

**SAN ANSELMO PLANNING COMMISSION
MINUTES OF MARCH 16, 1998**

Chair Zwick called the meeting to order at 7:30 p.m. in the Council Chamber, 525 San Anselmo Avenue, San Anselmo, CA.

CALL TO ORDER

Commissioners' Present: Commissioners Harle, Cronk, House, Dowd, Israel and Zwick (Wittenkeller arrived at 7:50 p.m.)

OPEN TIME FOR PUBLIC EXPRESSION

No one spoke during this time.

CONSENT AGENDA

1. MINUTES: March 2, 1998
2. **U-9803/DR-9808 - Ted's Bar, 218 Sir Francis Drake Boulevard, A/P 6-525-02 and 03**, Use Permit and Design Review Amendment to add a 100+ sq. ft. outdoor seating area adjacent to the front of the building along Sir Francis Drake Blvd. on property located within the C-2 Zoning District (Staff person: Chaney). Note: A prior parking variance was approved from 11 to 5 spaces; encroachment permit will be required as seating area will encroach slightly onto public right of way.

M/s Cronk/Harle and approved (5-1 Israel to abstain), to approve the minutes of 3/2/98.

A member of the audience asked to remove 218 Sir Francis Drake from Consent Agenda to discuss the item.

PUBLIC HEARING

1. **U-9803/DR-9808 - Ted's Bar, 218 Sir Francis Drake Boulevard, A/P 6-525-02 and 03**, Use Permit and Design Review Amendment to add a 100+ sq. ft. outdoor seating area adjacent to the front of the building along Sir Francis Drake Blvd. on property located within the C-2 Zoning District (Staff person: Chaney). Note: A prior parking variance was approved from 11 to 5 spaces; encroachment permit will be required as seating area will encroach slightly onto public right of way. (Taken from consent)

Ms. Chaney presented the staff report, noting that staff is recommending conditional approval.

Commissioner Israel stated that the patio exists in the rear and wondered if staff would recommend removal of the rear patio. Ms. Chaney stated that she did not.

Ted Janko, applicant, explained the proposal, noting that there will also be a bench outside and the railing extends further to the other side of the doorway than as shown on the submitted plans.

Roger Bettini, 18 Bank Street, asked about the hours of operation and if there would be live music and a revision of the alcohol license. He also stated that there is no additional room for parking in the rear.

Mr. Janko responded that there will not be live music outside, and the hours of operation would be the same as inside.

Ms. Chaney stated that as a condition of approval the parking in the rear must be stripped because it was a condition placed on a precious approval, but never occurred.

In response to Commissioner Dowd's question about a wood railing, Mr. Janko said he also preferred a wood railing but his architect said it would be better if it was in iron.

The consensus of the Commission was that because there seemed to be confusion about what the applicant is proposing to change on the submitted drawings, the Commission approved the drawings submitted and suggested the applicant come in with an amended application if he wants to continue to pursue the changes.

M/s Israel/Harle/ and unanimously passed (6-0), to approve the application as proposed. Approval is subject to the following conditions: 1. That the Use Permit and Design Review amendment be approved in accordance with plans date stamped February 17, 1998. 2. The applicant shall apply for and pay all appropriate fees for building permits, plan checks and inspections, including a revocable encroachment permit. 3. All previous conditions of approval established for this activity in previous planning actions shall continue to apply to this property. 4. This permit and each condition contained herein

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shall be binding upon the applicant and any transferor, or successor in interest. 5. Railing around the raised concrete deck shall be of wrought iron and painted blue to match the existing awnings. 6. This outdoor area shall be maintained in a good condition at all times, particularly due to its prominent location along a public street and sidewalk. Lack of proper maintenance shall be cause to reevaluate this Use Permit. 7. Prior to issuance of a building permit, the applicant shall complete the parking improvements at the rear of the site as approved in 1995 by the Planning Commission per plans date stamped January 12, 1995. These parking improvements shall be completed to the satisfaction of the Building Department. 8. 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 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.

Chair Zwick advised all parties of interest of the ten-day appeal period.

Commissioner Wittenkeller arrived.

