

The regular meeting of the San Anselmo Planning Commission was called to order at 8:00 p.m. on August 3, 1987, by Chairman McPeak in the Town Hall Council Chamber. Staff present: Lisa Wight, Planning Technician, John Roberto, Planning Consultant and Barbara Chambers, Administrative Secretary/Technician.

A. ROLL CALL

Commissioners Present: Hayes, Zaharoff, Kroot, Manning, McPeak

Commissioners Absent: Harle, Sias

B. APPROVAL OF MINUTES

M/S Zaharoff, Hayes to approve minutes of July 20, 1987 as written.

AYES: Hayes, Zaharoff, Manning, McPeak

ABSTAIN: Kroot

C. PUBLIC HEARINGS

1. SS-268 - Terry Schenk, off Cherne Lane, A/P 5-300-28, two lot parcel split and initial environmental review.

Eugene and Terry Schenk, applicants were present.

John Roberto presented staff report dated July 30, 1987 stating Mr. Terry Schenk has made application to the Town to have his property rezoned to allow for one additional single family home building site. The property is in the R1-H zone and is allowed only one dwelling unit based on the Table of Hillside and Ridge Density Parcels adopted by the Town. Mr. Schenk has recently received design review approval to construct a single family home on the property under consideration in this rezoning request. In addition to the rezoning request he has submitted a Preliminary Plan to indicate how he proposes to divide the property to conform to the recommendations of the latest geotechnical report and a report from a civil engineer on how they propose to handle storm water drainage on the sloping property. The only entitlement under consideration at this time is the rezoning. The Commission can consider the information contained in the Preliminary Plan application, but can not act on the Preliminary Plan until the property is rezoned. The Commission under the code has the authority to either approve or deny the rezoning request. A decision to approve the application would be in the form of an ordinance and resolution recommending approval to the Town Council. A decision to deny the application is final with the Commission unless the applicant appeals the denial to the Town Council.

Staff has prepared an Initial Study checklist and finds that the rezoning request if approved would allow the construction of a single family home on a lot which would exceed 20 percent in slope. There is a potential of significant geologic, hydrologic and visual impacts on the environment. The applicant, at staffs request, has provided a geotechnical report, and a report from a civil engineer indicating how storm water runoff can be handled on the property. These two reports in combination with the storm drain improvements shown on the preliminary plan map should mitigate any potential adverse geologic or hydrologic impacts associated with the creation of a new building site.

The Planning Commission in considering the request for an additional building site on the property under consideration must find that the additional unit can be accommodated within the development criteria established in the R1-H District. The criteria which need to be evaluated includes:

1. The potential visibility of future home constructed on the new lot. 2. The geologic stability of the building site. 3. The extent of grading associated with the construction of a home. 4. The adequacy of the roadway and access easements to handle the additional traffic generated by the dwelling unit. 5. Whether an additional building site will be a detriment to other properties or improvements in the area.

Terry Schenk stated that his application was the first under the R-1-h zoning and when it was approved by the Planning Commission he was told that density would be looked at in the future. He also stated that he provided a vicinity map for the Commission. Mr. Schenk contacted the Ross Valley Fire Service and it was decided that he would put in 2 hydrants which would serve all the homes in the area. Additionally, the road is narrow and he proposes to put in a turnaround. He wants to continue to build quality homes in the neighborhood and all the residents are pleased with the work we have done in the past.

Eugene Schenk stated that they will resurface the road when the work is complete.

Gene Berman, 19 Cherne Lane wanted some assurance on 1. the size of the homes and the price range, 2. a guarantee that the road be resurfaced 3. the heavy equipment needed to build the homes will not create an eyesore and 4. the noise ordinance be adhered to. He said that additional public parking caused by the turnaround would not necessarily be an asset because that would mean more cars in the neighborhood.

Commissioner Hayes wanted to know what the total acres originally were under the R-1 H and if parcel A and B are part of it. He wondered if this parcel split might not be against the Hillside Density and General Plan.

Mr. Schenk said the original parcel was 2.79 acres.

Commissioner Hayes stated that this would mean 3 units on less than 3 acres of land and didn't feel this application could be approved as it would be against the General Plan. He stated that it took considerable time to approve the Hillside Density Ordinance and doesn't feel that it should be changed or altered. He added that Mr. Schenk should be congratulated however on the home he built on Lillian Court.

