

**SAN ANSELMO PLANNING COMMISSION
MINUTES OF JULY 6, 1998**

CALL TO ORDER

PRESENT: Commissioners Wittenkeller, Dowd, Harle, Cronk and House
ABSENT: Chair Zwick and Commissioner Israel

STAFF: Planning Director Chaney, Senior Planner Wight and Associate Planner Griffin

OPEN TIME FOR PUBLIC EXPRESSION

No one spoke during this time.

CONSENT AGENDA

1. Minutes – June 1, 1998 and June 15, 1998
2. **Z-9802/E-9802 - Town of San Anselmo**, Town-owned parcel located adjacent to 9 Summit Road, A/P 7-031-42; environmental review and rezoning from R-1 (Single Family Residential) to PPD R-1 (Preliminary Planned Development with a presumptive use of Single Family Residential).
3. **DR-9823 - Debbie Does Desserts, Debbie Jensen-Gonnet, 556 San Anselmo Avenue**, A/P 6-103-15, Design Review request to alter the exterior entry, including installation of a projecting refrigerated dessert case, on property located within the C-2 Zoning District. (Staff person: Chaney)

Ms. Chaney noted that the refrigerator case can not measure more than 2.6' by 2.6'.

M/s Wittenkeller/House, and unanimously passed (5-0), to approve Items 1 and 3 of the Consent Agenda and to remove Item 2 for discussion.

Conditions of approval:

1. That the plans be carried out per the plans date stamped received on June 99, 1998, including the use of Carra white marble and Fiero del Italia marble as shown on subject plans.
2. That marble may extend to the neighboring storefront at 554 San Anselmo Avenue only to cover the wood siding portions.
3. Prior to issuance of a building permit, this project is subject to the review and approval of the Town structural engineer.
4. That this development which has received conditional discretionary approval and has not begun within one year from the date of final action, the permit shall become null and void. However, this discretionary action may be renewed by the Planning Director for a maximum period of one year provided the applicant places such request in writing to the Director showing good cause prior to the expiration of the discretionary action.

The audience was advised of the ten-day appeal period.

PUBLIC HEARING

1. **V-9827/DR-9820 - Louis Huerto-Rojo, 45 Sunview Avenue**, A/P 5-165-66, 1) Design Review to build a 1,900 square foot, three-story home and a 493 square foot attached garage. 2) Variance to build the house and garage within 0' of the front property line (20' required). A portion of the proposed driveway and entrance stairs is located within the public right-of-way (revocable encroachment permit required); and 3) a Variance to decrease the number of off-street parking spaces from 3 to 2, on property located within the R-1 Zoning District. (Staff person: Griffin)

Mr. Griffin presented the staff report. He noted that Condition #11d should include an automatic irrigation device to be approved by the Planning Director.

Luis Huerto Rojo, applicant, stated that his only concern is the extra parking space. He does not want to remove the oak tree for the parking space. The proposed retaining wall is only two feet in height and will not impact the safety of the tree. Having a parking space at 18 percent slope would make it very difficult to park. It is very steep in the area of the garage and would require approximately 20' in retaining walls for the additional parking space. In the past, the Commission has granted parking variances for the third space. They could provide another parking space on the street by widening the street 4' to 5'. They are unable to have a three-car garage because then they would not have an entrance and also because of the steep cut of the hillside.

Bill Rankin, 37 Sunview Avenue, has lived in his home for 45 years and is very familiar with the applicant's property. The lot is steeply sloped at about 45 degrees and has about 35 trees on it. He felt the building should be reconfigured and is opposed to a three-story house, which is not compatible with the neighborhood. The ravine does not have water in it all the time, but flows heavily during the winter season. He was also opposed to the house being so close to his house. He is not opposed to the front yard setback variance because of the steep lot, but thought the south side of the lot should be utilized for the structure.

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George Hawkins, 30 Sunview Avenue, asked if the plot plan is accurate. It appears that the deck would overhang the street and it is not shown on the architectural drawing. He was opposed to the 0' front yard setback. The street is only 12' wide and twisty and difficult for vehicles to pass.

Douglas Meyer, 83 Berkeley Avenue, was concerned about the drainage. He has a 45% to 50% slope and has a lot of runoff in his yard after the rains. He is opposed to widening the road because of his fence.

Michael Eshia, 15 Sunview Avenue, does not know how a house could be built on such a steep slope without large retaining walls. If a home is to be built, it should be compatible with the neighborhood.