1. **DR-9806/V-9804 – Mark Watson, 1251 San Anselmo Avenue, A/P 7-081-57** 1) Design Review to build an 804 square foot second story addition; and 2) a Variance to convert the existing carport into a garage. Carport is 4'-6" from the front property line (20' required), and 1'-8" from the easterly side property line (8' required), on property located within the R-1 Zoning District (Staff person: Griffin)

Mr. Griffin presented the staff report. He noted that he has received a letter in support of the application from the neighbor located at 1253 San Anselmo Avenue.

Dan Thomas, architect representing the applicant, made the following comments:

- The floor plan is more like a studio arrangement, with not much usable space.
- The request is for two bedrooms and a bath on the second floor.
- They could provide a gable roof but felt a shed roof would minimize the physical impact to the street.
- The design does not add to the footprint even though they are enclosing the carport.
- As a concession, they will move the garage back 4' to satisfy the neighbors' concerns.
- Enclosing the carport will also make the area neater.
- The shed acts as a privacy screen for the adjacent neighbors as well as the applicant and the owner should not be penalized for a structure that currently exists.

Mark Watson, applicant, made the following comments:

- He would remove the shed all together if he could have the garage. He would then He did not want to move the garage back because it would then be in front of the kitchen but he would be willing to remove 4' off the front of the structure to accommodate the neighbor at 1239 San Anselmo Avenue.
- He wants an enclosed structure to park his cars in and it will also enhance the appearance of the property.
- He wants to keep the shed in the back for storage but would remove the storage place the laundry facilities in the garage.

Commissioner Harle wondered if there would be adequate room for the laundry facilities if the garage was reduced by 4'. Mr. Griffin responded that with the reduction, there would be 2' left on the side of the garage for laundry facilities. However, even with the reduction in the garage they would be approximately 50 square feet over allowed footprint.

Commissioner Israel supported staff's position about the design review. He would like to see the shed removed.. He is sensitive to garages doors so close to the street but does think a garage will benefit the neighborhood for tidiness. He would support an approach to get to legal lot coverage.

Commissioner House was in favor of the design review. There are a lot of shrubs next to the carport that could cut off light to the house next door. Therefore she is not opposed to enclosing the carport because it will not create any additional impact. She also was in favor of reducing the lot coverage.

Commissioner Cronk: had no objection with the design review but was concerned about the light issues and the impact of the garage on the neighbor.

Commissioner Harle stated he did not think the reduction of 4' would be a substantial reduction for the neighbor. A carport is open on all sides and there is a view through it,

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Commissioner Dowd stated that he would abstain from any further discussion or the motion.

Louise Berlin, applicant, stated that staff cannot find special circumstances for the garage. They disagree. She has received data stating that in 1983 there was correspondence about the moved garage wall. The Town Attorney stated this is not a second unit but the owners must get permits for the work that was done. She stated that if the permits were not pulled the Residential Resale Report should have had made it clear on two subsequent property sales in 1996 and 1997. She purchased the house not knowing there was a problem with the garage and thought that it was legal. If she was aware of it they would have made the sellers correct the problem.

Mike Berlin thanked Commissioner Dowd for his assistance. The proposed extension allows them to supervise their children. This is really a notch filler. They talked to the person who did the light study at Energy Cals; they took into consideration elevation and latitudes of the sun on the longest day of the year. There is an impact on the northwest but for only one hour. It is difficult to measure air. The wind comes from the west and he is not sure how that will impact them. The garage will increase their privacy. The garage is upslope from the Fernandezes and they will only see about 3.6' of it. Most of the impact will be the retaining wall and fence. They could go for Planning's Option 1 if they had to. His option provides four off street parking; two in the garage and two in the driveway. Special circumstances for the garage is that there is no other place on the lot for a two-car garage. In the rear, they are willing to compromise with the Fernandezes. There are several garages on Shiela Court, including the house owned by the Fernandezes.

Commissioner Wittenkeller wondered if they could currently park one car in the garage and two in the driveway. Mr. Berlin stated that they might be able to accommodate that.

Robert Epstein, attorney representing the Fernandezes, stated that they are still at the same place they were at the last meeting. The house used to have a two-car garage, and there could still be a two-car garage. The Fernandezes do not have a two-car garage, they have a one-car garage. The house is a nonconforming structure and they are asking for additional non-conformance.

Bonnie Kaufman, Sheila Court, would like to see additional off street parking on Shiela Court.

