

PLANNING COMMISSION MINUTES
AUGUST 7, 1989

The regular meeting of the Planning Commission was called to order on August 7, 1989 at 8:00 p.m. in the Town Council Chamber by Chairman Sias. Staff present: Lisa Wight.

A. ROLL CALL

Commissioner's present: Julin, Kanis, Yarish, Kroot,
Harle, Sias
Commissioner's absent: Hayes

B. PUBLIC HEARING CONTINUED TO AUGUST 21, 1989

1. U-629/633 - Lenny Lerner, 1535 Sir Francis Drake Boulevard, A/P 5-153-01, six month review of use permit to allow: 1) automotive repairs; and 2) cellular telephone sales, service and installation.; and review of current proposal for two canopies on the west side of the building.

2. V-2300 - John Paletta, 903 San Anselmo Avenue, A/P 7-114-11, a 20 foot rearyard variance and a 5 foot west sideyard variance for the remodel and reconstruction of a one car garage (by more than 50 percent) within 0 feet of the rear property line and within 3 feet of the west side property line; parking variances for the conversion of one half the existing rear garage to a storage area; reduce one required parking space in the rear garage to 8'6" in width; and permit a required parking space in front of the rear garage to be within 0 feet of the rear property line and within 5 feet of the east side property line; a parking variance for the two required parking spaces located on the east side of the property to be substandard in size, measuring 8'8" in width (due to the sideyard variance, a 6" east sideyard variance, a 9 foot rearyard variance, a 16'6" rearyard variance, and a 16' frontyard variance for architectural trellis extensions to be within 5'3" of the east side property line; within 11'6" of the east side property line; a 2'6" frontyard variance for a bay window extension to be within 17'6" of the front property line; a 5'2" foot rearyard variance for garage can and hot water heater enclosures to be within 14'10" of the rear property line - AFTER THE FACT.

3. C-501 - Rosie Echelmeier and Essam Elmahgoop, 145 Tunstead Avenue, A/P 7-251-13, appeal of Planning Director's approval of: 1) expansion of the flower market use to the front building and continued use of the rear building; 2) the exterior color change - AFTER THE FACT; and 3) use approval of a wine wholesaler for a 159 square foot area within the rear building for primary use as an office and secondary use for wine storage.

C. PUBLIC HEARINGS

1. C-223 - James R. and Donna M. Hastings, 18 San Rafael Avenue, A/P 7-162-15, Town Council referral of design review portion of parking variance for the client parking area to the rear of the property accessed from San Anselmo Avenue.

The applicant and his architect, Brian Wittenkeller, were present.

Ms. Wight presented the staff report and distributed the Agreement and Conditions.

Commissioner Kanis said it was his understanding that the garage would remain because it would give the feeling of a residential area and less of a parking lot.

Mr. Hastings said the drawings submitted tonight are very similar to those presented to the Commission on May 15th.

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Staff and the Council felt it would be better to remove the garage and it is agreeable to him.

Commissioner Julin wanted clarification on the type of fence that was to be built. Mr. Wittenkeller said it would be a standard 6' redwood fence with 1' x 6' planks.

Cheryl Mondeaux, 16 San Rafael, asked why it was decided to have client parking in the rear instead of office staff. She said the proposed fence will only cover a portion of her property and therefore will not provide adequate privacy. She is asking that the honey locust be changed to an evergreen pear which would be less messy. She also asked how the clients were going to enter the building.

Mr. Hastings said he would be willing to square off the fence at the rear of his building. He said there is a walkway on the east side of the building and the clients will use that pathway and enter the front door.

Barbara Trenam, 22 San Rafael, wants a fence to go the length of her property for privacy since clients will be using the pathway.

Scott Yates, 837 San Anselmo Avenue, said that there is ample office space in other areas of Marin and that this site is not acceptable for commercial use in an R-1 area.

Commissioner Kroot thought the current design would be pleasant and pleasing.

Commissioner Yarish thought the design was well thought out and agreed with the idea that evergreen be substituted for the honey locust. He also agreed that the fence should be squared off at the house and suggested screening on the west border, noting that landscaping would look better than a board fence. He had no objection to removing the garage.

Commissioner Harle supported the application with the agreement of conditions as outlined in the staff report, and the addition of the fence being squared off at the edge of the building. If the applicant agreed to the additional screening on the east side, then he will agree with that too. Commissioner Harle felt a great deal of accommodation has already been provided by the applicant and he does not think the proposed use will be anymore intense than what is already existing.

Commissioner Kanis concurred with the comments of Commissioner Harle but added that the Town should have some assurance that the clients will park in the designated area and not on the street. He suggested that the applicant send out a general mailing to his clients to inform them and further advise them with billings and other correspondence sent to clients.

