

The regular meeting of the San Anselmo Planning Commission was called to order by Chairman Hayes in the Town Hall Council Chamber on June 7, 1982 at 8:00 p.m. T. J. Robbins present.

1. ROLL CALL:

Commissioners Present: Bergeson, Gaidano, Harle, McPeak, Signorelli, Hayes  
Commissioners Absent: Peterson

2. APPROVAL OF MINUTES - May 10, 1982. Held over until meeting of June 21.  
May 17, 1982. M/S, minutes of May 17, 1982 be approved as written, passed with five "Aye" votes; Harle abstaining.

3. OLD BUSINESS

None

4. NEW BUSINESS

A. V-1014 Ron Puchir 62 Brookside Drive A/P 5-171-20

Staff explained there was a distance of 13 feet from the front of the garage doors to the front property line. The Public Works Director was reluctant to enter into an encroachment agreement to allow parking on the public right-of-way in this area. It was also explained that the partial garage conversion that is already accomplished had taken place prior to the current ownership.

Mr. Puchir said he purchased the home in 1976 and was unaware that there had been illegal construction on the property. He said half of the garage is not usable now. If granted, he said, the variance would create no change from the way the owners currently park; there will be no change in the exterior of the house or the aesthetics.

There was no one in the audience to comment on this application.

M/S Harle, Bergeson to approve V-1014, application of Ron Puchir, 62 Brookside Drive, A/P 5-171-20, for a variance for one parking space from the required two, on the basis that this will not adversely affect the health or safety of persons residing or working in the neighborhood and will not be materially detrimental to the public welfare or injurious to property or improvements, further granting of this variance is necessary for the preservation of substantial property rights, and that the external and internal design of the house make this the only reasonable means of expanding the living area. Passed unanimously P.C. 6/7/82

B. V-1015 Dennis E. Muren 200 Crescent Road A/P 7-221-02

Staff reported they had no problem with this application, fence height was measured from existing grade--the variance will grant additional privacy to this as well as adjacent property.

There was no one in the audience to comment on the application.

M/S McPeak, Signorelli to approve V-1015, application of Dennis E. Muren, 200 Crescent Road, A/P 7-221-02, for a variance to construct a fence over a retaining wall, total height of 10 feet, 2'8" from the side property line; a fence 7'7" in height on the side property line, and a 3'4" sideyard variance to construct an open stairway 4 feet high to within 2 feet 8 inches of the side property line: The granting of this variance was necessitated by the topography of the lot; the granting of this variance will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the property and it will not be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, and is necessary for the preservation and enjoyment of substantial property rights. Passed unanimously. P.C. 6/7/82

- 2 -

C. V-1016 A. C. White 129 Oak Knoll Avenue A/P 5-151-06

William Howey, owner of the property adjacent on the southwest and the property most affected by the application, stated his building is 3 feet from the property line, and with Mr. White's proposed construction 1 foot from his property line, there would be only 4 feet between buildings at the second level. He stated his building has a bedroom window and a dining room window on this side; for reasons of privacy he requested if the variance were to be granted, it be stipulated the walls of the proposed dining room, facing his building, have no window, and the deck include at least a 6 foot high barrier of white, or some light color plexiglass, or be a solid, wall, no lattice, to afford privacy to the occupants of the dwelling at 127 Oak Knoll. He said he had no objection to the variance; he felt it was a good improvement.

Mr. A. C. White said he had spoken to Mr. Howey before the meeting and had agreed to Mr. Howey's request.

