

The regular meeting of the San Anselmo Planning Commission was called to order by Chairman Ed Bergeson at 8:00 p.m. on June 18, 1984 in the Council Chamber. L. Wight of staff present.

1. ROLL CALL

Commissioners Present: Harle, Hayes, Kroot, Signorelli, Sharp, Bergeson

Commissioner Absent: Souza

2. APPROVAL OF MINUTES - June 4, 1984

Re: Item C. V-2006, Francis B. Niess - 108 Hilldale Drive. Commissioner Hayes asked if this item were being appealed to the Council, when informed it was, he asked that the tape of the meeting be reviewed, and his comments and reasons for his No vote be added: The following is from the tape:

Commissioner Hayes said he did not think the Commission had enough information. More detailed renderings were needed. Most importantly, he is concerned about precedent setting. By finding of special circumstances that would merit granting of a variance the Commission would open the door to similar findings for all of the neighbors. He said the neighborhood can be easily disrupted. The lawns tend to provide a sense of open space; if one by one the Commission were to make findings allowing construction along the street, one would see the frontyard grow smaller and smaller.

Commissioner Sharp said he did not feel there was enough information. He wanted to see the elevations. He said there is a very sensitive character to the neighborhood. It is very compact and has the potential of changing the character of the neighborhood more easily than some other types of neighborhoods.

He would like to see the application referred back for some elevations showing the greenhouse as it connects to the house and where the fence will be.

Paragraph F. Commissioner Hayes suggested the sentence not be completed with "and". This should be accomplished by putting a period after ...good deal.

M/S Sharp, Hayes, the minutes be approved as amended. Passed with five Aye votes and Commissioner Bergeson abstained.

A question was asked about the rezoning study for the Agenda. It will be placed as a trailing item on the next agenda.

At this time the Chairman stated that it may appear to applicants that not all of the Planning Commissioners had visited the properties under consideration; however, he personally had visited each of the sites, and he felt most of the Commissioner had done so. In some instances, the area he needed to observe was quite visible without disturbing home owner or tenants.

Commissioner Signorelli said he goes out on Monday, and many times property owners were not home at that time.

3. PUBLIC HEARINGS

A. SR-344 The Pool Scene - 2 Bridge Street

At the applicant's request, this item has been held over until the next regular meeting.

B. V-2008 Jerry Lloyd - 17 Plumas Avenue

Staff reported this application had been referred back to the applicant at the last meeting for redesign. The dwelling plan had been modified so the house steps up the hill and will therefore not require a third story variance. Staff recommended approval.

From the audience Suse Daniel, owner of 15 Plumas Avenue, again stated her reasons for not wanting the variance granted as: fire hazard, closeness to the property line, privacy, soil erosion.

Eloise Rivera, 21 Plumas Avenue, read a lengthy composition quoting sections from the San Anselmo Municipal Code, the General Plan, Land Use and Housing Element. She discussed the use of the word "aesthetic"; she discussed the basis for granting a variance; she also cited lot size, soils erosion and privacy as reasons for denying the application.

Roberto Rivera, 21 Plumas Avenue said his property values would be decreased. He said the spirit of the San Anselmo Municipal Code should be enforced.

Mr. Ed Jacobs, 100 Scenic Avenue, said he underlined all the things Mrs. Rivera and Mrs. Daniel said.

Mr. Charles Snyder, 11 Plumas Avenue, made a lengthy presentation covering grades, need for a soils report, a possible slope to the driveway. He explained the composition of the soil around his dwelling, and spoke of his variance for car parking. He said he has a large home on an identical sized lot which required no variances.

Mrs. Elizabeth Berryhill, 18 Plumas Avenue, said she was "scared about drainage"; she said she had water in her home from drainage. When staff explained the process required for a building permit, Mrs. Berryhill said she was no longer "scared" of the water since she now knew staff would handle the drainage and there would be soils reports and recommendations from a soils engineer.

The applicant addressed the Commission and audience, thanking them for the positive comments about the new design. He said he had consulted with a soils engineer Ed Beatty. He asked approval of his request.

