

**TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES FOR THE MEETING OF AUGUST 16, 1993**

The regular Planning Commission meeting was convened at 8:00 p.m. in the Council Chamber by Vice Chair Oliver Harle. Staff present: Lisa Wight, Associate Planner.

A. CALL TO ORDER

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

B. CONSENT

1. **Minutes - July 19, 1993 (Continued)
August 2, 1993**
2. **DR-9317 - Craig Dow, 63 Redwood Road, A/P 7-083-11, design review of a 950 square foot second story addition and uncovered decks, on property located within the R-1 Zoning District (Above 150' Mean Sea Level).**
3. **V-9326/DR-9318 - Victor Chiarella, 35 Woodside Court, A/P 5-261-29, 1) a front yard and west and east side yard variance to construct a 2 car garage within 0' of the front and 1' of the west and east side property lines (Code requires setbacks: 20' front yard and 8' side yard); and 2) design review of a 2 car garage, and kitchen, dining room and entry extension, on property located within the R-1 Zoning District (Above 150' Mean Sea Level).**

Commissioner Israel asked that Item B2 be removed from the Consent for further discussion.

Commissioner Julin asked staff to check the tape to see if the applicant of 100 Center for the Espresso Use permit specifically indicated the hours of operation. Ms. Chambers stated that she clearly remembers that Mr. Spint indicated that the hours of operation would be the same as Guascos hours, but would be happy to research the tape to confirm that.

M/S Julin/Israel to approve Items B1 and B3 on the Consent Agenda. All ayes.

C. PUBLIC HEARINGS CONTINUED TO THE MEETING OF SEPTEMBER 7, 1993

1. **NU-9302/DR-9120 - Th.E. Posthuma, 379 Oak Avenue, A/P 7-241-61, 1) a use permit to establish a second unit; and 2) an amendment to an existing design review approval to allow the construction of a new detached structure to accommodate the second unit, on property located within the R-1 Zoning District.**
2. **DR-9314 - Andrea Moyer of 43 Tomahawk Drive representing the Quarry Mountain neighborhood, A/P 177-220-66 thru 68, 177-250-57 thru 65, a design review request to add new exterior color options to the approved color palette for homes on Quarry Mountain, on property located within the R-1-H Zoning District.**
3. **TOWN OF SAN ANSELMO - Discussion of existing Ordinance that permits 6' high fences/walls within the front yard setback.**

D. PUBLIC HEARINGS

Taken from the Consent Agenda.

- B.2. DR-9317 - Craig Dow, 63 Redwood Road, A/P 7-083-11, design review of a 950 square foot second story addition and uncovered decks, on property located within the R-1 Zoning District (Above 150' Mean Sea Level).**

Commissioner Israel asked if this application required a third parking space. Ms. Wight affirmed but noted that it could be in tandem.

Commissioner Israel asked about the finishing of the exterior of the carport. Ms. Wight stated that was not discussed with the applicant and not indicated on the plans therefore she was under the impression that it would remain the same as it currently is.

Commissioner Israel felt that since such a nice job is proposed for the house the carport will really take away from the project if it is left unfinished.

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Commissioner Harle said that he did not consider the carport because there was no discussion of it in the staff report. If there was to be a further discussion on this he would ask for a continuance to allow him time to visit the site and analyze the carport.

Commissioner Sias stated that the intent of the ordinance was not to look at what was existing, only what was proposed.

Commissioner Julin said she would go along with what Commissioner Israel proposes although she was willing to approve it on the consent agenda.

M/S Sias/Israel to continue discussion of carport until the meeting of 9/7/93.

Mr. Dow stated it has always been his intent that the carport will match the proposed siding of the house.

M/S Sias/Israel to withdraw their motion of continuance.

M/S Sias/Israel, to approve DR-9317 - Craig Dow, 63 Redwood Road, A/P 7-083-11, design review of a 950 square foot second story addition and uncovered decks, on property located within the R-1 Zoning District (Above 150' Mean Sea Level). Approval is based on the following findings: 1. Is functionally and aesthetically compatible with the existing improvements and the natural elements in the surrounding area; The proposed alterations and additions to the building will be functionally and aesthetically compatible with the existing improvements and the natural elements in the surrounding area. The dwelling is setback from the street and in combination with the color scheme, it will blend in well with the hillside. 2. Provides for protection against noise, odors, and other factors which may make the environment less desirable; This development will not impact noise nor odors, and it will not make the environment less desirable. 3. 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; This development will not cause the surrounding area to depreciate materially in appearance or value or otherwise discourage occupancy, investment, or orderly development in the area. The addition will actually improve the property aesthetically. 4. 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; and This development will not create unnecessary traffic hazards and will provide for satisfactory access by emergency vehicles and personnel. 5. Will not adversely affect the health or safety of persons using the improvement or endanger property located in the surrounding area. The development will not adversely affect the health or safety of persons using the improvement or endanger property located in the surrounding area. Conditions of approval are: 1. The approval is based on the plans received by the Town on August 12, 1993. 2. Construction shall begin within 1 year from the Planning Commission date or approval, or the design approval will be considered null and void. A one-time-only one year time extension can be obtained by requesting such in writing to the Planning Director and stating reasons for that request. 3. The carport will have the same siding as that proposed for the exterior of the house.

Motion unanimously passed. Audience advised of the ten day appeal period.

1. **V-9324 - Dale and Debra Richards, 56 Tamalpais Avenue, A/P 7-211-31, 1) 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 (Code required setbacks are: 20' from the rear property line and 8' from the side property line) (this will be in conjunction with the removal of the existing carport, recreation room, arbors, and barbecue); 2) an east side yard variance to construct first and second story living additions within 5' of the east side property line (Code required setbacks are: 8' from the side property line); and a lot coverage variance to exceed the 35 percent Code maximum, on property located in the R-2 Zoning District.**

The applicants and their architect Alan Dunham were present.

