

The regular meeting of the San Anselmo Planning Commission was called to order at 8:30 p.m. on July 6, 1987, by Commissioner Hayes in the Town Hall Council Chamber. Staff present: Rabi Elias, Assistant Director Public Works/Planning and Barbara Chambers, Administrative Secretary/Technician.

A. ROLL CALL

Commissioners Present: Hayes, Kroot, Sias, Harle
Commissioners Absent: Manning, Zaharoff, Chairman McPeak

B. APPROVAL OF MINUTES

Minutes continued until July 20, 1987.

C. PUBLIC HEARINGS

1. U-621 - Michael Vishniakoff, Misha's, 21 Tamalpais Avenue, A/P 7-212-19, a use permit for outdoor dining.

V-2183 - Michael Vishniakoff, Misha's, 21 Tamalpais Avenue, A/P 7-212-19, parking variance for increasing the intensity of use with outdoor dining with substandard on-site parking.

C-215 - Michael Vishniakoff, Misha's, 21 Tamalpais Avenue, A/P 7-212-19, design review of exterior alterations.

Bob Swanson, representing applicant, was present.

Rabi Elias presented staff report stating that the use of the property for outdoor dining should not be detrimental to the health, comfort and safety of persons in the neighborhood. However, the installation of five foot high lattice screens around the dining area could result in a traffic hazard and a fire hazard. Persons exiting from the two parking spaces off Tamalpais Avenue will not have adequate site distance to see pedestrians using the sidewalk. The applicant proposes 34 chairs in this outdoor seating area. If the screens are lowered to 30 inches, there is no maximum to the number of seats allowed as it is considered an open area and persons can easily leave the area in an emergency. For both traffic and fire safety, staff strongly recommends the screens to be reduced to a height of 30 inches. If the screens are reduced to 30 inches, staff feels the required findings for approval can be made. Although the on-site parking site spaces with two off-site leased spaces, the outdoor dining should not have a significant adverse impact on parking.

Bob Swanson stated that they have use of the City parking lot next door and the neighbors in the commercial district feel the outside dining is an asset in that it will draw people into the neighborhood.

Commissioner Sias stated he was in agreement with staff to reduce the screen to 30" but was concerned about parking. He said that perhaps a sign could be posted by the hair salon sign that indicates there is additional parking off-site.

Commissioner Harle wanted clarification on the screen.

Mr. Elias explained that as long as people could exit on two sides in case of fire then he would agree to the 30" screen and seating for 34 people.

Commissioner Harle supports the application as long as the screen is cut to 30" and a sign is posted regarding parking.

Commissioner Hayes stated he was in agreement with the other Commissioners and would approve the application subject to the mentioned restrictions.

M/S Harle, Sias to approve U-622 for Michael Vishniakoff, 21 Tamalpais Avenue, A/P 7-212-19, a use permit for outdoor dining on the basis that:

1. The establishment and use of outdoor dining will not, under the circumstances of the particular case, 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, in that the dining is not incompatible in character with other uses in the neighborhood on the basis of suitable 30" screens on 2 sides would be accomplished.

2. The granting of the use permit is necessary for the preservation and enjoyment of substantial property rights of the petitioner, specifically, the enlargement of the capacity of the existing restaurant.

Motion passed unanimously.

M/S Harle, Krout to approve U-622 for Michael Vishniakoff, 21 Tamalpais Avenue, A/P 7-212-19, a Design Review for outdoor dining on the basis that:

1. The outdoor dining is functionally and aesthetically compatible with the existing improvements and the natural elements in the surrounding area;

2. The location of the outdoor dining will be protected against noise, odors, and other factors, which may make the environment less desirable;

3. It will not tend to cause the surrounding area to depreciate materially in appearance or value or otherwise discourage occupancy, investment, or orderly development in such area;

4. It will not create unnecessary traffic hazards due to congestion, distraction of motorists, or other factors and provides for satisfactory access by emergency vehicles and personnel.

Motion passed unanimously.

