

A regular meeting of the San Anselmo Planning Commission was called to order on March 2, 1987 at 8:02 p.m. by Chairman McPeak in the Council Chamber. Planning Technician Wight was present.

ROLL CALL

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

Commissioners Absent: Zaharoff

APPROVAL OF MINUTES, FEBRUARY 2 AND 9, 1987

M/S, Manning-Harle, to approve the minutes of February 2, 1987 as submitted. Motion passed by the following vote:

AYES: Harle, Manning, McPeak

ABSTAIN: Kroot, Sias

ABSENT: Hayes, Zaharoff

M/S, Harle-Manning, to approve the minutes of February 9, 1987 as submitted. Motion passed by the following vote:

AYES: Harle, Hayes, Manning, McPeak

ABSTAIN: Kroot, Sias

PUBLIC HEARINGS

Z-242. Mr. and Mrs. Paul Elliot, 57 Summit Road, A/P 7-013-41, proposed rezoning from PPD R-1 (Preliminary Planned Development with a presumptive use of Single Family Residential) to SPD R-1 (Specific Planned Development for one dwelling) (previously approved; however, a use permit was not obtained within two years so the zoning automatically reverted to PPD R-1), and the initial environmental review. CONTINUED TO 3-16-87.

U-616. Mr. and Mrs. Paul Elliot, 57 Summit Road, A/P 7-013-41, use permit for a Specific Planned Development single family dwelling - CONTINUED TO 3-16-87.

V-2158. Mark McKinstry, 63 Spruce Avenue, A/P 7-025-02, third story variance and parking variance. CONTINUED TO 3-16-87.

V-2162. Lee Riney, 44 Ash Avenue, A/P 5-194-38, a four foot frontyard variance and a two foot north sideyard variance to construct a third story living addition within 16 feet of the front property line and six feet of the north side property line; a third story variance; and a one foot south sideyard variance to construct an open deck within five feet of the south side property line.

The applicant and project designer/contractor Warren Holmes was present.

The proposal is to add 1,230 square feet of living area to apartment unit one. The third story would add two bedrooms, an office room and a recreation room to this unit. Staff reported that this addition is considered a third story because there is a laundry room on the floor below the current living area. Adequate parking is provided.

Staff expressed concern that the special circumstance finding for the variance requests could not be made, and that due to the higher elevation of the building above the street, the addition may appear massive. A letter was received from the owners of 27 Merced Avenue protesting that the large windows on the south and southeast side of the property and the deck on the south side of their property infringe on their privacy.

Planning Technician Wight reported that the applicant was agreeable to withdrawing the variance request for the south side deck.

Mr. Holmes said he understood the neighbor's concern about the deck but was skeptical that the windows set back 14 to 15 feet from the property line would affect them.

Ms. Riney said she has never seen the neighbors at 27 Merced and noted that their house fronts Merced and it is just their yard, and not their house, which abuts her property. The house built within the last year next door is at a higher elevation and looks down on her house, as does a house on Palazzi Court. She stated her intention to screen the addition with lattice work and curtains, adding that she did not want anyone looking through her windows.

Commissioner Kroot said he had no problem with the request, noting that the units are small and the proposed windows are a reasonable distance from the neighbors.

Commissioner Harle stated he had no objection on the basis of the physical characteristics of the project but expressed concern that this large an addition could be a significant overuse of the property and that the special circumstance finding could not be made.

Commissioner Hayes shared staff's concern about the size of the structure and noted it would have a looming appearance.

Commissioner Manning shared the concern that the size of the house would be inappropriate to the area, and was further concerned about the affect of this mass on the surrounding properties and its visual impact to the right-of-way. He suggested the proposal was overdevelopment of the property and was not satisfied that the finding of special circumstances could be made to justify approval.

Chairman McPeak agreed with the concerns about the magnitude of the project, which is exaggerated by the slope of the property, causing the addition to be quite visible from the street. He said the project fails to meet the criteria of special circumstances.

Ms. Riney responded that the laundry room, which makes this project a third story, is only 25 square feet. Furthermore, there are two units on Palazzi Court that are taller and larger than her house.

Staff noted that she could eliminate the area over the laundry room section and not exceed two stories, but Ms. Riney responded that this would be a less attractive design.

Commissioner Kroot noted that the addition does not expand beyond the existing walls of the house, and only the laundry room and the carport are beneath the existing full floor and proposed additional floor.

Chairman McPeak said he was persuaded by Commissioner Kroot's remarks that the addition will not have a significant impact.

Mr. Holmes said he could bring the deck back at least 8 feet from the side property line, which would cut 30 feet out of the building, get the chimney to extend into the office space instead of the recreation room, and therefore avoid the variance on the north side.

