

The regular meeting of the San Anselmo Planning Commission was called to order at 8:00 p.m. on October 19, 1987, by Chairman Hayes in the Town Hall Council Chamber. Staff present: John Roberto, Planning Consultant and Lisa Wight, Planning Technician.

A. ROLL CALL

Commissioners Present: Sias, Zaharoff, Yarish, Julin, Hayes, Manning, Harle

B. APPROVAL OF MINUTES - October 5, 1987

M/S Zaharoff, Julin to approve minutes of October 5, 1987 with the following amendments: page 9, paragraph 2, change "exterior door" to "exterior staircase".

Motion Carried: AYES: Zaharoff, Julin, Sias, Yarish, Hayes
ABSTAIN: Manning, Harle

C. PUBLIC HEARINGS

1. V-2205 - Behzad Mohit, 42 Savannah Road, A/P 7-084-06, a 15 foot frontyard variance and a three foot west sideyard variance to construct a garage within five feet of the front and west side property lines.

Behzad Mohit, applicant, present

Lisa Wight presented staff report stating the special circumstances associated with this variance request is that the garage exists in this location and the new garage will be constructed in the same location. To conform the garage to the required eight foot westerly side setback would necessitate excavating the slope on the easterly side of the existing garage, removing an existing three foot high retaining wall and stairway to the dwelling and constructing an even higher retaining wall on the east side. To conform the garage to the required 20 foot frontyard setback would necessitate a 20 foot long driveway and the garage would have to be constructed on a slope on stilts or high retaining wall. This would be more visible in the neighborhood than the proposed. To deny the continued use of this area for covered parking would serve no apparent purpose. Most other properties in the area have open parking decks, however, there are at least two one car garages in the area so the granting of these variances would not be a granting of special privileges. The westerly neighboring dwellings at Nos. 91 and 99 Redwood Road are located quite a distance from the applicant's front property line and westerly side property line. The neighbors currently view a dilapidated structure which will be replaced with an improved structure. No. 111 redwood Road has a second unit which will view the garage, however the proposed garage should be an improvement to the neighborhood. A two car garage would be ideal since on-street parking is difficult at the end of this cul-de-sac. However, the additional six feet in width to accommodate two vehicles would necessitate an even greater westerly sideyard variance and/or excavation of the hill between the dwelling and garage.

Mr. Mohit said that the present garage is dangerous. Although he wished to build a two car garage he is asking for a variance for only a one car garage because it would necessitate getting a survey to determine the property line and the cost is prohibited at this time. Chairman Hayes wondered if the applicant wanted to wait until such time he was ready to build a two car garage. Mr. Mohit said to proceed with a one car garage.

Commissioner Manning said he could support the one car garage. Commissioner Julin said the garage needs help and wondered about the turnaround in front of the garage. Commissioner Yarish thought the 16' deep garage needed to be extended to 19' and wondered if perhaps a survey shouldn't be performed. Commissioner Zaharoff and Chairman Hayes support the application and agree that the garage should be deeper. The applicant said that he would have no problem extending the garage.

M/S Yarish, Sias move to approve V-2205 for Behzad Mohit, 42 Savannah Road, A/P 7-084-06, a 15 foot frontyard variance and a three foot west sideyard variance to construct a one car garage within five feet of the front property line and west side property line, on the basis that: 1. there are special circumstances associated with the variance requests, specifically: that this will be replacing an existing garage space; and 2. the variances are approved because the strict application of the controlling zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification; and 3. the variances are approved as they 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; 4. the variances are necessary for the preservation and enjoyment of substantial property rights, specifically that it is reasonable to have a one car garage; and 5. the variances will not materially affect adversely 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, for the reasons that other neighbors have similar garages and there is no opposition from the neighbors; based on the drawings to the Town dated March 30, 1987 and with the condition that the applicant is to build with a depth up to 20'.

Motion passed unanimously. Applicant advised of 10 day appeal period.

2. AR-6 - Quarry Mountain, Incorporated, End of Tomohawk Drive, A/P Nos. 177-220-50, 177-250-40 and 177-250-41, architectural review of two single family homes: Units 10 and 12, and review of draft Resolution of Approval.

John Roberto, Consultant, pointed out the Planning Commission can approve homes constructed entirely within the building envelope, if the Commission finds the proposed design meets the objectives of the Town's Design Review Ordinance, and the intent of the R-1H district. Staff has prepared a draft resolution which allows the Commission to approve the design of one or both homes provided all construction is within the approved building envelope of the lot in question.