Commissioner Julin said she is unable to make any decision on this application because the site plan only shows parking, not the entire site. In addition she has not had ample time to review the Agreement and Conditions for this application.

Chairman Sias said he can understand the privacy issue of the neighbors and because of the pathway on the east side for clients he would like to see a detailed fence. The west side fence should be squared off at the house corner. With regards to the garage, he felt it was wiser to remove it. He also approves of the wording in the Agreement and Conditions and the change from "honey locust" to "evergreen pear".

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Brian Wittenkeller said the parking court will be soft surface gravel and a lattice work or picket type fence can be provided for the east side.

Commissioner Yarish thought it would be a good idea to have a small sign in rear indicating this space is reserved for client parking only.

Lisa Wight noted that the changes discussed tonight to be incorporated into the Agreement and Conditions are as follows: Item "D" Site Plan dated July 22, 1989 and amended August 7, 1989; Under Item "D": (1) tree proposed on east side be changed to an evergreen pear; (2) should include a decorative solid 6' wood fence with lattice on top on the west side of the property and extend from the edge of the sidewalk on San Anselmo Avenue to the edge of the sidewalk on San Rafael Avenue. (3) install and maintain a small sign at the San Anselmo Ave entrance stating that this area is reserved for use by clients of 18 San Rafael Avenue (4) a 6' high solid wood fence be constructed on the east side of the property and extend from the edge of the sidewalk on San Anselmo Avenue to the rear wall of and square off at the building on 18 San rafael Avenue..

M/S Yarish, Kroot, to approve C-223/V-2282 - James R. and Donna M. Hastings 18 San Rafael Avenue, A/P 7-162-15, Town Council referral of the design review of the parking variance for the client parking area accessed from San anselmo Avenue, and review of the contracts and conditions for the parking variance: on the basis that it complies with the findings in the staff report as amended by our earlier discussion this evening and with drawings dated Revised 7-22-89 and amended 8-7-89 and approval of contracts and conditions as submitted at this meeting and amended. This basis for approval is that the applicant contributes to a landscape that is functionally and aesthetically pleasing to the natural surroundings in the area; the increase in noise and traffic will not be a significant increase for that of an R-1 use; that the privacy of the adjacent owners has been considered and addressed and that the intensity of use has been dealt with effectively with off-site parking; and that the property will not adversely affect the health and safety of persons in the surrounding area.

Commissioner Julin said she could not vote approval because plans were not complete enough and she did not have enough time to review the agreement and conditions.

Chairman Sias felt there have been numerous discussions on this issue and careful thought has been put into this, both at the Planning Commission level and the Town Council.

Ayes: Harle, Kanis, Kroot, Yarish, Sias
Noes: Julin

Motion carried. Audience advised of the ten day appeal period.

2. A-8901/V-2297 - Jacob Friedman, 54 Miwok Drive, A/P 177-263-01, design review of a single family dwelling in an R-1 C zoning district (Single Family Residential Conservation Area).

Commissioner Kanis stepped down for this application.

The applicant and his architect, William Pashelinsky, were present.

Ms. Wight presented the staff report.

Mr. Friedman said that he would not start prior to 8:00 a.m. if that will satisfy the neighbors. He said that he will

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have to use heavy equipment on the site which may damage some scotch broom but will restore the site prior to completion of the project. He would be willing to plant another tree in the place of the proposed redwood tree if that is staff's desire. He also noted that they have moved the building closer to the street which would be less of a visual impact than what was previously proposed.

Judy Kanis, 46 Miwok, wanted assurance that there would be adequate screening for the garage which faces their bedroom and small deck.

Mr. Pashelinsky said the applicant would be happy to provide more screening in that area.

Carol Duncan, 35 Miwok, hoped that the applicant would not build on the weekends.

Commissioner Yarish appreciated the applicants willingness to comply with his neighbors. The house blends in with the neighborhood and he is hopeful that the applicant can come into agreement with the neighbors on the type of screening for the garage.

Commissioner Julin approved of the placement of the house now that it has been moved. She would like to see vegetation preserved and a condition placed on the approval that the bay trees should be preserved.

Commissioner Kroot said that the lowering of the house, the additional screening and subdued colors are his reasons for approval.

Ms. Wight said that if the Commission agreed, selection of trees that will be used to screen the garage can be left up to staff.

Commissioner Yarish noted that an irrigation system should be installed to maintain the landscaping.

M/S Kroot, Julin, to approved A-8901/V2297 - Jacob Friedman, 54 Miwok Drive, A/P 177-263-01, design review of a single family dwelling in an R-1C zoning district on the basis that it meets all the R-1H Design Review Requirements and with this approval the applicant will provide additional screening on the east side of the proosed dwelling and this is to be worked out in discussions with the neighboring property owners at 46 Miwok and approved by staff. Such screening is to include: The proposed Sequoia Cost Redwood trees on the west and east sides of the property are to be replaced with native trees that will grow to a height that will screen the building, but not exceed the height of such and will completely screen the east wall of the structure, including the garage. An automatic irrigation system is to be installed to maintain the screening. This is based on drawings dated 8/1/89. Colors to be used are indicated on the drawings dated 7/19/89 and also stated in the staff report for tonight.

