

**SAN ANSELMO PLANNING COMMISSION
MINUTES OF MARCH 2, 1998**

The San Anselmo Planning Commission was convened at 7:30 p.m. in the Council Chamber by Chair Zwick.

CALL TO ORDER

Commissioners' present: Zwick, Harle, Wittenkeller, Cronk and House
Commissioners' absent; Dowd, Israel

OPEN TIME FOR PUBLIC EXPRESSION

No one spoke.

CONSENT AGENDA

1. MINUTES: February 17, 1998
2. V-9806 – Walter and Inge Riedl, 55 Crooked Avenue, A/P 6-116-16, A front yard variance to reconstruct a carport with a pitched roof (to have a maximum height of 13' above grade) within 18" of the front property line (20' required), on property located within the R-1 Zoning District (above 150' mean sea level). (Staff person: Wight)

M/s Harle/Cronk, and unanimously passed (4-0), to approve the consent Agenda.

55 Crooked Conditions of Approval:

1). As presented on the plans date stamped received January 27, 1998; 2) This approval is subject to a 10-day appeal period to the Town Council; and 3) Building permits shall be obtained and the work begun within one year from the approval date, or this approval will be considered null and void. A one-time only, one year extension may be requested in writing to the Planning Director prior to the initial one year expiration date.

PUBLIC HEARING

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 15'6" from the property line (20' required), and 6'4" from the easterly side property line (8' required), on property located within the R-1 Zoning District (Staff person: Griffin)

M/s Zwick/Harle, and unanimously passed (5-0), to continue the item to the meeting of 3/16/98 because the applicant was not present.

2. DR-9807/V-9808 – Rick and Sarah Bernard, 230 Oak Springs Drive, A/P 5-291-03 1) Design Review to build a new, 2,498 square foot, two-story single family home on a vacant lot. Proposal also includes an attached, two-car garage; and 2) Variance request to build a retaining wall parallel to the westerly property line. Wall will be within 0' of the front and rear property line (20' required) and within 2' of the westerly property line. Wall will vary in height from 2'6" to ± 11', located on property located within the R-1 Zoning District (Above the 150' mean sea level) (Staff person: Griffin)

Mr. Griffin presented the staff report, noting that staff is recommending conditional approval of the project. An amended condition is to add the revised site plan dated 2/24/98: condition of approval to Condition Number 1.

Commissioner Wittenkeller wondered why the unfinished space couldn't be included now and be counted as conditioned space rather than have it be done at some time in the future, and possibly without permits. Ms. Chaney stated that if it was included it would exceed the FAR, which the Town has never allowed. Mr. Griffin added that it was an odd space to begin with, with varying heights in the room.

Chair Zwick asked for clarification on the definition of ridgelines. Mr. Griffin explained the difference between the primary and secondary ridgelines.

Rick Bernard, applicant, stated that he felt lucky to be able to live in San Anselmo and tried to find a design that would fit in with the neighborhood. They sent letters to the neighbors addressing the project. There were concerns about the smoke from the proposed wood burning stove and it has been modified to satisfy the neighbor's concerns. The laundry room could be placed in the area now shown as the bathroom with a reconfiguration of the fourth bedroom and bath. He has no problem with the landscape plan. Regarding Condition No. 2 about the deed restriction, there are broad variations to the many types of siding and although he has no problem with the deed restriction because they are his color choices, he felt he would be restricted in the future for minor modifications without going through a difficult process.

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The hearing was opened to public testimony.

Bruce Lagerness, 233 Oak Springs Road, asked about the configuration and location of the retaining wall. He wondered where the 11' height occurs. Mr. Griffin stated that it is approximately 26' from the property line.

Mary Beth Crenna, 234 Oak Springs stated they are the down slope property owner and have just bought the house next door to the applicant and just became aware of the proposed house. She wanted to make sure that their interests have been taken care of. She is interested in knowing about the drainage and land stability. She was told that her house was built on rock, but is a little concerned that the new house will cut into the rock and wondered what impact that will have on her. She also wondered why there is no soil's report.

Mr. Bernard stated that he has had Herzog perform a geotechnical report on the property. The report indicates there is bedrock between 3' and 10' and a house could easily be built that would be stable and withstand earthquakes. Drainage will also be taken off site. The major excavation will be for the garage area, which is where the retaining wall is. There is no fill on the property, all the work is cut.

The hearing was closed to public testimony.

Commissioner Harle supports the staff report and would want to keep the deed restriction as it is in the staff report.