Commissioner Hayes asked if a neighborhood meeting had been held. He stated this is a legal building site, and so the question is what can be built there. Secondly, consideration should be given the reasonableness of the variance. Commissioner Hayes did not think the request was unreasonable in that (1) The house has a 8 foot sideyard; the requirement by code. The deck is 5 feet away from the property line; that is no problem. (2) Where a 5 foot sideyard is requested, the house next to it has a 5 foot side setback. The equity is reasonable. Also, the activity of the dwelling is not centered on that side. (3) The deck appears to be more of a walkway than a deck for outdoor living. Not very many people will use it. It will be emergency access. (4) The parking variance. To put parking further back from the street would mean a deeper cut into the hill, and this is a main concern of the neighborhood; hence it makes sense to grant a parking variance; also the plan provides for two tandem guest parking spaces, thusly taking additional cars off the street. The applicant, as requested, has pushed the house back and the carport is off the street. Commissioner Hayes did not think the residents would want a carport right on the street. (5) Safety and drainage. Everyone is concerned over these things, and they will be handled at staff level prior to issuing of a building permit. Insofar as aesthetics of the building--that is a judgment call. Municipal Code does not allow Design Review for single family dwellings. He does not think any of the standards have been violated. Commissioner Hayes said he was sympathetic to the objectors; however, he could find no basis for denial of the variance.

Commissioner Sharp said the problem is with necessity. Insofar as the aesthetics, he said making a decision regarding aesthetics would become dangerous--there is a frightening potential for abuse. He said he felt the dwelling could be designed to fit within the setbacks. With regard to the soils, geology and hydrology, he is confident in Town staff to deal with those problems. Parking. The proposed is the best thing that can be done to alleviate parking problems. The proposed parking is within the lot and will take care of parking problems as far as possible.

Commissioner Harle said he felt Commissioner Hayes and Commissioner Sharp had covered everything. He said he felt the necessity was answered by safety. He felt sideyard variances were required for balance and convenience and felt the detriment or negative impact is relatively slight. It is wise to preserve the setback on the south side. He said it was a small house filling well in the neighborhood and with the area of the lot. He did not think it is overbuilding. The variance request is well within normal procedures for granting variances

in his experience over the past few years. There is a general trend toward in-building in older and smaller lots.

Commissioner Kroot stated the soils report would be very clear in its recommendation. He is concerned over all the variances; he felt that the house could be designed to fit within the setbacks. He felt there was a better reason for a third floor than the sideyard variances. He did not see the deck necessary as access to the rear.

Commissioner Signorelli said when this lot was divided, no doubt the front setback requirement was 15 feet, and lot size 5,000. He thought development of this lot with drains and other requirements may actually help the drainage on the street and more specifically Mrs. Berryhill's lot directly across the street.

Commissioner Bergeson said he did not believe the impact on the neighborhood would be much different with or without the variance--the house will still be there. He said he was bothered by the design of a new dwelling requiring a variance. He felt an existing house would present more of a hardship than a new one.

Commissioner Harle said the building would fit in with the setback requirements for the time when the lot was subdivided.

Mr. Lloyd explained the side deck is there as a way of taking potted plants and soil from the front deck to the rear yard without taking it through the house. He needs access to the rear yard to protect the interior of the dwelling.

Diane Lloyd said this lot has somewhat of an history. The lot has remained unimproved for many years and everyone considers it open space or park area. Mr. Jenkins of 100 Scenic Avenue has an interest in the lot because his son has a treehouse there, and if the Lloyd's build, the treehouse will have to be removed.

M/S Signorelli, Harle, to approve V-2008, application of Jerry and Diane Lloyd, for a frontyard variance of 8.5 feet for the first floor entry and parking; a 6.0 foot frontyard variance for the second floor deck, and a 4.0 north sideyard variance for a second floor deck and a 3.0 foot north sideyard variance for the house to construct a new dwelling; variance is necessary for the enjoyment of substantial property rights for the applicant; the variance on the north side impacts very little on the adjoining neighbors because of the location of their home; it will not be visible for the neighborhood and will not be detrimental to the health and welfare of those who live in the immediate neighborhood; variance is based on submittal of plans dated 6-11-84 and is necessitated by the narrowness and steepness of the lot. Passed by the following vote:

AYES: Commissioners: Harle, Hayes, Signorelli, Bergeson -

NOES: Commissioners: Sharp, Kroot

Applicant was informed of the ten-day appeal period.

C. U-594 William Neall 781 Sir Francis Drake Boulevard

This location had been used for automobile repairs by a previous tenant. Use Permits are not transferrable; hence Mr. Neal was applying. Staff recommended screening across the front of the lot and striping of certain stalls.