M/S Bergeson, Signorelli to approve application of A. C. White, 129 Oak Knoll Avenue, A/P 5-151-06, for a 7 foot sideyard variance to allow construction of a dining room within 1 foot of the side property line, with the stipulation the portion of the addition to the second floor, facing the property of Mr. William Howey, 127 Oak Knoll Avenue, be a solid wall without windows, and that the side of the deck adjacent to the Howey property will have a screening device with a minimum of 6 feet in height to provide privacy for the adjacent property. This variance is approved on the basis of the layout of the property and existing internal layout of the house which dictate this is the best solution to enlarging the living area of the dwelling and granting of this variance will not adversely affect the health or safety of persons residing or working in the neighborhood and will not be materially detrimental to the public welfare or injurious to property or improvements, further, granting of this variance is necessary for the preservation of substantial property rights. Passed unanimously. P.C. 6/7/82

D. V-1017 Ada Smith 230 Floribel Avenue A/P 7-082-11

Staff reported Ms. Smith wished to reconstruct a house that had burned on the existing foundation. The request for the third story is prompted by the relatively small foundation that exists plus the fact that to increase the foundation area would substantially take away a portion of an already small yard area. He said a parking variance would not be required, because of existing foundations.

John Horgan, 222 Floribel, representing the owners of 222 Floribel Avenue, said they had no problem with the third story or the parking as long as the driveway remains the same size.

Ms. Smith and Dana Rath were present to answer questions about the construction.

There was no one else in the audience to comment on the application.

M/S Signorelli, Harle to approve V-1017, application of Ada Smith to allow a third story; this is necessitated by the fact that this structure is being constructed over existing foundations to replace a building that was destroyed by fire, and there would be no negative effect on the neighbors. Granting of this variance will not adversely affect the health or safety of persons residing or working in the neighborhood and will not be materially detrimental to the public welfare or injurious to property or improvements, further, granting of this variance is necessary for the preservation of substantial property rights. Passed unanimously. P.C. 6/7/82

E. Z-193 Kenneth Norberg 1330 Sir Francis Drake Blvd. A/P 5-224-17

Staff briefly recapped the history of the applications for rezoning on the property.

James McDonald of Wagstaff and McDonald, architects for the project reported: There are proposed 2 single family home fronting on Rivera Street, 19 Townhouse and one level units with access only from Sir Francis Drake Boulevard. Four meetings were held with the neighboring property owners recently, although the project has been ongoing for the past 27 months. There will be 17 Townhouse single family units, consisting of 13 two-bedroom, 2 bath units; 4 one bedroom units, and 1 handicapped unit and 1 low/moderate income unit. There is 19.5% lot coverage; 2.1 per unit parking spaces. A decision has been made not to construct a recreational facility (recreation room, pool and spa), thusly there will be more landscaping. Neighboring home owners have expressed concern about flood control and flooding. The developer intends to add an additional 15 - 20% culvert capacity in the development of the project. The flow is presently impeded because of undergrowth and lack of maintenance. Owner has agreed, as a condition of approval, he would be prepared to maintain the culvert as a homeowners condition for the property itself. Floor levels. Flood control requirements are that they must maintain floor levels 6 inches to 1 foot above curb height at the intersection of the creek with Sir Francis Drake. They do not intend to fill the property at all. Parking is not required to be at the same level as living units. Mr. McDonald said he had heard someone was asking for an additional review of the E.I.R. and he reread the document thoroughly the past week; he found very few statements in that report different from the plan before the Commission. There is a different unit count and a slightly different traffic pattern the owner concurs with, but it is still the same ingress and egress. There is a great deal of additional engineering data to come before the Town Council, Planning Commission and Builder before any construction takes place. Developer is concerned about the number of trees, control of proper haudraulogy, flood control and direction of water and result as far as appearance of the project and those people residing in the development, but is sure it will be a compatible project with the neighborhood.

From the audience: Cindy Sonnenberg, 14 Beverly Way. Is concerned with flood control. During the past floods the water came from Mountain View down toward Drake; fears deepening of the culvert may have a damming effect and produce flooding north of Drake. Has asked developer to provide flood insurance for the affected properties in the neighborhood. She cited the Ring Mountain project in Tiburon as a precedent.