Melanie Meyer, 83 Berkeley Avenue, stated that the street is dark, narrow and windy and parking is difficult. Vehicles would have a very difficult time getting in and out of the driveway because of the steep slope. Drainage is also an issue. Some of the foundation slid down the hill during the floods of 1982.

Mr. Huerto Rojo responded that most of the neighbors are concerned about the drainage and stability of the site. They will do some improvement in the drainage system at the corner of Sunview and Berkeley. They will comply with whatever the requirements are from the Public Works Department. Regarding placing the garage next to the north side neighbor, it would be the worst place because it would require such steep retaining walls. The flatter area on the southern side is smaller and narrow. He explained that because of the steep slope, there is a limited area for the location of the house and garage.

In response to Commissioner House, Mr. Huerto Rojo said that he spoke with some of the neighbors about the project when the story poles were erected.

Commissioner Wittenkeller asked about the ravine and a door that would open to have water flow through it. Ms. Chaney stated that maintenance of storm drains is critical in all of San Anselmo.

In response to Commissioner Dowd, Mr. Griffin stated that the Code allows for a 20' curb cut only and no variances are allowed. Also, the Public Works Director is not inclined to allow a homeowner to exclusively park in the right of way.

Commissioner Harle said that the Commission must rely on the Public Works Department with their expertise on drainage and maintenance. With regard to parking, it seems that there have been situations where encroachments into the right of way have been allowed. He could support parking if the curb cut could be extended and a parking space could be created off street, but on the public right of way. He is somewhat concerned about staff's solution because of such a steep slope. He was in support of the project otherwise.

Commissioner Wittenkeller stated that if the house is built in this configuration, unless there is a large drainage pipe, the drainage would be plugged quite easily. He would like alternatives considered. With the current drainage, there should be an overflow in the event it plugs up. Because of the extremely difficult site, if the Public Works Director would agree to allow a car to partially park on the right of way, he would agree to that.

Commissioner House stated as long as the parking in the public right of way and drainage issue is handled to the satisfaction of the Public Works Director, she could support the project.

Commissioner Dowd stated he was very concerned about drainage. He would feel more comfortable if the Commission and the public could see the solution. The design is very nice and larger houses are being built now even though many of the homes in the neighborhood are small. He wondered if a larger curb cut could be considered; if not, then another parking spot, in the right of way.

Commissioner Cronk stated that this house, although three stories, would look and feel like a two-story house. She concurs with the comments of her colleagues.

Me. Huerto Royo said that he met with the Flood Control people at County of Marin and they said that they are not concerned about the ravine but he is proposing a v-ditch for runoff and any debris. An oversized pipe could be installed.

M/s Wittenkeller/House, and unanimously passed (5-0), to continue the application to 8/2/98.

2. Z-9802/E-9802 - Town of San Anselmo, Town-owned parcel located adjacent to 9 Summit Road, A/P 7-031-42, environmental review and rezoning from R-1 (Single Family Residential) to PPD R-1 (Preliminary Planned Development with a presumptive use of Single Family Residential). (Taken from Consent).

Ms. Wight presented the staff report.

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Commissioner Wittenkeller wondered why it couldn't just be open space rather than put up for sale.

Ms. Pollard, Town Administrator, stated the Town has something in mind with the proceeds and the zoning will give greater control and flexibility of the building site. This land will be used as the acquisition of open space for San Anselmo.

In response to Commissioner Cronk, Ms. Pollard stated that the property currently being looked at is the Hawthorne Canyon property.

Erick Honour, 9 Summit Road, wanted a very private location in which to live and found it with the undeveloped parcel next to him. He is willing to purchase the land to maintain his privacy. He has talked to his adjacent property owners and they are all opposed to the development.

Brenda Barker, 1 Summit Road, is concerned with the possibility of a two-story house. The road is also very bad. She would like to see it preserved as open space and not sold and developed.

Sandra Gonzales, 9 Summit Road, is opposed to the rezoning of the parcel. She was told that the Town was not interested in selling the parcel. There is already too much congestion in the neighborhood on a very narrow road.

Ms. Pollard stated that she would be willing to talk to Mr. Honor tomorrow.

Commissioner Wittenkeller said that he is concerned about using this for open space funding, especially because the Town has owned it for so long; it seems like a sacrificial lamb.

Ms. Wight stated that because of the lot line relocation, the lot has become substandard, although it was done in good faith. Therefore, the Town Attorney has suggested that the PPD zoning on the parcel.

Commissioner Dowd stated that this seems like a bad deal and is not in support of this. The Town made a mistake in doing the lot line adjustment.