Lot No. 10

John Roberto said that originally there was a detached garage and a portion of the deck and garage was outside of the building envelope.

Mr. Elliott said the house has been rotated and by doing this the house ended up being on the mesa which has given the house a lower profile.

Commissioner Zaharoff had no objection. To which Commissioner Harle agreed. Commissioner Yarish was glad to see the profile as low as it was and up off the bank as far as it was. Commissioner Sias said it was an improvement over the original design but would like to see the addition of one tree to break it up in the westerly side of the structure. Commissioner Julin questioned the grading of the patio and wanted to know if it required a barrier. Chairman Hayes had no major problems and felt it was adequately screened but wanted to note the drawings said stucco.

M/S Harle, Zaharoff to approve a Resolution conditionally approving the design review of the home on Lot No. 10 for Quarry Mountain subdivision in accordance with wording in the Staff Report dated October 15, 1987 from John Roberto, Planning Consultant with Exhibits A and B; and adding the conditions regarding the external siding be changed from stucco to horizontal resawn wood.

Motion Carried: AYES: Harle, Zaharoff, Julin, Yarish, Hayes
NOES: Sias
ABSTAIN: Manning

Applicant advised of the 10 day appeal period.

Lot No. 12

Mr. Roberto said the detached garage and portions of the deck were originally outside the building envelope.

Mr. Elliott said the house was rotated 180 degrees. This was the only house that they felt would be exposed to the neighbors and so they went to the homes and worked with the neighbors to screen this house as much as possible. This house is a single story under 18'.

Commissioner Yarish thought perhaps this home could be moved back 8 feet. Mr. Elliott said they were not going to achieve a mesa by moving the house back. In addition there is a huge boulder higher on the hill they would have to blast out. Commissioner Yarish withdrew his statement. Commissioner's Julin, Harle and Sias had no objection to this application. Chairman Hayes thinks this is an improvement however he is still against the 3 car garage.

M/S Julin, Yarish move to approve a Resolution conditionally approving the design review of the home on Lot 12 of the Quarry Mountain Subdivision with the same conditions as applied to Lot 10.

Motion Carried: AYES: Harle, Zaharoff, Julin, Yarish, Sias
NOES: Hayes
ABSTAIN: Manning

Applicant advised of 10 day appeal period.

Mr. Elliott stated that he wanted to disclose to the Commission he was going to have the application appealed for the same reasons as mentioned in the previous meeting.

Chairman Hayes stated that at the last meeting he withdrew Resolution 85-1 pertaining to construction outside the building envelope. Since then the minutes have been checked and Commissioner's Zaharoff and Harle made the motion. Chairman Hayes wanted to know if they were both in agreement to withdraw the motion. To which they replied they were.

3. Z-244 - Steven Potter and Jefferey Potter, 54 Ross Avenue, A/P 7-282-14, proposed rezoning from R-1 (Single Family Residential) to R-2 (Two Family Residential) and the initial environmental review.

Z-244 - Steven Potter and Jefferey Potter, 54 Ross Avenue, A/P 7-282-14, a two foot south sideyard variance for required parking for duplex use to be within six feet of the south side property line; a 20 foot frontyard variance for existing parking to be within zero feet of the front property line; a parking size variance for the two existing parking spaces to be substandard in length; a lot area variance; and an average lot width variance.

Steven Potter and Jefferey Potter, applicants, present.

Lisa Wight stated that at the Commission meeting on August 18, 1987, the hearing was continued to allow: 1) the applicant to provide alternative plans for the parking away from the street; and 2) for staff to provide the uses of the properties in the neighborhood, parking spaces required for these uses, and to list the parking variances granted for these uses. At the meeting of October 5, 1987, the application was referred back to the applicant to prepare a revised parking plan with accurate dimensions of landscaping. The applicant has submitted a revised parking plan indicating that the required third and fourth parking spaces can conform to the required 20 foot frontyard setback. The plan also shows the existing and proposed landscaping.

Steven Potter said they have complied with the Commission's request for parking.