Commissioner Manning said if it is not consistent with the General Plan then he could not approve this.

Commissioner Zaharoff agreed with Commissioner Hayes and stated that although parcel by parcel it has a general network to it we should not depart from the limits set.

Commissioner Kroot shares the same feelings as the other Commissioners in that the parcels have already been split to the maximum.

Chairman McPeak was in agreement with the other Commissioners and doesn't want to change the Ordinance that took so long to develop. He said that perhaps the Commission needs to know about density in the area for future items.

Eugene Schenk stated that it would be .53 acres for this new lot and wished that they could at least get a continuance to have staff look at density. He said that they have created a stable hill by the work they have already done and that their building will be the last on Cherne Lane.

Terry Schenk stated that the density of this parcel was never studied as to how many homes could be built and restated that the Commission was going to look at this in the future. He wondered if the Commission could take one more look at the parcel for density before a decision was made.

M/S Hayes, Zaharoff to deny SS-268 - Terry Schenk, off Cherne Lane, A/P 5-300-28, two lot parcel split and initial environmental review on the basis that: 1. it is inconsistent with general policies and practices on the Hillside Densities; and 2. it would set poor precedent because of these inconsistencies; and 3. it would be possible conflict with the General Plan creating maximum allowance density.

Motion passed unanimously.

Applicant advised of the ten day appeal period.

2. NU-56 - Allegonda Vandenberg, 20 Southview Terrace, A/P 6-152-82, use permit for a second living unit in an R-1 zone.

V-2187 - Allegonda Vandenberg, 20 Southview Terrace, A/P 6-152-82, a parking variance for the on-site parking to remain as it exists: one space in the garage, two in the driveway and one off Hilldale Avenue.

Mrs. Allegonda Vandenberg, applicant was present.

The use permit and parking variance applications were heard by the Planning Commission on July 20, 1987, and were referred back for the following information: 1. Evaluate the legitimacy of the application. The applicant advised staff that if the use permit is approved she will rent it as a second unit although she may have it vacant for a period after the current tenant vacates. The Code requires that the unit be used as a second unit within one year after approval, so the applicant would have until August, 1988 to rent the unit again. 2. Verify complaints from the Police Department. The Police Department has advised staff that there have been five civil complaints since March, 1987. These complaints have not been against the applicant, nor have they related to the second unit or parking situation. Since the applicant and current tenant do not drive, it would seem there has not been a parking problem. 3. Verify that parking is on the applicants property. There is a legal size one car garage that conforms to the setback requirements; one legal size tandem driveway parking space in the front setback; and one legal size clear driveway parking space in the front and south side setback. Traditionally it has been staff's policy to require three on-site parking spaces for both the main dwelling and second unit. Since all three of the parking spaces off Southview Terrace are legal in size, staff is satisfied the minimum parking requirement has been met. The fourth controversial parking space, off Hilldale Drive, does not have to be included in this application. 4. Verify that access from the driveway is not from the neighbor's property. The unpaved fourth parking space off Hilldale Drive appears to be on the applicant's property, although we cannot be certain without a survey indicating the location of the existing fence and structures. Access from this parking space to the Vandenberg property is over the property at No. 184. 5. Clarification of Building Codes for Second Units. The second unit will be inspected by the Town Building Inspector. If it is determined there are any health or safety hazards the applicant will be required to correct the hazards before the unit can be rented.

Mrs. Vandenberg stated that she has received 3 more approvals from the neighbors regarding her 2nd unit, including her next door neighbor. She did not agree with staff that the next tenant could not have a car because all the neighbors' children have cars.

Michael Kelly, 27 Southview Terrace, has lived there for two years and strongly opposes a 2nd unit in an R-1 area however because of Mrs. Vandenberg's tenant problem perhaps the Commission could approve this and put a time limit on the approval.

Frank Seywald, 17 Southview Terrace stated he is still against the 2nd unit and that the only reason Mrs. Vandenberg wants to legalize the unit is because her attorney advised her that the unit has to be legal to evict the tenant. He also stated that one of the people who signed in favor of the 2nd unit was biased.

Carol Seywald, 17 Southview Terrace stated that she has known the applicant for 25 years and doesn't feel that she needs the problems of a landlord at her age and doesn't think that she needs the income from a 2nd unit.

Ann Brown, 184 Hillside, wanted clarification on the parking space.

Chairman McPeak said that the 4th parking space really isn't an issue.