Commissioner Wittenkeller stated that he would support the staff report.

Commissioner Harle stated he had great sympathy for the neighbor's sunlight. However, he has since visited the site and the garage will not make nearly the affect as has been presented by the neighbors. The affect on sunlight will not be substantial. The rear building will also not take away much sky visibility. The structure will not impede it much more than the deck does. Regarding the findings; it was his thinking, that the original property setbacks really should have been 5', even though they are 4'. On that basis, he would be able to allow the extension, both to the front and the back. He does appreciate the applicant moving back the upper floor. He would insist the accommodations for privacy be the placement of windows, such as bookcase windows and opaque glass.

Commissioner Cronk said the houses are already extremely close together. The garage will impact the Fernandez skylight and the findings will be difficult to make. One car-covered garage, with at least one off street parking is more than many people have. She could not make the findings for the rear second story addition..

Commissioner Israel stated that the seller probably should be notified because of nonconformance and disclosure. He also looks at each project based on whether or not findings can be made, not just if the neighbors like it. He cannot make the variance findings for the setbacks because of the relationship between the two houses. He could support the front variance because it is only 24 square feet and minor on the impact of the adjacent structure but cannot support the first or second story rear addition. He would like the garage to be converted back to the two-car parking. He would not mind windows anywhere if there were no variances.

Commissioner House stated she had nothing to add.

Chair Zwick stated that he is in concurrence with the staff report. He would prefer to see the cars off the street, more so than the addition. However, he would not be able to make the findings.

M/s Israel/House, and passed (5-1-1 Dowd to abstain; Wittenkeller to vote no) to approve the variance for the front yard setback for a two-car garage: based on the findings of deminimus intrusion into the setback. The conditions of approval are to be modified to show conforming setbacks at the rear of the house for both the 1st and 2nd floor, and that

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the plans be modified to reflect the 4' side yard setback rather than the 5' setback as shown. Windows that are within the required setback that are to be relocated or created shall respond to the privacy issue by the use of obscure glass and/or transom type windows, and shall be reviewed and approved to the satisfaction of the Planning Director.

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

Ms. Chaney presented the staff report and noted that the Geisslers have indicated that they have a deed that indicates they own to the middle of the road. Based on this new information, and the fact that a resolution has not been prepared, staff suggests the Commission take testimony and give direction to the applicant.

Commissioner Wittenkeller asked about the build out potential for the rest of Redwood Road. Ms. Chaney stated there would be approximately 16 more homes that could be built.

Bill Geisler, 405 Redwood Road, was concerned that the new house would look immediately into their bedroom windows and over their house. He also stated that there is a spring that comes up during the raining season on his driveway and wondered if the drainage runoff from 444 Redwood would exacerbate his problem.

Commissioner Harle wondered what the distance was between the two houses. Ms. Chaney responded that there is at least 42' to 45' from the house to the roadway but was not sure of the distance to the house.

Barbara Geisler 405 Redwood Road, stated that she is concerned about Mr. Castro widening the road to 15' because he will have to cut into the steep slope. She did not want any unnecessary trees to be removed and wanted the tree canopy to remain because it helps shield the house. She felt the house will loom over her.

Commissioner Wittenkeller stated that he wanted assurance that the Town would be held harmless from any slope failure due to the roadway widening. The landscape plan proposed would not do well with the northern exposure; more native plants are preferred. The color of the building is too light and reflective and he would prefer a more earthtone. He wanted the drainage issues addressed and assurance that the internal and external lighting will not adversely affect the neighbors.

Commissioner Dowd wondered about the location of the house on the property and wanted assurance that this was the best location.

Commissioner Harle wanted to all trees to be preserved, if possible, because they will help in screening the house.

Commissioner Israel stated that he was generally supportive of the project on the steep site. He stated that perhaps a fairly constrained building envelope should be considered to retain the trees. If trees are significant to the location of the road, have the road placement around trees if possible. The drainage situation still needs to be clearly evaluated for the down slope neighbors. He wondered what the impact would be on the existing vegetation and if dispersing drainage would be appropriate due to the steepness of this site.

Commissioner Wittenkeller said that because of the road widening and the wood retaining wall, the Town might want to consider a long-term maintenance bond. The long roof form is questionable and there does not seem to be enough relief in the design.