Commissioner Julin, to add that existing laurel trees to remain on the property are to be flagged and that the contractors stay away from the drip lines.

Ayes: Julin, Yarish, Kroot, Harle, Sias
Abstain: Kanis

Motion unanimously passed. Audience advised of the ten day appeal period.

3. V-2298 - Richard and Amy Weaver, 39 Sunnyside Drive, A/P 7-263-27, a 17 foot frontyard variance for a second required on-site parking space to be within 3 feet of the

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front property line (plans are to convert one parking space of an existing two car garage to living area).

The applicant was present.

Ms. Wight presented the staff report.

Mr. Weaver said he had a small house and a growing family and therefore wanted to add on to his house.

The Commission was in favor of this application.

M/S Harle, Yarish, to approve V-2298 - Richard and Amy Weaver, 39 Sunnyside Drive, A/P 7-263-27, a 17 foot frontyard variance for a second required on-site parking space to be within 3 feet of the front property line on the basis: 1. Due to special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the controlling zoning ordinance or regulation deprives such property of privileges enjoyed by other property in the vicinity and under an identical zoning classification, and the granting of the variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situation specifically that the dwelling is very small and constructing a first story addition is not possible due to the configuration of the existing dwelling on the small lot and the existing landscaping. The proposed location is the most logical for the interior stairway. The driveway will accommodate two vehicles, so on-site parking is practically reduced from 4 to 3 spaces; and 2. The granting of the variance is necessary for the preservation and enjoyment of substantial property rights of the petitioner so that adequate living area can be accommodated; and 3. The granting of such variance, under the circumstances of the particular case, will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not be materially detrimental to the public welfare or injurious to property or improvements in such neighborhood. On-site parking will continue to be useable and adequate.

All eyes. Motion passed unanimously. Audience advised of the ten day appeal period.

4. V-2299 - Greg and Maureen Rehes, 18 Woodside Court, A/P 5-261-26, a 4 foot rearyard variance to expand an open deck to be within 10 feet of the rear property line.

The contractor, Carter Crilly, was present.

Lisa Wight presented the staff report.

Mr. Crilly said the applicant proposes to remove a pine tree at the point where the deck extends out the most because it is shading the oak tree.

Commissioner Kanis was concerned that there would not be adequate screening with the removal of the pine tree.

Chairman Sias said the applicant told him that no trees were to be removed. Mr. Crilly said that it was not critical to remove the pine tree.

M/S Kanis, Kroot, to approve V-2299 - Greg and Maureen Rehes, 18 Woodside Court, A/P 5-261-26, a 4 foot rearyard variance to rebuild and expand an open deck to be within 10 feet of the rear property line on the basis: 1. Due to special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the controlling zoning ordinance or

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regulation deprives such property of privileges enjoyed by other property in the vicinity and under an identical zoning classification, and the granting of the variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated, specifically, the steep topography of the rearyard, which limits its usability. and while other properties in this area also have a steep downslope in their rearyard, others do not and are able to enjoy a useable yard; and 2. The granting of the variance is necessary for the preservation and enjoyment of substantial property rights of the petitioner, specifically the existing open deck is too small and the granting of the variance is necessary so that the applicants can comfortably enjoy an outdoor area; and the granting of such variance, under the circumstances of the particular case, will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not be materially detrimental to the public welfare or injurious to property or improvements in such neighborhood; specifically that the applicants can enjoy the only outdoor use on their property and the number of eucalyptus and pine trees surrounding the rearyard will not have an adverse impact on the neighbors. This is based on the renderings dated August 7, 1989 and it is conditioned that none of the existing trees adjacent tot the deck be removed.

All ayes. Motion unanimously passed. Audience advised of the ten day appeal period.

D. APPROVAL OF MINUTES: July 17, 1989 and July 24, 1989

M/S Kanis, Julin to approve Minutes of July 17, 1989 with the following amendments: page 5, paragraph 7, change the word "contents" to "contends" .

Ayes: Julin, Kanis, Kroot, Yarish
Abstain: Harle, Sias

M/S Julin, Harle, to approve Minutes of July 24, 1989 as written.

All ayes.

E. ADJOURNMENT

The regular meeting of the Planning Commission was adjourned at 10:20 p.m. to the next regular meeting on August 21, 1989.

BARBARA CHAMBERS
ADMINISTRATIVE SECRETARY-TECHNICIAN