Joe Arena, 19 Southview Terrace wanted to know what would happen if the 2nd unit wasn't approved.

Lisa Wight stated that the applicant is applying for a 2nd unit to use as a 2nd unit and the Commission has to approach it as such. She also explained that the use permit for 2nd units is good only for the current owner and anyone else who purchases the home later would have to come before the Planning Commission and apply again just as Mrs. Vandenberg is doing now.

Commissioner Hayes stated that clarification has been made that this is a legitimate application for a 2nd unit.

Commissioner Manning stated that given what has been demonstrated by Mrs. Vandenberg to control the current tenant and the concerns of the neighbors he felt it would be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood and therefore opposes the application.

Commissioner Zaharoff said that since only 3 parking spaces were necessary then parking wasn't an issue but is in favor of approving the application for a tenant with no car. She felt that this application was a difficult one but she had to analyze this as a 2nd unit application only and based on all the findings had to approve because it met the criteria for a 2nd unit.

Commissioner Kroot supported the application and stated that there should be only 1 car there, either for the tenant or the owner.

Commissioner Hayes agreed with Commissioner Zaharoff and added that the Building Inspector should inspect the premises and within 30 days the owner should make the necessary corrections.

Chairman McPeak was in agreement with Commissioner Zaharoff and felt that the Town has a 2nd unit policy and therefore this application should be approved based on the above mentioned conditions.

M/S Kroot, Zaharoff to approve V-2187 for Allegonda Vandenberg, 20 South View Terrace, A/P 6-152-82, parking variance for two of the three required on-site parking spaces to be within zero feet of the front and south side property lines on the basis that: 1. there are special circumstances associated with the parking variance request, specifically that there are three parking spaces already existing - one in the garage and two in front and that a condition be made that only one vehicle in total, either for the tenant or owner can occupy the premises and; 2. the parking variance is 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 parking variance is approved as it 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 parking variance is necessary for the preservation and enjoyment of substantial property rights, specifically that 2nd units are eligible in the neighborhood and this will be the first; and 5. the parking variance 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.

M/S Kroot, Zaharoff to approve NU-56 for Allegonda Vandenberg, 20 Southview avenue A/P 6-241-32, a use permit for a new second living unit, for the reasons that: 1. The unit falls within the maximum number of second residential units authorized by resolution of the Council for the single family residential use area of the Hilldale Tract in which the unit is located; 2. The unit is located on an Assessor's Parcel on which the owner of record maintains his principal residence, unless an exception is granted by the Planning Commission at a public hearing; 3. The unit does not encroach upon required setbacks, or cover land in excess of the maximum lot coverage in R-1 Districts, and a variance has been granted for the second and third parking space to be in the setbacks; 4. The unit will meet all applicable Codes in effect at the time of the establishment of the unit; 5. The unit will be made the subject of a rent guarantee contract between the applicant and the Town; 6. The unit will not cause excessive noise, traffic, parking, or overloading of public facilities; 7. The unit will not be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the Town, specifically that the Building Inspector will inspect the property within 30 days after inspection and the owner will make necessary corrections as stipulated by the Building Inspector for the 2nd unit; and 8. It is necessary for the preservation and enjoyment of substantial property rights of the petitioner, specifically that 2nd units are allowed in this neighborhood and this will be the 1st.

APPROVAL: Zaharoff, Hayes, Kroot, McPeak
NOES: Manning

Motion carried.

Applicant advised of the ten day appeal period.

3. V-2188 - Jacqueline M. Kientz, 86 Scenic Avenue, A/P 7-054-09, a 12 foot west sideyard variance and a 19 foot rearward variance to construct a parking and workshop structure within zero feet of the west side property line and one foot of the rear property line.

Jacqueline Kientz, applicant was present.