Commissioner Sias feels the use is self created and there is overdevelopment of this property on a substandard lot. Commissioner Julin felt this is too intense a use of such a small parcel to allow such an extensive use. Commissioner Manning felt he could not make the finding because of overdevelopment. Commissioner Zaharoff felt the entire area is overdeveloped but that the size of the building is not being altered and parking will not pose an esthetic value to the neighbors. She also said that the property next door is way overdeveloped. She felt she could support based on those observations. Commissioner Yarish had mixed feelings stating that they would be setting a precedent if they approve such a substandard lot but the applicants have dealt with the parking issue. Chairman Hayes felt it was overdevelopment and the number of variances indicate that. However it did not seem fair that the neighbors have 4 units next door.

Steven Potter said the house is in bad shape and they want to remodel however they felt there would not be much need for a 4 bedroom home in this neighborhood.

Ms. Wight stated that perhaps the applicants could apply for a use permit for a 2nd unit. The applicant said that their current proposal is to live on premises however that might change in the future and with a 2nd unit they would be forced to stay. He wondered what the feeling was of the Commission in approving a 2nd unit. Commissioner Harle said that historically they have been more considerate in approving 2nd units rather than rezoning applications.

M/S Julin, Zaharoff move to accept the negative declaration as prepared by staff for Z-244 for Steven Potter and Jefferey Potter, 54 Ross Avenue, A/P 7-282-14, proposed rezoning from R-1 to R-2, on the basis that the project will not have a significant adverse impact on the environment.

Motion passed unanimously.

M/S Sias Julin, move to deny Z-244 - Steven Potter and Jefferey Potter, 54 Ross Avenue, a/P 7-282-14, proposed rezoning from R-1 to R-2 and variances for the reasons that; 1. there are not special circumstances applicable to the property, specifically the lot is substandard in size for R-1 and R-2 zoning; 2. the granting of the variance is not necessary for the preservation and enjoyment of substantial property rights of the petitioners, specifically, it is a single family residence and; 3. the granting of such variance will materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will be materially detrimental to the neighborhood, specifically that it will result in overdevelopment in the area and based on plans received by the Town dated October 14, 1987.

Motion Carried. AYES: Julin, Manning, Sias, Hayes
NOES: Zaharoff, Harle, Yarish

Applicant advised of the 10 day appeal period.

D. CONTINUED PUBLIC HEARINGS

1. PP-9 - Robert M. Yeakey, 80 South Oak Avenue, A/P 7-241-50, preliminary plan review of a single family dwelling in an R-1H zone - CONTINUED TO NOVEMBER 2, 1987.

AR-7 - Robert M. Yeakey, 80 South Oak Avenue, A/P 7-241-50, architectural review of a single family dwelling in an R-1H zone - CONTINUED TO NOVEMBER 2, 1987.

2. U-626 - Joe Garbarino, Marin Recycling, 100 Redhill Avenue (site of United Market), A/P 6-167-06, use permit for a recycling center - CONTINUED TO NOVEMBER 2, 1987.

E. WORKSHOP

1. Appointment of Vice-Chairman of the San Anselmo Planning Commission for the remainder of 1987.

M/S Manning, Sias to approve Commissioner Maria Zaharoff as Vice-Chairman of the San Anselmo Planning Commission for the remainder of 1987.

Motion passed unanimously.

2. Appointment of Planning Commission Representative to serve on the Red Hill School Site Committee.

M/S Zaharoff, Sias to approve Commissioner Oliver Harle to serve on the Red Hill School site Committee.

Motion passed unanimously.

3. Review of Report of the Creek Park Planning Committee dated August, 1987.

Commissioner Manning gave an overview of the report of the Creek Park Planning Committee and urged comments from the Commission as to recommendations on changes that would be beneficial to the Park. Commissioner Yarish commented that the picnic tables are now in the shade and would be better utilized in sunnier spots. Commissioner Harle wondered if there was a trust fund set up to help maintain the park. Commissioner Sias wondered if SAVE could perhaps get volunteers to help. Chairman Hayes thought perhaps the Planning Commission could look favorable on those businesses that back up to the creek if they wanted to make improvements.

The Commission also commented on the size of the sign for Frank Howard Allen Realty that has recently been placed on the building. Ms. Wight said that the sign, although quite large, has been built within the guidelines of the Municipal Code.

F. ADJOURNMENT

The regular meeting of the San Anselmo Planning Commission was adjourned at 10:15 p.m. to the next regular meeting on November 2, 1987.

Barbara Chambers
Administrative Secretary/Technician