

A regular meeting of the San Anselmo Planning Commission was called to order on June 2, 1986, at 8:05 p.m., by Chairman Kroot in the Council Chambers. Planning Technician Wight was present.

ROLL CALL

Commissioners Present: Harle, Hayes, Heubach, Zaharoff, Chairman Kroot

Commissioners Absent: McPeak

APPROVAL OF MINUTES, MAY 19, 1986

The following corrections were made to the minutes of May 19th: The starting time was changed to 8:15 p.m. On page 3, the first sentence of the paragraph before the motion on SS-263 for 1348 San Anselmo Avenue was amended to read, in part, "...due to its large size, yet the lot has a long and narrow configuration." On page 7, the following sentences were added to the end of the 6th paragraph beginning with "Chairman Kroot questioned...": "Mr. Kroot also asked Mr. Karp if there was any risk of the house sliding. Mr. Karp said that a drilled pier system was much stronger than necessary."

M/S, Harle-Zaharoff, to approve the minutes of May 19, 1986 as amended, with the inclusion of the comments. Motion passed by the following vote:

AYES: Harle, Zaharoff, Kroot

ABSTAIN: Hayes, Heubach

V-2122 - Carol and Paul Kreider, 40 Cordone Drive, A/P 5-222-06, four foot frontyard and north sideyard variances to construct a new roof on an existing garage within sixteen feet of the front property line and four feet of the north side property line.

The applicants were present.

The Commission reviewed other variances for this property at their last meeting. This variance is requested to raise the roof on the garage.

M/S, Heubach-Zaharoff, to approve V-211, Carol and Paul Kreider, 40 Cordone Drive, A/P 5-222-06, four foot frontyard and north sideyard variances to construct a new roof on an existing garage within sixteen feet of the front property line and four feet of the north side property line. Motion passed unanimously.

V-2110 - Anthony Avellino, 184 Butterfield Road, A/P 5-101-40, Variances to construct a garage and storage area within the required front and side setbacks - CONTINUED TO 6-16-86.

NU-53 - Mario Orihuela, 26 Sais Avenue, A/P 6-072-16, use permit for a new second living unit in a single family residential zone - CONTINUED TO 6-16-86.

V-2118 - Mario Oriheula, 26 Sais Avenue, A/P 6-072-16, parking variance for existing parking to be within four feet of the north side property line and zero feet of the front property line - CONTINUED TO 6-16-86.

SS-263 - Paul Tietjen, 1348 San Anselmo Avenue, A/P 7-051-07, two lot parcel split and initial environmental review - CONTINUED TO 6-16-86.

V-2086 - Don and Connie Velazquez, 27 Oakwood Court, A/P Nos. 5-062-80 and 5-062-83, review of structural and architectural aspects of the building (continued from 5-19-86) - CONTINUED TO 6-16-86.

V-2123 - Louis and Christine Armstrong-Dangles, 74 Madrone Avenue, A/P 6-052-23, a 12 foot frontyard variance for a storage shed to be within eight feet of the front property line (with an additional 1'9" roof overhang) - AFTER THE FACT.

Louis Armstrong-Dangles was present.

Staff noted that the 84 square foot storage shed is covered by foliage and to move it back would take away from the use of the front yard.

Mr. Armstrong-Dangles said the location was most convenient for wood deliveries, is compatible with the neighborhood where many houses are in the front setback and he submitted a letter from neighbors supporting the application.

M/S, Hayes-Harle, to approve V-2123, Louis and Christine Armstrong-Dangles, 74 Madrone Avenue, A/P 6-052-23, a 12 foot frontyard variance for a storage shed to be within eight feet of the front property line with an additional 1'9" roof overhang, after the fact, on the grounds that it is necessary for the enjoyment of substantial property rights, and it is not detrimental to the health and welfare of persons living in the neighborhood, in accordance with the plans received by the Town April 22, 1986. Motion passed unanimously.