Lisa Wight presented staff report stating that the applicant proposes to reconstruct a two car garage and use it for one parking space, a workshop and a storage area. The work was started without a building permit and a stop work order has been posted. The garage floor has been raised approximately eight inches due to the addition of floor joists, which were not under the old garage. Also, the roof has been changed from a flat roof to a one in five pitch roof. The overall height increase is eight inches for the floor and four feet for the pitched roof. A driveway curb cut was not made for the previous garage. Plans are to remove the existing workshop behind the new garage structure. Staff did not send notices for variance requests for the open deck and open walkway which are in the north rear and westside setbacks. Therefore, these two items cannot be heard until the meeting on August 17, 1987. The open deck and open walkway variance requests should not affect the Planning Commission's action on the garage and workshop variance requests. The new construction will replace a garage structure on the original foundation. To conform the new construction to the present 12 foot setback requirement would not be practical and would involve the construction of retaining walls. Raising the garage floor eight inches was required per the Building Code to install joists to support the floor. The front of the floor on the original garage rested on the ground. The applicant raised the flat roof to a one in five pitch roof for aesthetic reasons. The applicant feels construction of the garage and workshop in this location is the most logical and is necessary for the enjoyment of her substantial property rights. Staff has received letters of support from owners of 3 properties on Plumas. Apparently the old structure was in a dilapidated condition and this will be an improvement to the neighborhood. With the additional eight inch floor height, the approach ramp to the garage will be very steep, perhaps unworkable. Staff recommends two conditions: 1. that proof of drive feasibility be subject to staff approval at the building permit stage; and 2. actual construction of the driveway curb cut and driveway so that this garage will actually be useable for parking. There is only one other on-site parking space and with the addition of the workshop and storage area a second parking space is required.

Jacqueline Kientz stated that the old building was an eye sore to the neighborhood and also dangerous. Also, this new structure is on the existing foundation of the garage.

Commissioner Hayes had no problem with the application subject to the two requirements by staff.

Chairman McPeak stated that there were two many indications that this could be used as a 2nd unit. He also wanted to know if the applicant needed an encroachment permit because the eaves will extend over the property line.

M/S Zaharoff, Kroot to approve V-2188 for Jacqueline M. Kientz, 86 Scenic Avenue, A/P 7-054-09, a 12 foot west sideyard variance and a 19 foot rearward variance to construct a parking and workshop structure within zero feet of the west side property line and one foot of the rear property line, on the basis that: 1. there are special circumstances associated with the variance requests, specifically: the existing building is substantially in the same

configuration as the old garage and this was necessitated by the size and shape of the lot and existing dwelling on the property 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 other properties in the area enjoy garages; 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 the structure is simply to replace a delapidated garage that was situated on the same foundation. This application is based on two conditions 1. that proof of drive feasibility be subject to staff approval at the building permit stage; and 2. actual construction of the driveway curb cut and driveway so that this garage will actually be useable for parking. This is also subject to staff deciding as to whether or not an encroachment permit is necessary for the 2 feet overhang of the eaves and in accordance with plans submitted to the Town dated August 3, 1987.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

4. V-2190 - Bruce McLellan, 107 Brookside Drive, A/P 5-131-26, a three foot east sideyard variance to construct an addition within five feet of the east side property line with a one foot overhang; with existing parking to remain.

Bruce McLellan, applicant was present.

Lisa Wight presented staff report stating the the one-story residence was constructed in compliance with the setback requirements in effect at the time: five feet from the side property lines and 15 feet from the front property line. The applicant recently purchased the property and proposes to extend the dwelling towards the rear along the existing easterly building line to accommodate a master bedroom, closet and bath. A three foot east sideyard variance is required. When a living addition is constructed, two useable on-site parking spaces are required. The garage is 9 by 19 feet and the tandem driveway parking space is 15 feet, which is substandard by four feet in length. A variance for the existing tandem driveway space to remain is required. To reduce the master bedroom width three feet to comply with the current eight foot setback requirement would reduce the width of the bedroom to 11 feet, which is narrow. To maintain the proposed width of the addition and comply with the eight foot side setback would not be aesthetically pleasing as it would involve a jog in the exterior building lines, look like an addition and would be in direct line with the glass doors and windows on the living room. The applicant feels the logical location for the master bedroom addition is as proposed because it will be at the end of the hallway leading to the other bedrooms. The front neighbors across the street will not see the addition as it is in the rear and along the existing east side building line. The westerly neighbor has a two story dwelling which looks over this property so the proposed one-story addition should not affect their views. The rear neighbor is across the creek and should not be affected. The easterly neighbor's dwelling ends at the point where this addition will begin. There are glass doors and windows to the rear of the easterly neighbor's house that open onto an

open deck. The neighbor's open deck is on the common side property line, so this addition will be close to the neighbor's outdoor living area. The mitigation is that the applicant does not propose windows on the easterly side of the addition. A large magnolia tree may have to be removed or pruned considerably to accommodate the addition. The oak tree will remain. Special circumstances for parking are that the useable portion of the tandem one-car driveway is 19 feet long, albeit four feet of this 19 are in the Town road right of way. Since there is no sidewalk on this side of the right of way, most properties have landscaped up to the curb. For this reason, a 19 foot long parking space on this driveway is useable. Maintaining the current parking situation should not be detrimental to the neighborhood. There is no sidewalk or pedestrian walk way area on this side of the street and, therefore, vehicles will not extend over the useable right of way.