Bob Neaylon, 18 Beverly Way: Basically goes along with the plan, but did mention the northwestern projecting of the property at the meeting and said the owners should clean up that arm of the property, landscape and maintain it. He felt flood insurance coverage could possibly be a good idea and felt the developer should be held responsible for insurance of his home being flooded.

Larry Blantin: 12 Beverly Way: Basically agrees with plan and with Cindy Sonnenberg and Bob Neaylon. He is concerned about the box culvert under Sir Francis Drake Boulevard on the school site which makes a drastic bend, thinks it contributed to the flooding. He said he is not concerned with this particular development, but did not think the present culvert will handle any other development, and that should be taken care of at this time.

Commissioner Signorelli said that this culvert has always been a problem. He has not been able to determine if it was an impediment during the flood.

Mr. Robbins said the developer has a design for increasing the culvert and the Town staff believes that will be helpful in this situation.

Mr. McDonald said once the rezoning is approved they would like to take out all of the blackberry bushes and brush and survey the situation to see what they have, number and location of trees, etc. He stated this

project is downstream of the flooding. Ring Mountain, he said, was different in that almost all of the people involved were below the development. He could see no precedent for requiring the developer to provide flood insurance to neighboring properties.

Commissioner Signorelli said he is concerned about the berm adding to the problem that Cindy raised.

Commissioner Harle said he saw no significant objections to the plan as presented, and he is glad to see that the community and the developer are reasonably close in the concept.

Commissioner McPeak stated he felt the E.I.R. is sufficient for this project.

Commissioner Hayes said he saw an improvement in the plan, particularly the duplex configuration which will give more of an impression of single family homes. One question he had is the parking lot for the 4 units on the southeast corner; he is a little concerned about the easement proposed and the feasibility of coming out of that location. He asked about a possible footbridge across the creek to the other parking.

Mr. McDonald said the 4 units were smaller in size by design. They must respect that turn of the creek and will probably have to do an erosion control or riprap in the area; the units must have their own parking. He said he doubted the easement would ever be used, but the original property owner (Marius Cordone) required it. He also said he did not think the developer should have the responsibility of landscaping and maintaining an area that is off and away from the major development, but does feel that it would be the homeowner's responsibility to maintain the creek. Creek maintenance, he said, would be addressed at the Use Permit Hearing.

Mr. Robbins pointed out that the CC&R's will be considered at the subdivision hearing, and they would cover all of these considerations. Since the Town has no condominium ordinance, they use restrictive State requirements.

Commissioner McPeak stated he felt it was the Town's responsibility to address the problem of possible flooding, and he would hope that is what they would proceed to do.

M/S McPeak and Signorelli to recommend to the Town Council approval of Z-193, application of Kenneth Norberg, to rezone 1330 Sir Francis Drake Boulevard, A/P 5-224-17, from PPD R-1/R-3 to SPD for 19 Townhouses and 2 single family dwellings as shown on drawings received by the Town on 5-5-82 on the basis that it is in conformance with the General Plan and an E.I.R. has been prepared and accepted by the Town, and that this project is still within it, and it will be adequate to cover this project. Passed with 5 "Aye" votes; Commissioner Bergeson abstaining. P.C. 6/7/82

F. Recommendation to Council of Resolution Establishing Administrative Approval and Fees for Certain Variances.

Commissioner Bergeson asked who the appeal went to, and was told an appeal of the Planning Director's decision would go to the Planning Commission, at which time it would become a regular variance application with the same appeal prerogatives as any other variance application.

M/S McPeak, Harle, that the Planning Commission forward the resolution establishing Administrative Approval and Fees for Certain Variances, as presented, to the Council. Passed unanimously. P.C. 6/7/82

Staff reported the Density Ordinance would be submitted to the Planning Commission for their June 21st meeting; it will be agendaed for action for the July 19th meeting.

5. ADJOURN

Meeting adjourned at 10:25 p.m. to the meeting of June 21, 1982.

Thelma Foster

June 7, 1982