

A regular meeting of the San Anselmo Planning Commission was called to order on July 7, 1986 at 8:03 p.m., by Chairman Kroot in the Council Chambers. Planning Technician Wight was present.

ROLL CALL

Commissioners Present: Harle, Heubach, McPeak, Zaharoff, and Chairman Kroot

Commissioners Absent: Hayes and Manning

APPROVAL OF MINUTES

June 3, 1986

The word "usable" was corrected to read "unusable" in the second to last paragraph on page 2. On page 3, the date of the drawings in the motion on 2 El Cerrito Avenue was corrected to read "May 13, 1986." A typographical error was corrected in the second to last paragraph on page 4.

M/S, Heubach-Zaharoff, to approve the minutes of June 2, 1986 as corrected. Motion passed by the following vote:

AYES: Harle, Heubach, Zaharoff, Chairman Kroot

ABSTAIN: McPeak

June 16, 1986

On page 3, the maker of the motion regarding condition #4 for 27 Oakwood was corrected to read "Hayes."

M/S, Heubach-Harle, to approve the minutes of June 16 as amended. Motion passed unanimously.

SS-263 - Paul Tietjen, 1348 San Anselmo Avenue, A/P 7-051-07, two lot parcel split and initial environmental review - CONTINUED TO 7-21-86.

NU-54 - Bruce and Carol Fabric, 21 Encina Place, A/P 7-271-36, use permit for a new second living unit in a single family residential zone.

Carol Fabric was present.

Staff expressed concern about vehicles backing down the long, somewhat steep driveway since there is no turnaround area. Encina Place serves three dwellings.

Ms. Fabric responded that they have been backing out of the driveway for years and it has not been a problem.

Commissioner Heubach expressed concern about the liability of backing out onto Encina and asked if there could be a turnaround at the top of the driveway. Ms. Fabric responded that while a parking deck at the top was possible, it would require a variance.

Commissioner Harle noted that Encina was a fairly private place, that the liability issue was the owner's responsibility, and asked the owner if she considered paving in the bottom of the grassy area for a turnaround. She responded that there was not enough space there unless it was excavated.

Commissioner McPeak noted that Encina was a dead end street and that he would be more concerned if they were backing out onto a busy street.

Commissioner Zaharoff said the location was ideal for a second unit, it is private and guarded from the neighbors, and suggested paving in the grassy area and staggering parking to facilitate maneuvering. Ms. Fabric responded that this would change that grassy lot into a parking lot. She stated that the parking pad itself is flat and it is rare to have cars parked in the driveway.

Chairman Kroot noted that the only way to get a turnaround is to build an expensive parking deck.

M/S, Heubach-McPeak, to approve NU-54, 21 Encina Place, A/P 7-271-2-36, use permit for a new second living unit in a single family residential zone, on the grounds it falls within the maximum number of second units authorized by the Council and is on a parcel where the owner maintains a principal residence, it meets the applicable codes, and the granting of the second unit does not cause excessive noise, is not detrimental to the peace, morals, health or welfare of the neighborhood, incorporating by reference drawings dated May 27, 1986 as received by the Town. Motion passed unanimously.

V-2083 - Allan and Joy Widerhofer, 60 Elm Avenue, A/P 7-053-23, parking variance, and four foot south sideyard variances to construct a sun porch within four feet and a bath addition within 5.5 feet of the south side property line.

The applicant was present.

The application was continued from the meeting of January 20, 1986, when the applicant was asked to further address the roofline and the addition's visual detriment to the neighbor. The resubmitted plan has further lowered the roofline. Staff determined that a parking variance was not necessary as there are two usable parking spaces on the lot.

Mr. Widerhofer stated that there was no new roof height into the setback and in fact the roofline in the setback was lower than the original roofline. He said he is not imposing any further than the original building, there are no windows in the lower part, and there are three windows in the upper part.