Bruce McLellan stated that he just wants to continue the lines of the house and that his family is growing and they need an extra bedroom. He has spoken to his eastside neighbors and they did not seem to have an objection to the addition however they are out of town now.

Commissioner Hayes wanted to know if the addition could be put elsewhere on the property because as now designed it would be next to the outdoor area of the eastside neighbors.

Mr. McLellan said that it would be awkward to have one bedroom on one side and two on the other.

M/S Kroot, Manning to approve V-2190 - Bruce McLellan, 107 Brookside Drive, A/P 5-131-26, a three foot east sideyard variance to construct an addition within five feet of the east side property line with a one foot roof overhang on the basis that: 1. There are special circumstances associated with the variance requests, specifically: it is the best place to extend the building along the east property line and this will maximize the backyard area 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 the owners need a new master bedroom because of a growing family 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 it is no closer to the property line than a large portion of the house which is five feet and this is based on the drawings of July 30, 1987.

Motion passed unanimously.

Applicant advised of the ten day appeal period.

D. CONTINUED PUBLIC HEARINGS

5. Town of San Anselmo initiated amendments to the Zoning Ordinance - Title 10 of the Municipal Code - Hillside Density Districts (R-1H) - to establish a new application processing procedure and standards for developments proposed within the R-1H District and review of the proposed Negative Declaration.
CONTINUED TO 8-17-87.

6. NU-55 - Debbi and Tim Peterson, 58 Madrone Avenue, A/P 6-082-25, use permit for a new second living unit in an R-1 zone - CONTINUED TO 8-17-87.

V-2178 - Debbi and Tim Peterson, 58 Madrone Avenue, A/P 6-082-25, parking variance for a third parking space to be within 20 feet of the front property line and 1/6" of the east side property line - CONTINUED TO 8-17-87.

7. C-214 - Guasco Market, 100 Center Boulevard, A/P 6-101-04, design review of a permanent storage container on the west end of the property - CONTINUED TO 8-17-87.

8. 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 8-17-87.

9. 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 - CONTINUED TO 8-17-87.

V-2186 - Steven Potter and Jefferey Potter, 54 Ross Avenue, A/P 7-282-14, a 20 foot frontyard variance and three foot south sideyard variance for required parking for duplex use to be within zero feet of the front property line and five feet of the south side property line; and a parking size variance for the four parking spaces to be substandard in length - CONTINUED TO 8-17-87.

10. U-623, Alberto Pavanello, 208 Sir Francis Drake Boulevard, A/P 6-252-02, use permit for the on-sale of beer and wine - CONTINUED TO 8-17-87.

V-2187 - Alberto Pavanello, 208 Sir Francis Drake Boulevard, A/P 6-252-02, parking variance - CONTINUED TO 8-17-87.

11. V-2189 - Donald Clark, 100 Florence Avenue, A/P 7-011-27, a five foot frontyard variance and five foot east sideyard variance to construct a garage and workshop within 15 feet of the front property line and three feet of the east side property line with a two foot roof overhang; and a three foot east sideyard variance to construct an open deck within three feet of the east side property line - CONTINUED TO 8-17-87.

E. OTHER BUSINESS

Commissioner Hayes inquired about the house at 51 Laurel. He thought the house being constructed was much larger than the plans that were approved through the Planning Commission.

Staff explained that a building permit was obtained to do the addition however when work was started they noticed there had been extensive fire damage so they demolished the house on the weekend without getting permits from the Town. They then obtained an Administrative Variance to reconstruct the first floor. Staff will now follow up with the Building Inspector regarding the Commission's concern.

Commissioner Hayes inquired as to whether or not approval was granted for the awning at the 1 hour Photo Shop on San Anselmo.

Staff said that approval was given through an Administrative Variance.

F. ADJOURNMENT

The meeting was adjourned at 10:30 p.m. to the special meeting of August 10, 1987.

Barbara Chambers
Administrative Secretary/Technician