

**SAN ANSELMO PLANNING COMMISSION  
MINUTES OF MARCH 5, 2002**

**CALL TO ORDER**

**Commissioners present:** Chair Jochum, Vice Chair Harris, Commissioners' Fernandez, House, Sisich, Wittenkeller, Zwick,

**Staff present:** Planning Director Bell, Senior Planner Wight and Planning Technician Chambers

**OPEN TIME FOR PUBLIC EXPRESSION**

Bob Gebhardt, 45 Barber, explained that at a previous Council meeting he requested the Council look into providing crossing guards at the corner of Sir Francis Drake/Barber and Ross Avenue due to the 4 lane road and fast light. He noted that the town of Ross has retired people who as crossing guards. He wondered what the status was in San Anselmo. Ms. Wight said she would forward to this request to the Town Administrator.

**CONTINUED PUBLIC HEARINGS**

1. **U-0113 Sprint PCS, 820 Sir Francis Drake Boulevard, APN 006-061-13**, use permit to install three antennas on the building with equipment, located on property located within the C-3 Zoning District. (Staff person: Wight) **CONTINUED TO 03/18/02**
2. **V-0211 – Steve and Laura Reinertsen, 21 Waverly Road, APN 007-264-03**, variance to expand the kitchen and increase lot coverage from 37.7% to 38.9% (Code maximum: 35%), located on property within the R-1 Zoning District. (Staff person: Wight) **CONTINUED TO 3/18/02**
3. **V-0206/DR-0206 - Ken Meyer, 20 Elkhorn Way, APN 177-265-05**, design review of a proposed 528 square foot garage with a 528 square foot addition below and a 264 square foot utility room on the lower floor (located west of the former car deck), and a height variance for a fence on the new approach ramp to be up to 21' above grade, (Code: 6') on property located in the R-1 Zoning District (above 150' msl). (Staff person: Wight) **CONTINUED TO 3/18/02**

**PUBLIC HEARING ITEMS**

**CONSENT AGENDA**

1. **MINUTES – February 19, 2002**
2. **V-0210 – Chris and Nicola Wilson, 85 Alder Avenue, APN 007-042-02**, variance for a new 223 square foot carport 12' in height and within 1'-8" of the west side property line to remain, located within the R-1 Zoning District. **AFTER-THE-FACT** (Staff person: Chambers)

M/s House/Sisich, and passed (5-2 Abstain: Harris/Wittenkeller), to approve Consent Item 1 Minutes of February 19, 2002.

M/s House/Sisich and unanimously passed, 7-0), to approve Consent Item 2: V-0210, based on the findings and conditions as set forth in the staff report. Chair Jochum advised all parties of interest of the ten day appeal period.

**REGULAR AGENDA**

1. **V-0209 – Mary Law, 85 Oak Knoll Avenue, APN 007-014-01**, variances to a) demolish and rebuild a 220 square foot garage 10'-2" in height within 6" of the east side property line (Code: 8') and within 7'-9" of the north side (front) property line (Code: 20'); b) demolish and rebuild a covered front porch 10'-1" in height within 4' of the west side property line (Code: 8') and 6'-4" of the north (front) property line (Code: 20'); and c) lot coverage of 43% (Code: 35%), located on property within the R-1 Zoning District. (Staff person: Chambers)

Commissioner Zwick recused himself because he lives within 500 feet of the project.

Ms. Chambers presented the staff report.

Steve Murch, architect representing the applicant, said to move the garage would be to move it closer to the palm tree and they have to be cautious about the root system. Therefore, they do not feel they can move the garage.

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Anthony Martin, 81 Oak Knoll Avenue, said he shares the side property line with the applicant. He would like the foundation to be modified so that the building could be constructed further away from the property line. By minimizing the footing and stem wall, the garage can be moved closer to the palm tree without disturbing the roots. The 24" is a good space for the garage to be moved over; right now it is about 5" to 6" away from the property line. He would also like a modern survey prepared. There are no other garage to building structures anywhere as close; the closest that he has seen is approximately 6' and there is a fence between those two structures. He is concerned that the care and maintenance of the siding would become his responsibility in the future since there is no room to access that side and he would be a liability for him. He would like it moved over so a fence can be placed on the property line.

