

The regular meeting of the San Anselmo Planning Commission was called to order at 8:00 p.m. on July 20, 1987, by Chairman McPeak in the Town Hall Council Chamber. Staff present: Barbara Chambers, Administrative Secretary/Technician.

A. ROLL CALL

Commissioners Present: Manning, Harle, Hayes, Zaharoff, Sias, McPeak

Commissioners Absent: Kroot

B. APPROVAL OF MINUTES

The following corrections were made to the minutes of June 15, 1987: On page 2, strike paragraph 7.

M/S Zaharoff, Sias to approve the minutes as corrected.

AYES: Harle, Hayes, Sias, Zaharoff, McPeak

ABSTAIN: Manning

M/S Sias, Hayes to approve minutes of July 6, 1987 as written.

AYES: Harle, Sias, Hayes

ABSTAIN: Zaharoff, Kroot, Manning, McPeak

C. PUBLIC HEARINGS

1. 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.

Allegonda Vandenberg, applicant was present.

The staff report stated that the unauthorized second unit was recently brought to the attention of Town staff and the applicant wishes to legalize it. The one bedroom second living unit is located in one of the two attached garages which are accessed off Southview Terrace. The second garage is still usable as a legal size parking space. There are two legal size parking spaces in front of the garages. These two outside spaces are located in the front and south side setbacks. The Town code requires that when a garage is converted, it is necessary to provide legal parking elsewhere on the property. In addition to that requirement, when a second unit is constructed it has been Town policy to require a third parking space on the property. Since the second and third parking spaces are within zero feet of the front and south side property lines, setback variances are necessary. If this unit is approved, there will be one opening remaining in the neighborhood. With the garages, the applicant did have legal size parking which met the legal setback requirements. Conversion of one of the garages to living quarters has necessitated the parking variance. It is difficult to make the special circumstance finding for one of the parking spaces in the setbacks given that the garage was converted to a second unit. However, since there are four available on-site parking spaces, the parking should be adequate. There is adequate existing on-site parking for two living units: a one-car garage, two-car driveway and a one-car unpaved parking area above on Hilldale Avenue. All the findings required to allow a 2nd unit can be made if the Commission wants to allow the 2nd unit.

Frank Seywald, 17 Southview Terrace was totally against the 2nd unit in the neighborhood stating that the 5 owners in the area have been there for at least 25 years and don't want to see a in-law unit. He never said anything about the basement unit which was built about 10 years ago because of financial difficulties when Mr. Vandenberg was alive but that is not an issue now. There have been several complaints about the tenant, including harrassment where the Police Department has been notified. Mr. Seywald also wanted clarification on what constitutes a 2nd unit and wondered how a basement with just a hot plate could be eligible. He said that it was his understanding that there were legal proceedings started by Mrs. Vandenberg to evict the tenant and her attorney said the only way to get the tenant out is to legalize the unit. Mr. Seawald did say that perhaps a conditional use permit could be issued to Mrs. Vandenberg just to get the tenant out.

Joe Arena, 19 Southview Terrace, said if he agreed with this application then he would have to agree on another in the neighborhood. Therefore, he was against the application.

Ann Brown, 184 Hilldale, said that her property is next to Mrs. Vandenberg and that people now go across their property to enter the Vandenberg residence. She was also questioning whether the parking was on Mrs. Vandenberg's property or on hers. She wondered if a survey was necessary to verify this.

John Vandenberg said that the only reason his mother wanted to get approval for the 2nd unit was because the attorney said it was necessary before they could evict the tenant. He said that once the tenant was out they would never use it as a 2nd unit.

Commissioner Manning said that there is a legal process to evict tenants and that the Planning Commission was not the place.

Commissioner Zaharoff agreed with Commissioner Manning.

Commissioner Hayes wanted to know if the tenant was ever asked to leave the premises.

Mrs. Vandenberg said that the tenant told her in January that she was going to move but is still living there and has not paid rent since January. Mrs. Vandenberg also told the Commissioners that she had the signatures of 5 neighbors that are in favor of her request for a 2nd unit. She went on to say that she doesn't drive and therefore parking shouldn't be an issue.

Commissioner's Hayes and Harle and Chairman McPeak explained to the audience the 2nd unit ordinance and stressed that there are certain findings necessary to approve the use for a 2nd unit.

Chairman McPeak explained that the Planning Commission was not involved in the legal aspects of the tenant, but rather the planning aspects.

Commissioner Harle said there needs to be clarification as to the parking off off Hillside. Perhaps an alternate method for access should be addressed. He felt he could not approve the parking variance at this time.

Commissioner Hayes wanted to know about the legitimacy of the application and wanted to get more information about the complaints to the Police Department.

M/S Hayes, Sias move to continue V-2187 and NU-56 for Allegonda Vandenberg, 20 Southview Terrace, A/P 6-241-32, to the meeting of August 3, 1987 and to submit the following information for review 1. Evaluate the legitimacy of application 2. Verify complaints from the Police Department 3. Verify that parking is on owner's property 4. Verify that access from driveway is not from neighbor's property and 5. Clarification of building codes for 2nd units.

Motion passed unanimously.

2. V-2184 - Nancy Filmer, 10 Entrata Avenue, A/P 6-241-32, a 13 foot frontyard variance to construct an addition within seven feet of the front property line with a 2'6" roof overhang.

