

TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES FOR THE MEETING OF OCTOBER 4, 1993

The regular meeting of the San Anselmo Planning Commission was convened at 8:00 p.m. by Commissioner Kroot. Staff present was Planning Director Ann Chaney, Associate Planner Lisa Wight, and Planning Consultant Delvin Washington.

A. CALL TO ORDER

Commissioners present: Harle, Hayes, Julin, Kroot
Commissioners absent: Sias, Mihaly, Israel

B. CONTINUED PUBLIC HEARINGS

1. V-9328/DR-9320 - Edmund Coyne, 25 Canyon Road, A/P 7-064-14, a design review and variance to construct a new single family residence 15'6" from the front property line (20' required), and to remove six (6) required trees having trunks between 14" and 24" in diameter, on property located within the R-1 Zoning District (Above 150' mean sea level). CONTINUED TO THE MEETING OF OCTOBER 18, 1993.
2. DR-9314 - Andrea Moyer, 43 Tomahawk Drive, A/P 177-250-60, a design review request to paint the exterior of the house with an alternative color that does not conform to the approved color palette for homes on Quarry Mountain, on property located within the R-1-H Zoning District. CONTINUED TO THE MEETING OF DECEMBER 6, 1993

C. PUBLIC HEARINGS

1. Z-9302/TM-9301/ER (Environmental Review), James and Elizabeth Freeman, 25 Rancho, A/P 5-062-93, 1) a request to rezone a portion of an existing 1.48 acre parcel from R-1-C to R-1; and 2) a request to subdivide the 1.48 acre parcel and create a new 10,100 square foot lot on the portion of land to be zoned R-1. The property is currently located within the R-1-C Zoning District.

The applicants were present.

Mr. Washington presented the staff recommendation and explained the difference between the General Plan and zoning maps as related to this 1.48 acre parcel. He discussed the proposed lot size, fire department comments, drainage, and other public works concerns.

Mr. Washington also stated that the public notice did not mention a variance that is required to allow the front footage from the 40 feet required to the proposed 23 feet. Because of this, the matter can be heard, but no action can be taken until the variance is properly noticed.

Commissioner Julin stated that there is a registered second unit on this property now, and wondered if that would mean there would be an opening for a second unit? Mr. Washington affirmed and added that the new unit would require a use permit and be subject to rent control.

Elizabeth Freeman explained reasoning for the land division. She intends to sell the new lot to her sister. With regard to the conditions, the applicants asked that they not be required to repave Rancho Drive because it is in good condition and they are not creating any new traffic. They want to know why they have to make the drainage improvements and did not understand the procedure for the neighborhood partnership program.

Mr. Freeman did not understand why they should be responsible for rebuilding the drainage system when the water is coming from another watershed. Also, they are not creating additional demands on the existing drainage. He raised other questions regarding the drainage and took issue with the following: with curb, gutter, asphalt paving, and sidewalks; and describing the right of way offering with metes and bounds.

Ms. Chaney explained that the applicant is being asked to improve the drainage because it is the responsibility of the owners developing property that there is no negative impact on down sloped neighbors. From the studies that have already been done, there is an existing problem that needs to be corrected. When a land division comes before the Town, that is the opportunity for the Town to try to correct the problems. Even though she understood that there is no development, the applicant is creating a new lot, which has value. Also, the fact that the current line runs underneath houses creates a real liability whereas the proper course is to have the drainage run along the street rights-of-way or at least where no structure is located above the drainage line.

Mr. Freeman stated he would be willing to make changes if they are not cost prohibitive but he is looking for a means for his sister-in-law to live in Marin County and have low cost housing. If that is not possible, he will have to reassess the project.

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Deitrich Stroh, representing the applicant, stated that the design of the drainage pipe through the last 70 feet into Carlson does not quite work in terms of gravity flow. He would like to work with the Town Engineer on this to find another solution. Mr. Stroh stated that rip-rap could work in certain areas and would like to work with staff on this. He also felt it was quite ambitious of staff to require the applicants to pave the entire street and that it was really a neighborhood problem. Perhaps the Town could work with the neighbors to form an assessment district to repave.

Ms. Chaney explained the reason for the paving requirement. The Town does not have money to repave roads and therefore the Town Engineer is looking for an opportunity to have the roads paved during construction. The Planning Commission however, does have the authority to overrule the Town Engineer.

Commissioner Harle asked what the Town Council policy was on requiring applicants to repave. He wondered if there was a percentage attached to the project that would be in proportion to what is being asked of the applicant for improvements. He would like to see something in the form of a resolution to give them guidance.

Ms. Chaney stated that the issue of paving is really being looked at on a case-by-case basis by the Town Council.

Commissioner Hayes agreed that the only change is that the property is being subdivided and that the proposal is not for any new homes. He could support the application because of conformance with the General Plan and the fact that the new lot does not encroach into the R-1-C designation. He was concerned with the fairness issue regarding paving and drainage and would also ask for guidance from the Town Council on what direction to take.

Commissioner Julin would defer to the Town Engineer on those issues that are of a technical engineering matter. She supported the land division and the engineering conditions at this point.

Commissioner Harle supported the application without the required conditions regarding repaving or drainage unless the Town Engineer can rationalize the need. He suggested that the Town Council consider a policy that improvements (e.g. repaving and drainage) not exceed 10% of the overall cost of the lot, or the total liability being created by the project, whichever is greater.