Commissioner Kroot suggested the addition would blend better with the existing house if it was finished with wood shingles instead of stucco. He questioned whether there was any intention to make the addition a second unit.

Mr. Holmes said he was agreeable to using wood siding instead of stucco if the Commission so required. He and Ms. Riney explained that after planning this addition, they discovered another property on Ash obtained approval for three units and attempted to apply for a similar rezoning. They were informed that this could not be done because it conflicted with the General Plan Land Use Map, and therefore they went back to the addition plan.

M/S, Kroot-Harle, to approve V-2162, Lee Riney, 44 Ash Avenue, A/P 5-194-38, a four foot frontyard variance and a two foot north sideyard variance to construct a third story living addition within 16 feet of the front property line and six feet of the north side property line; a third story variance; and a one foot south sideyard variance to construct an open deck within five feet of the south side property line, on the grounds that the special circumstances are the addition is approximately the same configuration as the house below that encroaches into the setback, there is a third story only over the laundry room, and the laundry room is very small and therefore the third story is of a minor nature, granting of the variance is necessary for the preservation and enjoyment of substantial property rights, granting of the variance will not materially adversely affect the health and safety of persons living and working in the neighborhood, it is not materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, based on the drawings received February 8, 1987.

M/S, McPeak-Harle, to amend the motion to delete the variance for the two foot north sideyard setback, change the deck so that the back deck line matches the new back wall line, and that a trellis be added to the back deck line outside the setbacks. Motion passed by the following vote:

AYES: Harle, Hayes, Kroot, Sias, McPeak

NOES: Manning

The vote on the amended motion was called and the result was a tie vote, as follows:

AYES: Harle, Kroot, McPeak

NOES: Hayes, Manning, Sias

Mr. Holmes was agreeable to exploring revisions to the plans.

M/S, Hayes-Harle, to refer V-2162 back to the applicant and continue the application to the meeting of April 6, 1987. Motion passed unanimously.

V-2163, Edward H. Adamson, 25 San Rafael Avenue, A/P 7-211-07, a seven foot east sideyard variance to replace an existing one-car garage and construct a workbench addition to the rear of the garage within one foot of the east side property line.

The applicant was present.

Staff recommended that a minimum two foot side yard setback be maintained for maintenance purposes, and that the length of the garage be extended to the legal sized parking space length of 19 feet.

Mr. Adamson said he would like the garage to be as wide as possible, adding that he will use low maintenance siding and had hoped to re-use the existing garage foundations as much as possible. He was agreeable to a 19 foot long garage. He noted that the area of the workshop is currently a concrete patio so there will be no additional paving.

In response to a suggestion from Chairman McPeak about moving the toolshed to the other corner to lessen the setback encroachment, Mr. Adamson said such a move would crowd the back yard and create a channel affect.

M/S, Hayes-Kroot, to approve V-2163, Edward H. Adamson, 25 San Rafael Avenue, A/P 7-211-07, a seven foot east sideyard variance to replace an existing one-car garage and construct a workbench addition to the rear of the garage within one foot of the east side property line, on the grounds that the granting of the variance is necessary for the preservation and enjoyment of substantial property rights, it will not be detrimental to persons or improvements in the neighborhood, and it is necessitated by special circumstances that are occasioned by the location of the existing house, the proximity of the driveway access to the east side yard and to the fact that the proposed structure is a reconstruction of the existing structure, with reference to plans received January 27, 1987. The motion passed unanimously.

V-2164, H. J. Kristen, 58 Indian Rock Road, A/P 177-161-01, a four foot frontyard variance to enclose an existing deck within 16 feet of the front property line.

The applicant was present.

The proposal is to enclose a 232 square foot deck with glass for use as a breakfast nook.

M/S, Hayes-Harle, to approve V-2164, H. J. Kristen, 58 Indian Rock Road, A/P 177-161-01, a fourfoot frontyard variance to enclose an existing deck within 16 feet of the front property line on the grounds that granting of the variance is necessary for the enjoyment of substantial property rights, it will not be detrimental to persons or improvements in the neighborhood, and is necessitated by the special circumstances that the house is on a steep downslope lot and the structure as located will not be particularly visible from the road or the adjoining lot, based on the drawings received January 21, 1987. The motion passed unanimously.

V-2165, Ian A. Gray, 249 Los Angeles Boulevard, A/P 6-011-40, a three foot south sideyard variance and a four foot frontyard variance to construct a second story addition within five feet of the south side property line and 16 feet of the front property line; and a parking variance for existing parking to remain substandard in size.

The applicant was present.