M/S Harle, Sias, to approve U-622 for Michael Vishniakoff, 21 Tamalpais Avenue, A/P 7-212-19, a variance for outdoor dining on the basis that:

1: Due to the special circumstances being that the two off-site parking spaces are directly in front of the restaurant, the strict application of the controlling zoning ordinance or regulation deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification; and the granting of a variance will not constitute a grant of special privileges enjoyed by other property in the vicinity and under identical zoning classification; and the granting of the variance 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 including the lease parking there will be the required 9 parking spaces required for the building and upon the provision that the parking to the rear will be adequately signed so that persons wishing to use it will be able to find it and use it based on the drawings dated May 11, 1987.

Motion passed unanimously.

Applicant advised of the ten day appeal period.

2. V-2180 - George Lucas, Jr., 52 Park Way, A/P 6-163-36, third story variance to add an addition to the existing third floor on the main dwelling.

Glen Jarvis, Architect, was present.

Mr. Elias gave the staff report stating the current proposal is to expand a third story bedroom to provide a bathroom, sunroom and fireplace. With this addition, each of the four bedrooms will have a private bath. The proposed 250 square foot addition is an extension of the existing third story and is very small in relation to the existing third story area. The applicant feels the third story addition is necessary for the enjoyment of substantial property rights in that with this addition, each of the four bedrooms on this floor will have a private bathroom. Also, the sunroom addition will allow utilization of the existing chimney to create a fireplace in this bedroom. The addition will be a maximum of 30 feet above grade and the chimney approximately 34 feet above grade which is less than the maximum code height allowance of 35 feet. The addition will fill in an existing space on the third floor and will be an extension of the existing northerly and westerly building lines. Views will not be affected as neighbors to the west are setback from the common side property line and the existing screening room and foliage blocks their view of the property. Properties to the north across the street should not notice this addition as it is filling in an area and will be approximately ten feet lower than peak of the roof of the existing third story.

Mr. Jarvis stated that he felt this was really the second floor of living area although staff has considered it the third floor because of the basement.

Patricia Schuman, 101 Sequoia Drive, stated that she has strong objections of what is being done in the neighborhood. She has met with Chief Del Santo about all the traffic on her street that has been caused by the constant construction at the Lucas property for an extended period of time. She would like to see all construction workers, flat beds and any other vehicles associated with construction on the Lucas property to park on the Lucas property and not on the street. She felt that it would be difficult for fire trucks to pass in an emergency and showed photographs of the excessive vehicles on Sequoia Drive.

Mr. Elias stated that there can not be a condition set on this application to have all vehicles off street. He said however, that there should be a twelve foot wide roadway at all times unless prior approval is given by the Police and Fire Department to close the street for a period of time, with the stipulation that the equipment be moved on demand. Perhaps the neighbor's concerns should be addressed to the Public Safety Committee or Police Department if necessary.

Mr. Jarvis said much of the heavy equipment for the driveway, the pool house and the garage is just about done and the bedroom and bath addition will not require large equipment.

Commissioner Sias asked if there would be any problems about lumber being delivered on the brick and grass driveway and Mr. Jarvis said that contractors want to have the materials delivered as close as possible to the site.

Commissioner Harle stated that the addition seemed to be a small one and that he had no objection with the application however he did say that if it takes significant workmen to complete this project perhaps they could control the parking.

Commissioner Kroot stated that the addition was small and that he had no problem with the application.

Commissioner Hayes stated that this looked like a relatively small addition. He wanted to know if staff or the Police Department had received any complaints. Staff has not received any complaints according to Mr. Elias.

M/S Kroot, Sias to approve V-2180 for George W. Lucas, Jr., 52 Park Way A/P 6-163-36, a third story variance to add an addition to the existing third floor on the main dwelling, on the basis that:

1. There are special circumstances associated with the third story variance request including size, shape, topography, location or surroundings of the parcel of land and the configuration of existing structures on that parcel of land;

2. The third story 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 third story 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 third story variance is necessary for the preservation and enjoyment of substantial property rights, specifically that the granting of the third story 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 based on the fact there is an existing third story that this addition will only enlarge slightly and that the space is available and the height will not exceed 35 feet based on the drawings submitted May 21, 1987.

Motion passed unanimously.

Applicant advised of the ten day appeal period.