M/S Sharp, Harle to approve U-594, application of William Neall, 781 Sir Francis Drake Boulevard, A/P 6-081-01, for a use permit for automotive service and repair on the condition that the applicant construct a 4 foot high fence for screening along the Sir Francis Drake east property line and that the shade tree, as shown on the drawing be planted in a 10 gallon size; based on the following findings made by the Planning Commission. The use will not be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood, or be detrimental or injurious to property and improvements in the neighborhood or the general

welfare of the Town, and that the granting of the application is necessary for the preservation and enjoyment of substantial property rights of the petitioner. Applicant must comply with conditions within 60 days of June 18, 1984. Passed unanimously.

Applicant notified of the ten-day appeal period. P/C 6/18/84

D. Barbara Tracy 1324 San Anselmo Avenue

Mrs. Tracy said this will be an improvement to the neighborhood. The old garage is falling down. There is a large tree in the yard she wishes to save.

M/S Harle, Kroot to approve V-2009, application of Barbara Tracy, 1324 San Anselmo Avenue, A/P 7-051-12 for an 18 foot frontyard variance and a six foot east sideyard variance to construct a two-car garage within two feet of the front and east side property lines, on the grounds that granting of the variance will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the property involved and will not be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood; granting of the variance is necessary for the preservation and enjoyment of substantial property rights, variance necessitated by the configuration of the lot and the presence of plants, particularly the large tree. Unanimously approved. Applicant was notified of the ten-day appeal period. P/C 6/18/84

E. V-2010 Lorne Peterson 300 Sequoia Drive

Staff announced there was no objection to the proposal; however, staff would also approve an encroachment to have the second required parking space in the public right-of-way. After some discussion, the application was referred back to the applicant to give him some time to decide whether he wished to construct the additional parking space, or use the public right-of-way.

F. NU-38 Edward Katz 10 Bennitt Avenue

Staff reported background and said this was an application for a new unit.

Mr. Katz said when he purchased the dwelling in 1978 he was told the second unit was legal. He moved into the house in 1980 and rented the apartment as a share rental. The apartment is not presently occupied, and he would like to register the unit so he could rent it legally. Staff reported there would be 5 maining available second units in this neighborhood after the granting of this one.

Mr. Katz was informed he would have to remove the firewood from the one parking space.

M/S Harle, Hayes to approve NU-38, application of Edward Katz, 10 Bennitt Avenue A/P 5-128-04, application for a use permit to legalize an existing second living unit on the following conditions: (1) The owner must maintain his principal residence on the property; the unit will be made the subject of a rent guarantee contract between the applicant and the Town; will not cause excessive noise, traffic, parking or overloading of public facilities: The Commission found that the unit falls within the maximum number of second residential units authorized by resolution of the Council for this neighborhood, and does not encroach upon required setbacks, or cover land in excess of coverage specified in the Municipal Code. Passed unanimously. Applicant informed of the ten-day appeal period. P/C 6/18/84

G. ~~A-137~~ Terry Schenk A/P 5-300-02 (Off Cherne Lane)
PP-1

Staff reported this is the first application under the Hillside Density Ordinance. As required by ordinance, this submittal is a preliminary plan.

M/S Hayes, Signorelli, approval of A-137, application of Terry Schenk for a preliminary plan review for two single family dwellings on the basis that the plan conforms to the requirements of the General Plan; the plan conforms to the requirements of the Hillside Density Ordinance; the plan will not adversely affect the health or safety of persons in or adjacent to the area or endanger property located in teh surrounding area. Passed unanimously. P/C 6/18/84

H. V-2011 Alan Mayer 111 Jordan Avenue

Ben O'Hare, Architect, was present for Alan Mayer.

Staff reported a letter from the resident across the street objecting to the variance.

M/S Hayes, Harle to approve V-2011, application of Alan Mayer, A/P 6-142-02, for a third story variance to construct an addition; granting of this variance will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the property involved and it will not be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood; granting of the variance is necessary for the preservation and enjoyment of substantial property rights; granting of variance is necessitated by the location of the house on the lot and the slope in the rear portion of the lot which necessitates a third story house and the variance is a modern one in nature; based on the plan dated June 1, 1984. Passed unanimously. P/C 6/18/84
Applicant notified of the ten-day appeal period.

MATTERS FOR CONSIDERATION OF THE COMMISSION

Commissioner Harle said he thought applications should have a place for the applicant to note if they have a large animal. The Commissioners agreed, apparently all having encountered Mr. Katz' dog earlier in the week.

It was also suggested the drawings should be required to show placement of all buildings on the property and on adjacent properties.

At 11:30 p.m. the meeting adjourned to the next regular meeting of July 2, 1984.

THELMA FOSTER