John Cowan, 66 Elm Avenue, said the 4 foot setback is not where the original house was, that the framing has been put over it. He said the setback of the old stucco wall had an average setback of 6'7". He said the applicant's lot was large and deep and could accommodate an addition elsewhere.

In response to a question from the Commission, Mr. Widerhofer said the solar panels will be flush with the roof and the windows will be opaque, double glass and 5 feet off the floor.

It was the general feeling of the Commission that the plan had substantially improved since the application was first made and the applicant had gone a long way toward meeting the goal of reducing the impact of the addition on the neighbor at 66 Elm.

Commissioner Zaharoff said the issue had more to do with the bulk of the roofline addition than its proximity to the property line.

M/S, Heubach-McPeak, to approve V-2083, Allan and Joy Widerhofer, 60 Elm Avenue, A/P 7-053-23, a four foot south sideyard variance for a sunroom addition within four feet of the side property line, a 2.5 foot south sideyard variance for a bath addition within 5.5 feet of the side property line, as depicted on the drawings received April 30, 1986, with the condition that the solar panels

be essentially flat against the roof as shown, on the grounds that it is necessary for the preservation and enjoyment of substantial property rights, the variance will not materially 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 in the neighborhood. Motion passed by the following vote:

AYES: Harle, Heubach, McPeak, Kroot

NOES: Zaharoff

Z-240 - Penny Wells, 24-28 Ash Avenue, A/P 5-194-23, rezoning from R-2 (Two Family Residential) to R-3 (Multiple Family Residential) and the initial environmental review.

V-2126 - Penny Wells, 24-28 Ash Avenue, A/P 5-194-23, parking variances for two required parking spaces to be substandard in length and within zero feet of the south side and front property lines.

The applicant was present.

A third unit exists on the property which was illegally rented prior to Wells' ownership. Upon purchasing the property, Wells abated the unit and is using it for storage.

The subject third unit is a studio. The other two units are two-bedroom in size.

Staff's difficulty with the rezoning proposal was parking. A minimum of four spaces are needed; the applicant proposes 6 spaces but two are substandard in length and two are tandem. There is a tandem two-car driveway, but it is fairly steep and tandem parking is not always workable. The two-car parking pad is substandard in length and should be limited to compact cars; otherwise, cars parked in the driveway behind the pad extend into the street. If the storage items are removed from the garage it could be used for two-car parking.

Commissioner Heubach said the tandem parking arrangement does not seem feasible. Commissioner Harle said he opposed the rezoning, noting that ad-hoc, casual parking arrangements are difficult and there is a temptation not to use it in the way specified. Furthermore, the driveway is hazardous to use due to the slope and there is no guarantee there would be a low cost unit rented on the property.

Commissioner McPeak said he had a problem with a zoning change that required a variance and the lack of adequate setback for parking. However, a provision for low cost housing might outweigh those concerns.

Chairman Kroot expressed concern about the precedent of changing this to R-3 zoning, noting that a provision for low income housing might alleviate that concern.

The Commission discussed the idea of rezoning the property to SPD R-3 and requiring one of the units to be rented as low income housing. The applicant was agreeable to this idea.

M/S, Heubach-McPeak, to refer Z-240 back to the applicant for resubmittal or amendment. Motion passed unanimously.

U-609 - Peter A. Singler, Round Table Pizza Restaurant, A/P 6-061-23, use permit for the on-sale of beer and wine in a SPD C-3 zone.

Connie Abbott, Director of Operations for Round Table Pizza, was present.

M/S, McPeak-Zaharoff, to approve U-609, Round Table Pizza Restaurant, use permit for the on-sale of beer and wine in a SPD C-3 zone, on the grounds that the establishment of a restaurant with on-sale beer and wine 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 is necessary for the preservation and enjoyment of substantial property rights. Motion passed unanimously.