3. V-2154 - Richard and Maureen Hochschild, 281A Crescent Road, A/P 7-222-42, a 12 foot rear yard variance to construct a first floor addition within eight feet of the rear property line; a four foot front yard variance to construct a first floor addition within 16 feet of the front property line - the addition is to have a one foot roof overhang; a seven foot front yard variance to construct a retaining wall within 13 feet of the front property line; a seven foot rear yard variance to construct an open deck within seven feet of the rear property line; a one foot rear yard variance to construct an open deck within 13 feet of the rear property line; a ten foot front yard variance for a three car garage to be within ten feet of the front property line; and a nine foot rear yard variance for a three car garage to be within 11 feet of the rear property line.

Richard and Maureen Hochschild, applicants, present.

Mr. Elias stated that the staff report was self-explanatory in that they wanted to build a three car garage, an addition and an open deck. The Hochschils came before the Planning Commission in May and were granted permission to relocate their property line to gain additional area to provide parking so that the addition can be built.

Commissioner Kroot wanted to know why one of the parking spaces was staggered back. He also wanted to know if the addition of the third parking space was for a potential 2nd unit in the future. Mr. Hochschild stated that the parking was staggered so it would not be so massive looking and did agree that somewhere in the future he wanted to add a 2nd unit on the property.

Commissioner Harle wanted to make it clear that if the application was approved it in no way means that he is approving a 2nd unit in the future and if and when a 2nd unit comes before the Commission the application will be treated as a separate issue.

Commissioner Hayes was in agreement with Commissioner Harle.

M/S Kroot, Harle to approve V-2154 - Richard and Maureen Hochschild, 281 A Crescent Road, A/P 7-222-42 a 12 foot rear yard variance to construct a first floor addition within eight feet of the rear property line; a four floor addition within eight feet of the rear property line; a four foot front yard variance to construct a first floor addition within 16 feet of the front property line - this addition is to have a one foot overhang; a seven foot front yard variance to construct a retaining wall within 13 feet of the front property line; a seven foot rear yard variance to construct an open deck within seven feet of the rear property line; a one foot rear yard variance to construct an open deck within 13 feet of the rear property line; and a ten foot front yard variance for a three car garage to be within 10 feet of the front property line; and a nine foot rear yard variance for a three car garage to be within 11 feet of the rear property line;

1. Based on special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the controlling zoning ordinance or regulation deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification; and the granting of a variance 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; and
2. The granting of the variance is necessary for the preservation and enjoyment of substantial property rights of the petitioners; and
3. The granting of such variance, under the circumstances of the particular case, will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not be materially detrimental to the public welfare or injurious to property or improvements in such neighborhood based on drawings of existing house and placement of a new three car garage a certain distance away from the eucalyptus tree as shown in the drawings of June 8, 1987.

Motion passed unanimously.

Applicant advised of the ten day appeal period.

4. 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.

Robert Yeakey, applicant, was present.

Mr. Elias presented staff report stating that in 1984 the Planning Commission approved the preliminary plan and architectural plan for a single family dwelling on subject property. The property has since sold and a new design for a single dwelling is proposed. The 1.2 acre parcel is located near the south end of South Oak Avenue. The applicant proposes to construct a two story 4,712 square foot stucco single family dwelling. The purpose of this hearing is to review the preliminary plan which sites the building envelope on the parcel. Elevations are not required to be submitted at this review stage, although the applicant has provided them. At the Architectural Review stage the Commission will have an opportunity to review height, design, colors, materials and landscape screening.

The proposed location of the access to the building site is the most logical and safest as it will only have a 14 percent grade. Whether the proposed building envelope is the best location is questionable as it is difficult to determine what affect siting a dwelling higher on the slope will have on properties below. From South Oak Avenue it appears siting the house further up the slope will have a lesser visual impact to persons on the roadway. Staff has requested the applicant bring a soils report to the meeting as it was not available at the writing of this report. Staff's estimation of the amount of grading for the dwelling is 400 cubic yards. Based on a topographic map of the parcel, it appears approximately 12 oak, bay and buckeye trees will be removed. No additional landscaping is proposed. There are no easements proposed for this property. The development does not abut open space and open space on the property is not proposed. The General Plan Land Use Map designates this area as the conservation area. The parcel is included in the count of potential units in unsubdivided parcels exceeding one area in Table IIIa - Estimated Maximum Holding Capacity of Vacant Single Family Parcels in San Anselmo - in the Land Use Element of the General Plan. Staff feels the following is required 1) soils report; 2) two foot contours; 3) location of existing trees on site plan highlighted to show which trees will be removed; and 4) clear statement of the amount of grading required.