Mr. Murch responded, stating that if the garage were moved it would mean the driveway would have to be moved and there is also a small retaining wall along the right hand side of the driveway, which would also be added cost to demolish and replace. Regarding the maintenance, people usually get permission from their neighbors to go on their property. The structure will probably not need any maintenance for the next ten years, beyond that there will be maintenance issues. His hope would be that there is a good neighborly policy. They will have the property lines marked out prior to foundation pour.

Commissioner Fernandez stated that based on the letter from the arborist, he concurs with the staff report.

Commissioner Wittenkeller stated that he would like to see a licensed survey because the garage is very close to the property lines and he would like the area staked prior to foundation pour. He felt the garage could be moved 18" without damage to the root system of the tree by bridging the footing. It is a light weight footing. He noted that the location of the current retaining wall is of little expense and can be moved.

Commissioner Harris was sympathetic with the neighbor but supports the staff report. He does not want to see decline of the tree. In addition, the applicant has only a small usable yard and moving the garage would further reduce the yard space.

Commissioner House would like to see the garage moved as close as possible to the tree without damage to the root system and would like the town arborist to make a final determination on how close to the tree it can be.

Commissioner Sisich stated that the space that would be created is not usable space and the chance of damaging the tree is significant. Therefore, he supports the staff report.

Chair Jochum stated that the tree is at the corner of the garage and it is difficult to bridge with two grade beams spanning two corners. Moving the garage back would take away yard space. He also supports the staff report.

As a gesture of compromise, Mr. Murch stated they would move the foundation over an additional 6", for a total of 12" from the side property line.

M/s House/Fernandez, and unanimously passed (6-0), to approve the application based on the findings and conditions of the staff report, and modified to include a licensed survey be required prior to issuance of the building permit and the garage to be built at least 12" from the east side property line.

Chair Jochum advised all people of interest of the ten day appeal period to the Town Council.

Commissioner Zwick stepped back up to the dais.

2. **DR-0207/U-0204/SR-0201/V-0212 – Ned McDonald, 14 Greenfield Avenue, APN 006-251-07 & 08**, use permit for change of occupancy in a space exceeding 1,200 square feet, with driveway access to remain off Greenfield Avenue and Smith Lane; use permit for outdoor display of merchandise; design review of exterior changes to the building and the parking lot; a height variance for a fence fronting Greenfield Avenue to be up to 8' above grade (Code maximum: 6'); and sign review of a 58 square foot sign to be placed on the building wall fronting Greenfield Avenue (note: the previously approved project is not proposed at this time), located within the C-3 Zoning District. (Staff person: Wight)

Ms. Wight presented the staff report.

Commissioner Wittenkeller stated that his recollection was that approval of the previous project was conditioned to require tree pockets on Greenfield Avenue for the planting of trees. Ms. Wight responded that that money has been money deposited with the Town for future tree planting.

Ned McDonald, property owner, stated that it took approximately one year for the approval of his previous proposal. He has withdrawn the office building project due to the economy but wants to upgrade the current building. The building now has a new roof and will have new garage doors and a large window on the east side. He would hope in the future to come back to the Commission for the office building when the economy gets better.

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Stephen Rollins, applicant, stated that the space is in keeping with the businesses along Greenfield Avenue and it will be attractive and elegant. The sculpture garden is proposed for the parking lot and it is also prime frontage space. The intent is not to put in large sculpture pieces. They are proposing a fence for protection of the art.

In response to Commissioner House, Mr. Rollins stated that there would be access from Smith Lane and Greenfield

Mr. McDonald commented that vehicles would have to drive through the sculpture garden if they were going to access Smith Lane. He stated that parking off of Smith Lane would be used by employees; customers would generally enter from Greenfield. The middle gate will be closed at all times. He noted that people would not be able to see through the fence. They plan to add trellises and trench to add trees along Greenfield but he is not certain the soil is adequate for the vegetation. He stated that they are proposing a 6' high fence because people dump garbage into the lot. Red Hill Avenue is also elevated by a few feet and they would see cars going by with only a 6' tall fence; 8' is their goal.

Ms. Wight stated that if the outdoor display is driving the proposal to moving the traffic to Smith Lane, staff is opposed to it. She would recommend all the parking on the lot be available to customers.

In response to Commissioner Sisich, Mr. McDonald explained that the Town abandoned an easement and he has acquired it by trade. It is slightly dangerous, and he could close it or leave it open. It should be one way going away from Greenfield although people use it and it is a liability

Sam Aljundi, 13 Smith Lane, stated that Smith Lane is very narrow and if customers have access from Smith Lane it would make access to his house very difficult. He wanted the gate to remain closed and have people access the business from Greenfield. If they want to create another entrance, move it forward towards Greenfield.