V-2124 - John and Laurie McInnis, 117 Woodland Avenue, A/P 7-281-20, a three foot west sideyard variance and a 12.5 foot rearward variance to construct a garage and second story addition within five feet of the west side property line and 7.5 feet of the rear property line (with an additional two foot roof overhang).

The applicants were present with Tony Marino, who performed the original alternations on the house.

Staff reported that the 33 foot long two-car tandem garage falls 5 feet short of the 38 foot legal size requirement and recommended that the bathroom window be moved forward one foot so that the interior garage length is 34 feet, providing two 17 foot long spaces.

Mr. McInnis responded that architecturally it would be difficult to move the bathroom window. Mr. Marino said he has tried to keep the construction in character with the neighborhood.

The Commissioners noted that the lot was adjacent a school yard, thereby reducing the impact of any addition. There was a concern among some of the Commissioners that the garage could become unusable for parking, particularly upon change of ownership to persons with larger vehicles. Chairman Kroot noted that parking is not a problem on that street, and that the garage space appeared to be added after creation of a bath and bedroom area upstairs.

M/S, Hayes-Heubach, to approve V-2124, John and Laurie McInnis, 117 Woodland Avenue, A/P 7-281-20, a three foot west sideyard variance and a 12.5 foot rearward variance to construct a garage and second story addition within five feet of the west side property line and 7.5 feet of the rear property line, on the grounds that it is necessary for the enjoyment of substantial property rights, it is not detrimental to the health and welfare of persons and improvements in the neighborhood, in accordance with the drawings received April 30, 1986. Motion passed unanimoously.

V-2125 - William J. Mitchell, 2 El Cerrito Avenue, A/P 5-242-05, an 18 foot frontyard variance and an eight foot southwest sideyard variance to construct a two car garage, replacing a one-car garage, within two feet of the front property line and zero feet of the southwest side property line (the garage will also have a two foot overhang).

The applicants were present.

The proposal was to replace a one-car garage with an expanded two-car garage, with new stairs to be constructed at grade. Staff noted that the garage location is necessary due to the steep topography of the lot and a two-car garage is needed as there is little on-street parking available.

A discrepancy on the location of the front property line surfaced between the applicant and staff; the applicant measured from the rear fence and Planning Technician Wight measured back from the center of the pavement half the distance of the right of way. According to the applicant's measurements, the garage will have a 2 foot front setback; according to staff, the garage will encroach into the public right of way. Ms. Wight recommended that any approval be conditioned upon providing a survey to clarify the location.

The Mitchells submitted a letter from a neighbor supporting the application. Mrs. Mitchell noted that there is already a precedent set for the location of the garage, which is consistent with structures on neighboring properties.

Commissioner Heubach noted that if there is an encroachment into the right of way it will probably be less of an encroachment than exists with the present garage. He wanted to dispense with the need for a survey, but added that the applicants could lose in the long run if they do not have an encroachment permit for this structure and it in fact encroaches in the right of way.

Commissioner Harle said he would not vote differently on the application whether there was an encroachment or not, noting the new garage would not sensibly change the neighborhood. However, he would rather see the affected segment of the property line surveyed.

Commissioner Hayes felt the Commission should have some assurance that the numbers shown on the application plans are correct, and that it might be to the applicant's benefit in the long run to get a survey.

Planning Technician Wight noted that the Building Department may require a survey even if the Commission does not.

Commissioner Zaharoff said she did not have reservations about approving the application as is without a survey and felt it could be left to the applicants' discretion whether to protect themselves with a survey.

Chairman Kroot said he was willing to approve it as shown and asked staff if it was possible to get an encroachment permit. Planning Technician Wight responded affirmatively.

M/S, Heubach-Harle, to approve V-2125, William and Candy Mitchell, 2 El Cerrito Avenue, A/P 5-242-05, an 18 foot frontyard variance and an eight foot southwest sideyard variance to construct a two-car garage within two feet of the front property line and zero feet of the southwest side property line, consistent with the drawings received by the Town May 13, 1986 and the two sketches attached to the application as exhibits to the staff memo dated May 26, 1986, on the grounds that the granting of the variance is

necessary for the enjoyment of substantial property rights, it is not detrimental to the health and welfare of the persons and improvements in the neighborhood, and is based on the assumption that the southwest corner of the new garage addition will coincide with the southwest corner of the existing garage. The motion passed unanimously.