Robert Yeakey presented a soils report to the Commission as requested by staff. He said that he is not asking for a variance and all other information should be in the staff report.

Edward Cecil, 1 South Oak was very concerned about the possibility of a house being built on this site. He said that there is only one water tank on Oak and that there was one fire hydrant to service several houses in the area. Mr. Cecil wanted to know if the Water District has given approval. He said that the water pressure isn't very good now and to have another house built would take away from what little water is available now. He went on to say that South Oak was a privately maintained road and the heavy equipment vehicles would damage the road. Also, the road isn't even 12 feet wide in many places. Therefore, it would be difficult for fire equipment to get by in an emergency. Mr. Cecil said that currently there is a \$250,000 project on South Oak to build a retaining wall due to a slide and this is not an isolated case.

Vance Barnet, 303 Oak Avenue said that he was aware of a slide at 47 South Oak because he gave them an easement for the sewer line.

Walter Tamley, 951 South Oak said that they would be developing in a semi soft spot and would like to see a more comprehensive soils report and would like to see a proposal as to egress and degress of the road.

Nancy Cecil, 1 South Oak wanted to know what the plans were of the applicant to fix the road if any damage was done during construction. She also wanted to know why the previous owner never proceeded with construction in 1984 after going before the Planning Commission.

Robert Yeakey stated that he has already gotten approval from MMWD and that water is available for this site. He also said there are 2 1,500 gallon springs under the property which can also provide water.

Commissioner Sias is concerned about the water pressure and has not had time to review the soils report since it was just given to him. He would also like to know how many trees are being removed and wants clarification on the sewer hook up rather than the septic tank.

Robert Yeakey said that the soils report he has provided the Commission is an updated version of Herzog's 1975 soils report. He also has included a complete topo. He said that approximately 14 non heritage trees are being removed from the site.

Commissioner Kroot wanted to know if the house was three stories and also felt a landscaping plan is necessary because of the size of the house.

Commissioner Hayes was reluctant to make a decision until he reviews the new items that were presented. He also wanted to know how this proposal is different from the previous owner and is concerned about the springs on the property, which does not seem to be included in the soils report. He suggested that the following material be included for the next meeting: 1. Herzog's 1975 soils report 2. 2 foot contours on the topo map 3. A clear statement of grading and 4. Clarification of easements.

M/S Sias, Harle to continue PP-9 for Robert M. Yeakey, 80 West Hillside Avenue, A/P 7-241-40; preliminary plan review of a single family dwelling to the meeting on July 20, 1987 for the applicant to submit the information indicated by Commissioner Hayes.

Motion passed unanimously.

5. NU-56 - Allegonda Vandenberg, 20 Southview Terrace, A/P 6-152-82; use permit for a second living unit in an R-1 Zone--CONTINUED TO 7-20-87.

6. NU-57 - Vance Barnett, 303 Oak Avenue, A/P 7-241-14; use permit for a new second living unit in an R-1 zone.

Vance Barnett, applicant, was present.

Mr. Elias presented staff report and stated that this unit falls within the maximum number of second residential units authorized by resolution of the Council for the Rosenthal area; this unit will be located on an Assessor's parcel on which the owner of record maintains his principal residence; the unit is in the existing dwelling and, therefore, will not encroach upon required setbacks, or cover land in excess of the maximum lot coverage in R-1 Districts, and the on-site parking is adequate. Installation of cooking facilities in the unit will necessitate building, electrical and plumbing permits and must meet all applicable codes. When the unit is constructed it will be made the subject of a rent guarantee contract between the applicant and the Town. The location of the unit will not cause excessive noise, traffic, parking, or overloading of public facilities. There is adequate parking and one additional unit off this driveway will not have a significant adverse impact on traffic on Oak Avenue nor will it have an adverse impact on water and sanitary facilities since there is already a bathroom in the studio. The second living unit will not be detrimental to the neighboring properties. There will be no visible changes to the exterior of the unit. There are two second unit openings in the Rosenthal neighborhood and the property owner does have the right to a second living unit in this neighborhood if all the findings for approval can be made and if all the conditions of owner occupancy and rent control are agreeable to the owner.