Mr. McDonald commented that they would not get rid of a curb cut as shown on the plan.

Commissioner Zwick said he is generally in favor of the use. The parking diagram is not particularly successful; ingress and egress should be from Greenfield, not Smith Lane. If there is access from Smith Lane at all, there should be only one, not two. He agrees that the gate should be closed off. The fence wall along Greenfield is fortress like and he would not like to see an 8' fence. He would like to see the sculptures and would prefer a more careful design, perhaps more landscaping is needed.

Commissioner Sisich said he was glad this use is an interim solution but he would like to see some mixed housing in the future. He is concerned about the driveway access for the owner on 13 Smith Lane.

Mr. McDonald noted that a car illegally parks across from Mr. Aljundi's driveway, perhaps the area can be marked as no parking. Although he does not own the land anymore he would be willing to pay for the striping.

Commissioner House said she would like to see both entrances from Smith Lane closed off and maybe grant a parking variance. She stated that she was opposed to a tall wooden fence because it is unattractive. She suggested pots with a drip system as an alternative to the trenching if the soil was not adequate.

Commissioner Harris stated that the use of the parking lot was a great extension of the business along Greenfield and he supported the use of greenery. With regard to the parking and circulation, he felt ill prepared to address this because of the new information presented tonight and therefore was not prepared to make a decision on the project tonight. Given the orientation of the building, it is only natural that access comes from Greenfield, although he does not want to foreclose the idea of Smith Lane yet. He was not in love with roll down sectional doors and would prefer to see other door options. He has no restriction on the size of sculptures and unless the applicant needs a barrier for safety, the art should be visible.

Commissioner Wittenkeller said it is a good interim use.. If you envision the area as a courtyard; it could continue to the east wall and people can drive through the courtyard. He would prefer to have access off Greenfield and would grant a parking variance for few cars.

Commissioner Fernandez stated that he was concerned about traffic coming off Smith Lane and would want to close off one driveway and use the second one for deliveries only. All customers should enter off Greenfield.

Chair Jochum said he likes the use. Parking diagram really should be reviewed. In favor of granting a parking variance and increasing the area for the sculpture gallery. The two entrances off Smith Lane is a problem. It is important to provide access from Greenfield; that is where the business would be viewed from. Regarding the fence, would like it to be something more

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architectural and commercial rather than as a residential rence. He would like the sculpture garden to be somewhat visible from Greenfield.

Mr. McDonald stated that he wants to get going on the interior renovation and would come back with parking and ingress and egress solutions at the next meeting.

Mr. Rolloins said he has no problem with keeping the gate open in the back. He was happy to see the possessiveness from the Commission to view the sculpture, which would also provide them additional show space. He has no problem with leaving the gates open to either walk or drive through the space.

Mr. McDonald commented that the access from Smith Lane is complicated. Access from Smith Lane greatly enhances the value of his property. He would like to think this through more carefully and could probably come back for the next meting.

Commissioner House: wanted to see the location of the driveway for 13 Smith Lane for the next meeting.

M/s Wittenkeller/Fernandez, and unanimously passed (7-0), to continue the application to the meeting of March 18' 2002.

**3. Zoning Ordinance Amendment to Chapter 1 of Title 10, establishing a policy on continued applications.**

Ms. Wight presented the staff report.

By consensus the Commission requested the following wording:

"...after it is first agendized..."

M/s Wittenkeller/House, and unanimously passed (7-0) to recommend wording to Town Council to approve the Negative Declaration and amend the Zoning Ordinance to add Section 10-1.04.1 Application Continuance and modified tonight, stating: "...after it is first agendized..."

**GENERAL DISCUSSION**

- The Council voted to approve the Negative Declaration to not permit parking on Sir Francis Drake.
- Commissioner Harris asked staff to review the approval for Mr. Ribs. It appears that he has started his operation and is not in compliance with what the Commission approved.

**REPORT OF UPCOMING APPEALS TO TOWN COUNCIL**

- 24 Knoll Road was heard at the Council and has been continued.

**ADJOURNMENT TO THE REGULAR MEETING ON MONDAY, MARCH 18, 2002.**

The meeting was adjourned at 9:00 p.m.

  
**BARBARA CHAMBERS**