Elan, said she is not opposed to this use, but she would like her questions answered.

Fred Shifley, representing the landlord, said traffic and parking are the major concerns here tonight,

Duane Hines, Applicant, said any other use that comes along will create a bigger traffic and parking problem. This is a valuable service to the residents of this area. He owns seven of these facilities and he knows this is a very low parking and traffic generator. Their auctions are held completely inside. They have a dumpster inside with regular pickup and a maintenance man who comes around to clean up. Twice a month they might have a large moving van.

Commissioner Sargent asked why they don't do more loading and unloading inside the building. It would keep the noise level down.

Mr. Hines said one car could go in the big door, but the inside is difficult to create parking in.

The public hearing was closed.

Commissioner Harle said he supports the staff report.

Commissioner Wittenkeller said he feels this will turn out to be a good use. He is especially concerned about taking this opportunity to improve this area. He'd like to see modifications to the Spring Grove end of the building and a detailed landscaping plan. He feels more trees are necessary every 30 to 50 feet. He likes the proposed trees but they grow extremely slowly. Ivy growing over the windows is odd. He would like a more detailed landscape plan.

Commissioner Mihaly said he would to postpone design review and sign permit, but approve the rest. Self storage is a useful service to residents and isn't really an industrial use. The landscaping opportunities are very important. He doubts there is a retail use for that space without cutting it up.

Commissioner Sargent said he agrees with Commissioner Mihaly. This is the most reasonable use for this building. He would defer the signage and design review.

Commissioner Cronk said she is opposed to the quasi-industrial use on this site. She feels the landscaping, color, etc. must be looked at very carefully.

Chair Israel said the neighbors do support this use. Greenfield can't support much more retail development due to traffic and parking. This use has less impact for the neighborhood.

Perhaps the Town Council should have an opportunity to comment on this plan. The building desperately needs to be updated. The windows have to be treated in a good way, not with shades that will get broken and be left up or down. More detail is needed on the signage lighting. The plywood panel should not be a strong color. Parking marking needs to be revamped. There should be a protective finish on the doors so they don't get all beat up. He would like feedback from staff on the size of trucks we should expect, perhaps from other storage facilities. He would suggest a faster growing tree. The garage area needs to be cleaned up. He doesn't support the zero parking variance. At least the employee should have an on-site spot to park. The corner of Spring Grove and Greenfield should be cleaned up. He'd like to see the third floor windows with window coverings, but not with a fake office. He doesn't support the strong color scheme at this time. He would like to see more street trees. Trash to be handled inside the building not outside. Hours of operation are to be 9 a.m. to 6 p.m. The berm between Greenfield and Red Hill should receive some consideration of upgrades.

M/s, Mihaly/Harle, to move approval of the use permit.

The motion was withdrawn after discussion.

Planning Director Chaney said the Town Council is aware that this issue is pending and that the mini-storage generates no revenue.

M/s, Wittenkeller/Sargent to continue the item to the meeting of October 7, 1996. Ayes: All.

5. Amend PDP-9401 and VTM-9402, Appeal Administrative Design Review, Peter and Pamela Fraser, **Redwood Hills Subdivision near 390 Redwood Road**, A/P 7-071-03, 7-101-02 and 7-154-04; 1) Amendment to a previously approved Precise Development Plan and Vesting Tentative Map to create seven lots; and 2) appeal of an Administrative Design Review decision regarding a water tank on property located within the R-1-H Zoning District.

Ms. Chaney said this item could be continued to September 23rd, then it could go on to the Town Council's meeting of the 24th as it is already on the agenda.

M/s, Mihaly/Harle, to continue this item to the meeting of September 23, 1996. Ayes: All.

Kathy Sanders, Redwood Road, asked that the item be heard earlier in the evening.

#### **E. GENERAL DISCUSSION**

Chaney said San Anselmo Tire & Auto wants to repaint with gray color scheme. She showed the Commission the color samples.

#### **F. REPORT OF UPCOMING APPEALS TO TOWN COUNCIL**

#### **G. ADJOURNMENT TO Monday, September 23, 1996.**

Debbie Stutsman