The existing one-story house has a three foot high attic above the garage. The applicant proposes to raise the roof five feet above the garage and on the south side of the house within the side and front setbacks to create a storage area. Since this area could be used as living space, two off-street parking spaces are required. The two parking spaces, one each in the garage and driveway, are substandard in size. The driveway space extends into the unimproved right-of-way but staff reported it is unlikely the improved portion of Los Angeles Boulevard will ever be widened to the full width of 60 feet. Staff recommended the garage be cleared to be used for parking.

Mr. Gray said he can park four cars off-street. He explained he needed the storage area for equipment and materials for his seasonal pumpkin patch business. There are six other houses with similar second stories in his neighborhood, he said.

M/S, Kroot-Hayes, to approve V-2165, Ian A. Gray, 249 Los Angeles Boulevard, A/P 6-011-40; a three foot south sideyard variance and a four foot frontyard variance to construct a second story addition within five feet of the south side property line and 16 feet of the front property line; and a parking variance for existing parking to remain substandard in size, on the grounds that the granting of this variance is necessary for the preservation and enjoyment of substantial property rights, the variance will not adversely affect the health or safety of persons residing in the neighborhood, it will not be injurious to property or improvements in the neighborhood, and that the special circumstances are that other variances have been granted for similar additions in the neighborhood and it will allow the applicant much needed storage space, in reference to the drawings received January 20, 1987. Motion passed unanimously.

V-2164, Gerald R. and Suzanne C. Knecht, 114 Calumet Avenue, A/P 6-071-05 and 6-071-06, a ten foot frontyard variance to construct a one-car carport within ten feet of the front property line.

The applicants were present.

Staff recommended moving the carport back to a 17 foot front setback to create a second legal sized parking space in the driveway that does not encroach into the sidewalk area. It was noted that the carport is downslope from the street which will reduce its exposure to the public right-of-way.

Ms. Knecht said they have taken the trash bins out of the driveway and moved them to the side of the house to allow use of the entire driveway length for parking cars. She said if they move the carport the full distance that staff recommends, they would have to do additional grading and the carport would block much needed light. Since their cars are less than 19 feet in length, they would not encroach into the sidewalk area, and therefore they want to keep the carport as proposed.

The majority of the Commissioners felt the proposed carport was in concert with the neighborhood, pushing it back could hurt the front entry, and that it is an improvement over what is now there. Chairman McPeak said he disagreed with the applicant regarding the impact of moving the garage further away from the street.

M/S, Manning-Hayes, to approve V-2166, Gerald R. and Suzanne C. Knecht, 114 Calumet Avenue, A/P 6-071-05 and 6-071-06, a ten foot frontyard variance to construct a one-car carport within ten feet of the front property line, with the special circumstances being the size, shape and topography of the lot, most of the driveways in the neighborhood are substandard in size, and it is a continuation of an existing use, strict application of the zoning ordinance would deprive the property of privileges enjoyed by other property owners in the vicinity, granting of the variance would not materially adversely affect the health or safety of persons residing or working in the neighborhood nor will it be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood and is necessary for the enjoyment of substantial property rights, referenced by the drawings received by the Town January 27, 1987. Motion passed by the following vote:

AYES: Harle, Hayes, Kroot, Manning, Sias

NOES: McPeak

NON AGENDA NEW BUSINESS

Chairman McPeak raised the issue of the tie vote on the motion to approve V-2162 on this evening's agenda. He suggested that the Commission develop a policy that denial of an application should be the result of a motion for denial, rather than a tie or negative vote on a motion for approval.

The Commission asked staff to report back on a letter the Commission received from a resident on Redwood Road regarding undergrounding of utility lines.

Chairman McPeak asked that property owners give the Commissioners permission to go onto their property even when they are not at home.

Planning Technician Wight reported that the appeal of the Commission's denial of the general plan amendment application for the Sohner and other properties on Ross Avenue was scheduled for the Town Council meeting of March 10th. The applicants have requested that if the appeal is upheld, the applications for use

permit and design review for their residential project be heard by the Commission on March 16th. Staff noted that scheduling the applications for this date would require public hearing noticing prior to the date of the appeal hearing, which seemed improper, and recommended a special meeting be set aside for this lengthy hearing.

The Commissioners agreed it would be imprudent to schedule Sohner for March 16th and indicated a special meeting in March was acceptable if the appeal is upheld.

A workshop meeting has been scheduled with the Town Council on March 5th, 7 p.m. to 9 p.m. to discuss planning goals.

ADJOURNMENT

M/S, Harle-Hayes, to adjourn at 10:14 p.m.

Respectfully submitted,

Beth Calamar