Commissioner Harle stated that the lot is very steep and if it was developed, it would be difficult to build on. He would like to see negotiations made for Hawthorne Canyon but would not want to put the burden on this neighborhood. The Town would never allow this for a private citizen. The PPD does put more control, but also takes away any guidelines. This is a dubious proposition and he does not support it as it stands. He said that it is being zoned PPD so it is salable. It also implies that the lot is buildable, which has not been proven yet.

Commissioner Cronk stated that she supports the idea of getting greater open space in lieu of this small lot.

Commissioner Wittenkeller stated that he wanted it continued so he could discuss it with Councilmembers.

Commissioner Dowd would like to see the value of current property and what it would be worth with PPD Zoning.

Commissioner Harle stated he would like to see what the setbacks would be.

Ms. Chaney stated that it would not be appropriate to provide the value assessment on the lot.

Commissioner Wittenkeller wondered if a small committee of Commissioners could meet with a few members of the Council and the Town Administrator. Commissioners' Wittenkeller and Dowd would be happy to be part of the meeting.

Commissioner Harle said it is hard to vote on anything that has privileged information.

M/s Dowd/Wittenkeller, and unanimously passed, to continue to application to the meeting of July 20, 1998 to allow two members of the Commission to meet with the Town Administrator and a few Councilmembers.

3. V-9821 - Daniel Hillman, 853 San Anselmo Avenue, A/P 7-162-06, Variance request to re-build and enlarge an existing garage within 2' of the easterly side property line (8' minimum required) and within 3' of the rear property line (20' minimum required). Applicant plans to expand the width of the building from 14' to 18', on property located within the R-3 Zoning District. (Staff person: Wight)

The applicant was not present.

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M/s Dowd/Wittenkeller, and unanimously passed (4-0), to continue to 8/3/98 because the applicant is not present.

4. **V-9829/DR-9822 – Kevin Collins, 23 Madera Avenue, A/P 6-116-25**, Design Review of a 1,675 square foot first story dwelling addition and an 875 square foot second story dwelling addition; and setback variances; 1) a front yard variance for dwelling additions to be within 16' of the front property line; b) a front yard variance for an uncovered deck to be within 5' of the front property line; and c) a front yard variance for a covered porch to be within 9.5' of the front property line, on property located within the R-1 Zoning District (above 150' mean sea level). (Staff person: Wight)

This item was continued to the meeting of August 3, 1998.

5. **V-9830/SR-9802 – Beacon Gas, 750 Sir Francis Drake Boulevard, A/P 6-091-40**, sign review of lettering on a proposed spanner, a sign on the building, a logo and a sign variance to have a fourth sign and for the total area of signs to exceed the maximum square footage of signage, on property located with the C-L Zoning District (Staff person: Wight).

Ms. Wight presented the staff report, noting that the reason this is before the Commission is because the applicant wants a change in the signage that was previously approved for Russ Johnson.

The representative from the sign company stated that they are going to paint the building a cool gray. They are changing the monument sign and a 2x2' ultramart sign. He is taking down one spanner and adding signage to the existing spanner.

Commissioner House stated she was glad it would be repainted. She was concerned however about the colors because they would look very commercial. She is not in favor of the spanners and would like to see flowers added to soften the site.

Commissioners' Harle and Dowd supports staff recommendations.

Commissioner Wittenkeller also supported the staff recommendation. The important sign is the monument sign; all the other identification is less important with the exception of how much the gas costs.

Commissioner Cronk stated that it was very important that the spanner had no signage on it and is not in support of the spanner. Therefore she supports the staff report.

M/s House/Wittenkeller, to allow three signs, a monument, ultramart and beacon canopy or the logo on the wall.

6. **V-9828/DR-9821/S-9801 – Eric Layton for Dan and Donna Steckfus, 6-42 Red Hill Avenue, A/P 6-201-55**, 1) Design Review to construct a new 2,000 square foot commercial retail/office building on an existing parking lot between 42 and 60 Red Hill Avenue; 2) Sign Review to construct a free-standing monument sign; and 3) Parking Variance to reduce the size of one parking space from 9' x 19' required to 8' x 16' proposed, and a possible Parking Variance to allow fewer than the 7 required parking spaces, on property located within the C-3 Zoning District. (Staff person: Chaney)

Ms. Chaney presented the staff report.

Eric Layton, Architect representing the applicant, presented the proposed colors. He stated there are many concerns and this project will not take place until they know the hill will be stabilized. Their first idea was to design a project with adequate parking and with an easement to the adjacent property. The adjacent property owners were not interested in discussing an easement. Their current solution, although parking may be tight, will work. He also felt that Mr. Koblick would allow them an access easement of 4' for backing out. A building, with parking underneath does work, but it can work as they are proposing.