Chair Zwick stated that he was concerned about the geotechnical aspects on the steep hill and the variance for driveway access seems strange. Trees should not be taken out adjacent to the road.

M/s Israel/Wittenkeller, and unanimously passed (7-0), to continue the application to April 20, 1998.

4. V-9811/DR-9810 - Tom Sargent, 40 Alta Vista Avenue, A/P 6-231-36, 1) Design Review to construct a 2-car garage with studio area underneath; and 2) a Variance to construct a retaining wall in excess of 30" in height within 7' of the street side property line (12' required) on property located within the R-1 Zoning District (Above 150' mean sea level) (Staff person: Chaney)

Ms. Chaney presented the staff report, noting that the owner has advised staff that they plan on making revisions because the down slope neighbor on Prospect Avenue is concerned about the mass and bulk of the building. The applicant is asking the

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Commission to provide input on their project so they can make appropriate revisions. In addition, staff has provided some alternatives in the staff report.

Barbara Bigalow, architect representing the applicant, explained why they placed the garage at the current location. The existing garage is well into the setbacks. The road going up to the house is narrow, steep and curving and the current garage is not accessible. They also felt that approaching the building now, there is a lot of asphalt and it looks like a parking lot. They want to open this area up and landscape it, create a landscape screen. They have pulled the garage into an area that would be minimized in terms of the slope and allow for ingress and egress. Looking up from the house below, the trellis would be visible. The neighbors' house has primary windows along the north elevation. It's view would be somewhat impacted on the deck. They could provide high shuddery to add to the screening. They are considering to move the garage forward on the site so it would be less of a distraction to the neighbors but are limited in height and with the 12' sideyard setbacks.

Barbara Sargent, applicant, stated that for practical and aesthetic reasons they would not like to rebuild in the current location. They would not mind moving the garage 5' to 10' closer to the house but she is not sure if that would work.

Mr. Barrent, 161 Prospect Avenue, stated the proposed garage is approximately 38' away from them and adjacent to their bedroom and master bath. He also noted that there have been several additions to the property since 1991; each one is not very significant, but they all add up.

Pat Burton, Alta Vista, is in support of what the applicants want to do but would like to see a trellis facing upslope so they would not view any articles that are stored outside of the garage. She could also support the garage moving closer to the house.

Commissioner Dowd has concerns about privacy issues for the lower neighbor and that the garage would loom. He would like to see the applicant and the neighbor work together on a solution.

Commissioner Wittenkeller stated that if a better solution required a variance, he would consider it.

Commissioner Israel stated that he could support a variance to move the garage closer to the street.

Commissioner House had nothing further to add.

In response to Commissioner Harle, Mr. Barrent stated that he would prefer a smaller structure.

Chair Zwick stated that perhaps another location on the other side of the house could be a consideration.

M/s Wittenkeller/Dowd, and unanimously passed (7-0), to continue the application to the meeting of 4/6/98.

E. 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 4/6/98**

2. **V-9801 - Tom Restaino and Jan Becker, 72 Alder Avenue, AP 7-041-26,** a variance request to construct a guest cottage within 3' of the west side property line (8' required), on property located within the R-1 Zoning District. (Staff person: Wight) **CONTINUED TO 4/20/98**

3. **V-9810/DR-9809 John and Jodie Potts, 196 Oak Springs Drive, A/P 5-292-06,** Design Review and Variance request to build a 480 square foot, second story addition above a previously approved garage (not yet built). A variance is required for a portion of the addition that exceeds the 18' height limit for ridgeline development. Project is wholly within a primary ridge zone, on property located within the R-1 Zoning District (Above 150' mean sea level) (Staff person: Griffin) **CONTINUED TO 4/6/98**

F. GENERAL DISCUSSION

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Consider a special meeting on March 30, 1998 to discuss: 1) Zoning Ordinance Amendments to Table 4B: Minor Intrusions into Required Development Standards, and 2) Revisions to 2nd Unit Rent Control Ordinance

The consensus of the Commission was not to have a special meeting, but rather to add them to the regular agenda, and hear the items as time allows.

G ADJOURNMENT TO MONDAY, APRIL 6, 1998.

The meeting was adjourned at 11:45 p.m.

BARBARA CHAMBERS