Commissioner Kroot stated that it would be a good idea for the Town Engineer to work with Mr. Stroh and if the drainage pipe could be realigned it certainly would make sense. He had no idea what the expense would be to the applicant. He also thought that the condition of repaving all of Rancho was rather excessive for what they are proposing. Otherwise he could support the project.

M/S Julin/Harle, to continue Z-9302/TM-9301/ER (Environmental Review), James and Elizabeth Freeman, 25 Rancho, A/P 5-062-93, 1) a request to rezone a portion of an existing 1.48 acre parcel from R-1-C to R-1; and 2) a request to subdivide the 1.48 acre parcel and create a new 10,100 square foot lot on the portion of land to be zoned R-1. The property is currently located within the R-1-C Zoning District. This is continued to the meeting of October 18, 1993.

2. **V-9324 - (Amendment) - Dale and Debra Richards, 56 Tamalpals Avenue, A/P 7-211-31, a rear yard and west side yard variance to construct a two car garage and storage room within 0' of the rear and side property lines where 20' and 8' setbacks respectively, are required. Note: Although this structure was previously approved by the Planning Commission, the applicant wishes to modify the plans by adding a dormer.**

The applicants were present.

Ms. Wight presented staff recommendations and explained the difference between the previous approval and the current proposal. In summary, the detached 3 car garage (previously approved) would be about 2' higher and now includes a 12' wide dormer. Staff was unable to support the original proposal and is not able to support the amendment. However, a letter from Mr. Skews-Cox, the neighbor at 43 San Rafael, stated he was not opposed to this proposal.

Commissioner Kroot asked for more detail on staffs' original recommendation and the final decision. Ms. Wight explained that staff was not able to make the special circumstance findings pertaining to lot coverage and set back variance.

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Commissioner Harle also explained the rationale behind the Planning Commission decision including the existence of an easement which was taken away at some point thereby making the lot narrower.

Mr. Richards explained that the redesign would help retain the view of Red Hill for the owner of 60 Tamalpais. He indicated his reasoning for the change is also to give the garage more architectural detail. He indicated that he is not intending the area to be used as a second unit.

David Eisman, 60 Tamalpais, said he supports whatever design would be least impacting to his view of Red Hill.

Mr. Wiseman, 52-54 Tamalpais, stated he had no objections to this project.

Commissioner Julin supported staff's recommendation of denial. She felt she had pushed the findings to the limit on the first approval and that this proposal would create more bulk and height.

Commissioner Harle was inclined to support this amendment because it somewhat mitigates the situation. He would base the variance on the same findings as before.

Commissioner Hayes stated he originally approved a variance with a roof on the garage but now it looks like a second story which creates more bulk. Therefore he was opposed to this amendment.

Commissioner Kroot felt the new proposal would block more of the neighbors view, as well as other neighbors. He would support the front elevation. As an alternative he said he could support a roof sloped back further. He is afraid the current proposal and dormer will really loom. He said he could not support the dormer.

Commissioner Harle stated that Commissioner Kroot's analysis persuaded him to agree with Kroot.

Mr. Richards reiterated his reasoning for the dormer and new design. He also stated that it was for the benefit of the neighbor's view.

Commissioner Hayes asked why the applicant was proposing this change. Mr. Richards stated it was for the benefit of his neighbor.

Ms. Chaney suggested another alternative to slope the roof back at the originally approved height and create a smaller dormer. This would provide the detail the applicant wanted and could reduce the impact on the neighbor. She asked why an additional 1'6" was critical to the applicant.

Mr. Richards clearly stated he was not interested in another redesign.

M/S Hayes/Julin, to deny V-9324 - (Amendment) - Dale and Debra Richards, 56 Tamalpais Avenue, A/P 7-211-31, a rear yard and west side yard variance to construct a two car garage and storage room within 0' of the rear and side property lines where 20' and 8' setbacks respectively, are required. Note: Although this structure was previously approved by the Planning Commission, the applicant wishes to modify the plans by adding a dormer. Denial was based on the grounds that the findings of non detriment cannot be made in that the roof is 1'6" higher, and a 12' dormer that was not part of the original design will have a greater impact.

Commissioner Harle stated that because these neighbors believe the design would not be a detriment, he was more inclined to allow the redesign.

Commissioner Kroot felt it was bulkier and that there is a better solution.

Commissioner Hayes was opposed to the amendment because the project has grown to a taller building with a dormer.

Ayes: Hayes, Julin, Kroot

Noes: Harle

Motion passed. Application denied. The audience was advised of the ten day appeal period.

D. GENERAL DISCUSSION

Ms. Chaney reported that the appeal of the Planning decision for 137 Humboldt was denied by the Town Council. She also provided a status report on the 5,000 square foot maximum house size proposed

E. REPORT OF UPCOMING APPEALS TO TOWN COUNCIL

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Ms. Chaney reported that 379 Oak Avenue was appealed to the Town Council.

G. ADJOURNMENT TO THE MEETING OF OCTOBER 18, 1993

The regular Planning Commission meeting was adjourned at 10:30 p.m. to the next meeting of October 18, 1993.

ANN CHANEY