In response to Commissioner House, Mr. Layton stated that they are not required to have an elevator but will require ramps.

Commissioner House suggested that the applicant paint the property line so the adjacent neighbor understands the potential. Ms. Chaney added that she would be willing to talk with the neighbor.

Commissioner Wittenkeller wondered if there could be a prescriptive easement and if the adjacent neighbor has viewed the plan. Ms. Chaney did not think that had.

Commissioner Wittenkeller said that because of the parking problems, a serious effort must be made to the adjacent neighbor. The new proposal from the applicant presented tonight seems very workable if the adjacent neighbor agrees. The other proposals push the building right up against the retaining wall and do not allow for maintenance.

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Commissioner House concurred.

Commissioner Dowd said that if it does fall through, he would suggest the applicants look into the prescriptive easement. He would also be willing to visit the adjacent neighbor.

Commissioner Harle agreed with his colleagues. He suggested marking the parking spaces and see if they are workable.

Commissioner Cronk felt that the preferred solution is what was approved. She would like to see the cooperative easement work but the preferred plan is to have the parking under the building or to see the easement work out.

Ms. Chaney stated that she will call the adjoining property owner and explain the situation.

Mr. Layton stated they will need to look closer at the proposed design and may need to relocate the building over because of the building being against the property line.

M/s House/Dowd, to continue to 8/17/98

CONTINUED ITEMS

1. **ER-9701 - Curtis Eisenberger, A/P Nos. 5-031-35, 5-081-07, and 5-081-19.** Review of Negative Declaration regarding Environmental Impact. Environmental review of a proposal to subdivide a 21.66-acre parcel of land into four home sites on 5.95 acres and dedication of 15.71 acres for public open space. The project site is located at the end of the Traxler and Valley Roads and covers the steeply sloping hillsides on either side of the drainage course, on property located within the R-1-H Zoning District. (Staff person: Wight) **CONTINUED TO JULY 20, 1998**

2. **LLA-9801/ER-9806/PDP-9801/DR-9812/V-9825 - David Boesel, near 259 Redwood Road, A/P 7-097-02 and 05 and 7-141-04, 1)** Environmental Review, Precise Development Plan, Lot Line Adjustment, Design Review to construct two houses and extend a private driveway on 2.6 acres of land; Variance to construct retaining walls approximately 4' in height within 0' of a property line; and Variance to allow access drive to cross one lot to serve another, on property located within the R-1-H Zoning District (above 150' mean sea level). Note: Project will involve removal of a number of heritage trees.

LLA-9801/ER-9806/Z-9801/V-9826 - William Hildebrand, 269 Redwood Road, A/P 7-097-04 1) Lot Line Adjustment request to expand existing lot, 2) Rezone expanded portion of new parcel from R-1-H to R-1; and 3) Variance to allow construction of retaining wall, approximately 7' in height, within 0' of a property line, on property located within the R-1 and R-1H Zoning District (above 150' mean sea level) (Staff person: Chaney) **CONTINUED TO JULY 20, 1998**

3. **PDP-9505/Parcel Split-9503/V-9549/DR-9525 - Carlos Castro, 444 Redwood Road, A/P 7-191-10, 1)** Land Division, Precise Development Plan, Density Determination, and Design Review to split an existing property currently developed with a single family residence in order to construct a new house; 2) a Variance to construct a retaining wall a total of 60' long along the uphill side of Redwood Road (within 0' of the property line) in order to widen Redwood Road to 15' of paving for fire safety reasons; and 4) remove one heritage tree (30" bay) on property located within the R-1-H Zoning District (above 150' mean sea level) (Staff person: Chaney) **CONTINUED TO 7/20/98**

4. **V-9818/DR-9815 - Ron and Terri Collindres, 14 Ramona Way, A/P 5-151-08,** A parking variance to convert a one-car tandem garage and a one car tandem carport to living area; a parking variance for two car tandem parking to be within 4' of the west side property line (8' setback and two clear parking spaces required); design review to enclose the east side of the dwelling within 7' of the east side property line (8' required); and a front yard variance to construct a covered porch within 14' of the front property line on property located within the R-1 Zoning District. (Staff person: Wight) **CONTINUED TO 7/20/98**

G. GENERAL DISCUSSION

H. REPORT OF UPCOMING APPEALS TO TOWN COUNCIL

I ADJOURNMENT TO MONDAY, JULY 20, 1998.

BARBARA CHAMBERS