V-2128 - Jeffrey C. Hardy, 8 Berkeley Avenue, A/P 5-111-10, a 12 foot sideyard variance and an 11 foot frontyard variance to construct a carport within zero feet of the side property line and nine feet of the front property line; a ten foot frontyard variance to construct a covered porch, stairs and first floor living addition within ten feet of the front property line; and a 9'3" rearward variance to construct a first floor living addition within 10'9" of the rear property line.

The applicant was present.

A variance was granted to construct the carport in the location now proposed but it was not built and the variance lapsed. The plans at that time did not include additional living area.

The rear of the property faces Brookside School and the carport side faces the ten foot right-of-way to the school.

Commissioner Zaharoff expressed concern about visibility problems caused by the fence and the angle when backing out of the carport, noting it was a significant safety problem for children walking to Brookside School.

It was the consensus of the Commission to require a modification of the plan to improve the visibility when backing out of the carport.

M/S, Heubach-McPeak, to continue the application to the next regular meeting. Motion passed unanimously.

V-2130 - Mr. and Mrs. Fergoso, 60 Tamalpais Avenue, A/P 7-211-32, a 12.5 foot frontyard variance and 6.5 foot west sideyard variance to construct a carport with entry gates within 7.5 feet of the front property line and 1.5 feet of the west side property line.

Kurt from S & S Landscaping was present to represent the applicants.

The proposal is to remove the east side driveway and build a driveway and carport on the west side of the property.

Planning Technician Wight questioned the veracity of the applicant's location of the front property line; according to her measurements, the carport would be 5 feet from the front property line. She said the carport would be very close to the house at No. 62, but does not appear to block any windows except one in the garage. To locate the garage on the east side of the property would block sunlight to the house at No. 56 as well as block the front room windows of the subject property.

Kurt said he used an old site plan which could be off by 1.5 feet and was agreeable to changing the amount of variance requested. He said the applicants needed room between the front door and where the cars are parked and are not able to move the parking structure any closer to the house.

George Nelson, 56 Tamalpais, said that where the applicants now park in tandem is less visible than what it will be under the new proposal.

Kurt responded that there will be a lot of planting in front of the cars, including wisteria, and one will be more apt to see the landscaped arbor than the cars. The parking trellis will have no roof. He said this is the only place the parking area will work, noting they did not want to remove either tree in the front yard and changing it to a tandem parking arrangement would be unworkable.

Commissioner Zaharoff expressed concern about the location of the parking arbor. There is parking in front at a property across the street but the parking for the rest of the neighborhood is in the rear and on the same side of the property as the existing parking.

Commissioner McPeak said the plan reflected an effort to maximize the yard area regardless of the setbacks. He said the parking area could be moved future into the lot away from setbacks and away from the southern side.

Commissioner Harle did not object to the placement of the parking area, noting it already is in the front of the property. He supported the application, noting it was preferable to having the parking area adjacent to a garage than someone's yard.

Commissioner Heubach said that he agreed with the other Commissioners' comments and would defer to the neighbor's judgment that the plan was acceptable.

Chairman Kroot expressed concern about the telephone pole in the driveway.

Commissioner McPeak said he did not like the garbage cans at the front of the yard without any screening.

It was the consensus of the Commission to continue the application to the next regular meeting to allow for renoticing of the frontyard variance for a carport within 5 feet of the front property line, instead of the 7.5 feet noted on the agenda for this meeting.

Amendment to Zoning Ordinance of the Municipal Code, Title 10, Chapter 3, Article 21, regarding findings for the granting of variances and initial environmental review.

The proposed ordinance was continued from the last regular meeting for revision to stipulate that the Planning Commission must make the findings to approve a variance.

M/S, McPeak-Heubach, to accept the Negative Declaration of Environmental Impact. Motion passed unanimously.

M/S, Heubach-Zaharoff, to recommend to the Town Council adoption of the amendment to the zoning ordinance as set forth in the staff memo dated June 26, 1986. Motion passed unanimously.

ADJOURNMENT

On motion duly made and seconded, the meeting was adjourned at 10:50 p.m.

Beth Calamar