Nancy Filmer, applicant was present.

The applicant proposes to construct first and second floor additions within seven feet of the front property line. The addition will be constructed on the south west end of the dwelling by continuing the existing south and west side building lines. The existing dwelling has only one bedroom and one bath and the applicant desires additional living area for guests and an entrance foyer. The proposed addition location is the most logical as it is at the front of the building and can be accommodated by extending the existing building lines. The existing dwelling is small and the owner feels it is necessary for the enjoyment of her substantial property rights to provide a second bedroom and bath as well as a formal entrance. The existing dwelling is 20 feet high from ground to the roof peak and is situated only ten feet above the Entrata Avenue roadway. While the house may appear high on the drawings, it does not appear to be imposing to persons using the street. Nor is it imposing to No. 37 Barber Avenue due to the dense foliage in front of the dwelling. In the future this area is not to be rented separately from the main dwelling nor are second cooking facilities to be installed unless a use permit is first obtained from the Town.

The Commissioners were all in agreement of this application.

M/S Hayes, Harle move to approve V-2184 for Nancy Filmer, 10 Entrata Avenue, A/P 6-241-32, a 13 foot frontyard variance to construct an addition within seven feet of the front property line, on the basis that: 1. there are special circumstances associated with the variance request, specifically the small and irregular shape of the lot and existing location of the house on the lot and 2. the 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 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 variance is necessary for the preservation and enjoyment of substantial property rights, specifically the small size of the house with the 1 bedroom and bath and 5. the 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, for the reasons that the construction is high and above the view of the people down below, that it is relatively small in size and complying generally to the existing building lines.

Motion passed unanimously.

Applicant advised of the 10 day appeal period.

3. V-2185 - Mr. and Mrs. James A. Cassin, 76 Alder Avenue, A/P 7-041-25, a four foot west sideyard variance to construct a garage and second story living addition with a 1.5 foot roof overhang within four feet of the west side property line (existing garage to be removed); and a two foot west sideyard variance to construct a second story open deck within four feet of the west side property line.

Ed Hageman, Architect was present along with Mr. and Mrs. Cassin.

The only issue before the Planning Commission is the construction within the setback. The existing detached one car garage is to be demolished and replaced with an attached one car garage. Construction of a new one car garage will be an improvement to the property and will provide enclosed access from the garage to the dwelling. It will be constructed further from the west side property line than the existing garage. Due to the configuration of the dwelling on the lot, it is not possible to construct a garage to conform to the eight foot side setback requirement. Requiring the second story addition to conform to the eight foot setback will adversely affect the design of the project. The only practical way to conform to the eight foot west side setback would be to eliminate the au pair bedroom. The construction of the garage, living area and open decks should not have an adverse effect on the neighborhood. The westerly dwelling at No. 82 is two stories and is set in front of the proposed garage and au pair additions. The rear neighbors are set on the other side of the creek. The easterly dwelling at No. 72 is set over 30 feet away from the additions. The additions should not appear imposing to persons using the street as they are setback approximately 60 feet from the front property line. Designer Ed Hageman advised staff that the wall between this au pair bedroom and bedroom No. 3 will have an interior door. Staff feels the interior access should be constructed to prevent this area from becoming a second unit in the future.

The Commissioners were all in favor of this application.

M/S Zaharoff, Hayes move to approve V-2185 for Mr. and Mrs. James a. Cassin, 76 Alder Avenue, A/P 7-041-25, for foot west sideyard variances to construct a garage, second story addition and open deck on the basis that: 1. there are special circumstances associated with the variance request, specifically the size of the lot and location of existing house necessitates the placement of the addition and 2. the 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 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 variance is necessary for the preservation and enjoyment of substantial property rights, specifically that there are other homes in the area that enjoy 2 stories and 5. the 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, for the reasons that the addition blends in with the characteristics in the neighborhood and also based on the requirement that the interior door be constructed between the au pair bedroom and the 3rd bedroom, based on the drawings dated June 10, 1987.

Motion passed unanimously.

Applicants advised of 10 day appeal period.

D. CONTINUED PUBLIC HEARINGS

4. 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-1 H District and review of the proposed Negative Declaration - CONTINUED TO 8-3-87.

5. 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-1 H Zone - CONTINUED TO 8-3-87.

6. 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 ten homes, Units 3 through 12 - CONTINUED TO 8-3-87.

7. 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 8-3-87.

8. 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 8-3-87.

V-2178 - Debbie 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 8-3-87.

9. 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 8-3-87.

E. WORKSHOP

Consideration of whether a special meeting should be held for AR-6 Quarry Mountain, Incorporated, End of Tomohawk Drive, A/P Nos. 177-220-50, 177-150-40 and 177-250-41, architectural review of ten homes, Units 3 through 12.

The feeling of the Commission was that the issue was important enough to warrant a special meeting:

M/S Manning Hayes move to hold a special meeting for AR-6 Quarry Mountain, Incorporated, End of Tomohawk Drive, A/P Nos. 177-220-50, 177-150-40 and 177-250-41, architectural review of ten homes, Units 3 through 12 on August 10, 1987 at 8:00 p.m.

Motion passed unanimously.

The meeting was adjourned at 10:30 p.m. to the next regular scheduled meeting of August 3, 1987.

Barbara Chambers
Administrative Secretary/Technician