Mr. Barnett stated that he submitted his request for a second unit because the unit was available in his area.

Commissioner Harle stated that the unit was permissible in the area and as long as the usual rent control agreement was entered into then he had no objection.

Commissioners Kroot and Sias supported the application.

Commissioner Hayes said that he would have to abstain because he was unable to visit the site due to illness.

M/S Harle, Kroot move to approve NU-57 for Vance Barnett, 303 Oak Avenue, A/P 7-241-14, 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 Rosenthal 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;
3. The unit does not encroach upon required setbacks, or cover land in excess of the maximum lot coverage in R-1 Districts, and on-site parking is adequate;
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; and
8. It is necessary for the preservation and enjoyment of substantial property rights of the petitioner, NU-57 for Vance Barnett, 303 Oak Avenue,

This approval is based on the plans dated May 29, 1987.

Motion carried:

AYES: Kroot, Sias, Harle

ABSTAIN: Hayes

Applicant was advised of the ten day appeal period.

7. 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 7-20-87.

8. NU-55 - Dabbi and Tim Peterson, 58 Madrona 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 7-20-87.

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 7-20-87.

D. PUBLIC WORKSHOP

AR-6 - Quarry Mountain, Incorporated, end of Tomohawk Drive, A/P nos. 177-220-50, 177-250-40 and 177-250-41, workshop to discuss schematic design of ten homes, units 1 through 10.

Commissioner Hayes wanted to know if this workshop was part of the application process.

Commissioner Sias wanted to know what the goals were of the workshop. He doesn't feel the Commission should design the project, that is the job of the developers.

Doug Elliott said the purpose of this workshop was not to have the Commission design the project but rather to get guidance as to whether or not their interpretation of the ordinances are correct. This project is costing thousands of dollars and they want to know if they are on the right track. He said that this type of workshop was done for Ross Court and other projects they did in Sausalito. He went on to say that no action taken at the meeting will be binding as stated in John Roberto's Staff Report of June 6, 1987.

Commissioner Harle thought that this type of hearing had been done in the past for the San Francisco Theological Seminary. However, many people that usually are at meetings pertaining to Quarry Mountain are not present now and he felt that public discussion was important.

Commissioner Sias said that he didn't feel that people attach the same meaning to a public workshop as they do a public hearing.

Doug Elliott felt that it was somewhat inconsistent that they want to follow the correct procedures and yet just because people don't show up at the meeting the Commission is unwilling to make comments on their project. He also said that the Commission could see how the Quarry Mountain project fits within the R-1 H concept.

Commissioner Kroot understands the other Commissioner's point of view but also understands the point of view of the applicant.

Commissioner Hayes feels uncomfortable discussing the project without the public present but does understand that Mr. Elliott needs feedback as early in the project as possible. As long as the Commission is not bound by their statements then he would be willing to listen to Mr. Elliott. He also said that he would be interested to hear about the R-1 H concept.

Commissioner Sias was also interested in what Mr. Elliott had to say about height limitations and how his proposal would fit into the R-1 H.

Mr. Elliott said that he would like to have a field trip out to the site. He said that the homes will have a staircase effect, and they didn't want to front load the project (i.e. the garages or decks are not in front of the houses). The homes are wood frame, with stucco and cedar siding and cedar shingles. The decks will be softened by landscaping. The average homes will be between 2,000 and 2,400 square feet. With regards to the R-1 H height limit, the steepest home will fit into the 35 foot limit and the rest are 30 feet or under.

Commissioner Kroot stated that he liked the staircase effect and liked the low visibility. He also liked the landscaping and materials that will be used.

Commissioner Hayes said the exterior treatment is more consistent with the site than originally designed.

Commissioner Harle liked the look and style of the buildings.

Commissioner Sias was concerned about the height but it looks like they are taking steps in the right direction. He said he would like to visit the site. He wanted to know how the space between the buildings would be treated.

Jonathan Braun felt that the effect will be greater from the downhill sides and the community will be subject to this. There seem to be some bulky walls. He said aesthetic value is important and thought perhaps earth tones could be used on the outside of the houses.

E. ADJOURNMENT

The regular meeting of the San Anselmo Planning Commission was at 11:30 p.m. to the next meeting on Monday, July 20, 1987.

Barbara Chambers
Administrative Secretary/Technician

to Attached