Commissioner Wittenkeller asked about the deed restriction for design review. Ms. Chaney stated that there may not be other deed restrictions in the area unless they have recently come in for a design review.

Commissioner Wittenkeller did not believe the deed restriction was necessary for color.

Commissioner Harle said he changed his mind, and that he would vote for the project without the deed restriction.

Commissioner House concurred with Commissioner Wittenkeller.

Commissioner Cronk stated that there is not need for a deed restriction.

Chair Zwick also supported the staff report without the deed restriction.

M/s Wittenkeller/Harle and unanimously passed (5-0), to approve the project and conditions as set forth in the staff report, including the amendment to eliminate the deed restriction and add the site plan dated 2/24/98.

Conditions of Approval:

1. That the request for Design Review be granted to build a new house in accordance with the plans date stamped December 15, 1997, and revised site plan dated 2/24/98 received by the Town of San Anselmo Planning Department with the following revisions: a) The space labeled Laundry/Attic, is to be converted into a attic space accessed via pull down ladder in the garage. 2. The house shall install and maintain the cedar siding, white windows and dark green composition roof material submitted on the materials board dated January 1998. 3. Applicant shall apply for and pay all appropriate fees for building permits, plan checks and inspections. 4. A landscape plan shall be submitted to the Planning Department and front yard landscape, partial rear yard and automatic drip irrigation. This plan shall be submitted prior to issuance of building permits and installation of plan shall occur prior to final inspection. The plan shall include a brush clearing and tree pruning statement that is consistent with the Ross Valley Fire Department recommendations. 5. This permit and each condition contained herein shall be binding upon applicant and any transferor, or successor in interest. 6. 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 tot he expiration of the discretionary action.

3. V-9807/U-9802 - Wild Oats, 218-222 Greenfield Avenue, A/P 6-173-16, Amendment to existing Use Permit to allow off-site sale of alcoholic beverage (beer and wine only), on property located within the C-3 Zoning District. (Staff person: Griffin)

Mr. Griffin presented the staff report.

Chair Zwick wondered who placed the original conditions of what was permitted on site. Mr. Griffin stated that the restricted list was made at the Council level. It went to the Council because of the appeal from Bravermans Furniture Store who was opposed to the project because of parking constraints.

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Art Rodrigues, representative of the applicant, stated that out of the 54 stores, the only market without a beer and wine license is San Anselmo. The sale of beer and wine would be for a convenience, and will not create additional traffic. The 100 square feet of space will be more than adequate for their needs.

Commissioner Cronk had no objections to approving the staff report.

Commissioner Harle stated that he cannot vote in support of this project because of the history of the store. The little health store has turned out to be a big grocery store and has significantly impacted the traffic. Each time the applicant comes before the Commission, they always say it is a small increase. He does think the beer and wine will increase the business. The traffic has already been exacerbated because of this market and Elan Fitness Center. He is therefore opposed to the Use Permit.

Commissioner Wittenkeller stated that the sale of wine and beer will not dramatically increase traffic and feels it is a convenience to the customers.

Commissioner House was in support of the staff report.

Chair Zwick was also was in support of the staff report.

M/s Cronk/Wittenkeller, and passed (4-1 Harle to vote no), to recommend the Town Council adopt Resolution No. 3144. The amendment is to a condition of Approval regarding categories of products for sale as follows: There shall be no additional product categories, beyond those existing, which are: meat, poultry, fish, delicatessen, bulk foods, perishables, frozen foods, groceries, produce, vitamins, cosmetics, and the limited sale of beer and wine. Beer and wine shall be limited to 100 square feet of shelf space. Shelf space includes that space within a refrigerated case.

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

CONTINUED ITEMS

1. **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**

2. **V-9805 – Mike and Louise Berlin, 9 Sheila Court, A/P 5-021-13, A Variance to allow the following additions: 1) A two-story, 9'4" long addition expanding the existing family room and master bedroom within 4' of the southerly side property line (8' required). Addition is to the rear of the existing house. 2) A 6' long garage extension to the front of the existing garage, within 4' of the southerly property line (8' required), on property located within the R-1 zoning District (Above the 150' elevation) (Staff person: Griffin) CONTINUED TO 3/16/98**

3. **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 3/2/98**

GENERAL DISCUSSION

REPORT OF UPCOMING APPEALS TO TOWN COUNCIL

The Heavey project of 405 Sequoia has been appealed to the Town Council.

ADJOURNMENT .

The meeting was adjourned at 8:50 p.m. to the next meeting on Monday, March 16, 1998.

BARBARA CHAMBERS