Jay Johnston, 28 El Cerrito, said most El Cerrito Avenue households have added cars within the last two years and he therefore supported anything that will get cars off of the street.

Karl Baeck, 36 Ross Avenue, A/P 7-282-19, Exception to undergrounding of utilities.

The applicant was present.

Town code requires that, with the exception of single family homes, when any structure is built or when it is remodeled and the remodeling requires the relocation or replacement of the main electrical service equipment, the electrical service shall be placed underground. Mr. Baeck is completing construction on three additional units at 36 Ross and needs to upgrade the electrical service.

Mr. Baeck said the undergrounding would cost him \$5,000 and objected to not being told of this requirement when the plans were approved. Furthermore, P.G. & E. cannot perform the undergrounding for three months and he has tenants ready to move into his building. The Town has granted a temporary installation of a new service in order to get power to the building, which would have to be replaced if it is moved underground. He said he would have to divert money from other improvements, such as landscaping, in order to pay for the undergrounding.

Mr. Baeck said that it would be more cost effective to underground the entire block on Ross Avenue at one time. He was willing to sign an agreement consenting to participate in an undergrounding project for the whole neighborhood in the future.

In response to a questions from Commissioner Zaharoff, Mr. Baeck said it would cost about \$2,000 to do the wiring above ground. Putting the service underground would mean a total loss of \$10,000, including the actual cost of undergrounding, the loss in 3 months rent revenue, the cost of the temporary hookup, and the cost of removing the temporary overhead hookup. The size of the wires will be increased about 1/2 inch in diameter, and the landscaping he would not do is located up and down the street and between his and his neighbors' property.

Commissioner Heubach said he would like to find a way to put teeth in a requirement to do the undergrounding in the future when others on the street do it, such as in 10 years. He added that undergrounding the service would add clutter to the power pole as the wires would have to run down the pole to the ground.

Commissioner Harle said if the whole block is done at once, there could be a T-off line, whereas if one line is done now, it would be abandoned in the future when the whole block is done on a central line.

Chairman Kroot felt that one would not see the difference nor would the aesthetics be improved if the electrical service for this property is undergrounded as the adjacent properties are still aboveground.

Commissioner Harle suggested the Town Council needs to revise the ordinance or clarify how it should be applied. Commissioner Hayes was skeptical that the intent of the ordinance is to have sporadic undergrounding until it is feasible for all the properties in an area to go underground.

Commissioner Zaharoff said the findings for exception to the undergrounding requirement could not be met.

Chairman Kroot noted that it involved more work to underground the service at an existing building than a new structure.

The Commissioners discussed whether to deny the application based on the inability to make the findings so that the applicant could appeal the decision to the Council, who could clarify the intent of the ordinance.

M/S, Heubach-Hayes, to approve the exception to the undergrounding of utilities for Karl Baeck, 36 Ross Avenue, A/P 7-282-19, on the grounds that the undergrounding would cause results inconsistent with the purposes and intents of the ordinance. The motion passed by the following vote:

AYES: Harle, Hayes, Heubach, Kroot

NOES: Zaharoff

M/S, Harle-Zaharoff, that staff be requested to bring the granting of this variance to the attention of the Town Administrator, and in particular point out the grounds for the granting of the variance so he might understand the problem which exists with the undergrounding utilities ordinance, to clarify the Town Council's intent with respect to its interpretation and enforcement. Motion passed unanimously.

NON AGENDA ITEMS

Commissioner Hayes raised the possibility of establishing an award for projects in town that were well constructed and examples of good building. It was to be discussed at a future meeting.

ADJOURNMENT

On motion duly made and seconded, the meeting was adjourned at 10:25 p.m.

Beth Calamar