Ms. Wight presented the staff report along with photographs.

Mr. Richards explained his revised proposal. A copy of his statement is attached to the staff report.

Commissioner Harle asked about the easement that was granted. Mr. Richards stated that his lot was originally 50' wide. The lot next door at 52 Tamalpais was substandard so a portion was sold to them.

Commissioner Harle wondered what the reasoning was to deed the easement to the neighbor. He asked if it was prior to the house being built. His thoughts were along the lines of whether of

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not the granting of the easement could necessitate the variance for the applicants at 56 Tamalpais.

Ms. Wight stated that would be difficult to know without doing a title search.

Mr. Dunham stated that the records indicate the easement was granted in 1952.

Mr. Richards thought that his understanding from the Commissioners at the previous meeting was that as long as the lot coverage was not increased, the Commission would go along with his idea.

Commissioner Israel asked about the optional dormer as indicated on the plans. Mr. Richards stated it was a consideration although the plans do not include a dormer at this point.

Commissioner Hayes stated that the applicant was given the feeling that if the garage was moved to the rear and if there was a no net increase in the lot coverage his request would be approved.

Mr. Richards agreed with Commissioner Israel's statement that the ancillary structures do create a lot of lot coverage.

Mr. Skewes Cox, 43 San Rafael Avenue; backs up to 56 Tamalpais Avenue. His pool is in the rear and the plans do not seem to be an impact on his property. The original carport and arbor are part of his fence and he has no objection to the proposal by the applicant.

Mr. Richards stated that he spoke with the neighbors on the west and they have no objection to the project.

Commissioner Israel stated that this is an improvement to what is existing but is unable to make the findings for approval. The area of garage referred to as storage, would work fine as storage, but would be very difficult as a third parking space. Therefore, he would like to see a requirement that the third space be designed as storage with a door so that there is no misunderstanding about the use. Mr. Richards stated that he has an experimental vehicle that they want to keep there as well as garden equipment and tools. He agreed that it is virtually impossible to back out on a daily basis. They will be happy to change the door so that it will remain storage.

Commissioner Sias stated that he would not be able to make the findings although he sympathizes with the applicants. The garage could be reduced by moving the storage into the house. This will reduce the bulk and reduce the lot coverage.

Commissioner Julin asked Staff about her statement of removing the storage extension.

Ms. Wight stated that if the 12' storage extension was eliminated, a 10' setback would be provided from the rear property line.

Commissioner Julin stated that she supports staff recommendation to remove the storage area and thereby encroaching 10' into the setbacks. With that condition she would be able to support the rest of the proposal by the applicant.

Commissioner Hayes stated that because of the reduction in the lot caused by the easement could be a finding. Granted, the house is large, but his main concern has been that parking remains in the rear, and not be brought out front. This structure will change the current shape, but the applicant probably wants to keep the carport, garage and storage. Commissioner Hayes viewed that as no net increase. In summary he has troubled with the idea of making the applicants reduce the current lot coverage. The special circumstances could be the placement of the house on the lot, and the lot is narrower than was originally divided.

Commissioner Harle stated that the plan as presented acceptably meets the principals from the discussion of the last meeting; it keeps parking out of the front. The lot was decreased in size and the reduction is the essential reason for the coverage problem that exists now. The only thing that the easement accomplished was to allow a common driveway. Therefore the lot coverage issue could be considered moot in this very special case.

Ms. Wight stated that the easement that was granted will be considered as lot coverage for the neighbor, not the owner of 56 Tamalpais.

Commissioner Sias wondered if this easement situation was very unusual in San Anselmo or could this be setting a precedent for other property owners.

Commissioner Israel noted that it was unusual that the 8' swath that was granted to the adjacent property was similar in size as the addition variance. The 8' easement would be approximately

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1200 square feet. He felt that the applicants are pushing the envelope. The existing house, without any of the other structures, is still not conforming.

Commissioner Harle stated that this is a unique situation because of the easement as he already outlined is a condition of the property

Commissioner Hayes wondered if the need to move to the west side property line was to allow for workable parking.

Commissioner Israel stated that he does not have any objection for the rear yard setback; in fact precedent has already been made on San Anselmo Avenue.

Mr. Dunham, stated that because of the easement, there will remain a 16' distance between the buildings. Also, the property is zoned R-2 and is used as such.

M/S Hayes/Julin, to approve V-9324 - Dale and Debra Richards, 56 Tamalpais Avenue, A/P 7-211-31, 1) 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 (Code required setbacks are: 20' from the rear property line and 8' from the side property line) (this will be in conjunction with the removal of the existing carport, recreation room, arbors, and barbecue); 2) an east side yard variance to construct first and second story living additions within 5' of the east side property line (Code required setbacks are: 8' from the side property line); and a lot coverage variance to exceed the 35 percent Code maximum, on property located in the R-2 Zoning District. Approval is based on the following findings: Approval of the variance will not be detrimental to improvements or persons in the neighborhood and approval of the application is conditioned on special circumstances existing on this site; 1) that inclusion of that previous ceding of an 8' strip of land upon the applicant is functionally complying with the requirements for the Municipal Code regarding lot coverage; 2) the existence of a mutual driveway easement guarantees the preservation of this strip in open area in accord with the spirit of code requirements; and 3) granting of the application recognizes a unique set of circumstances pertaining specifically to this subject property. The matter of the zero setback on the rear and side yard suggest that such granting of the variance is needed to provide workable automobile access in the rear; thus, avoiding placing the parking in the front of the house and intruding upon the currently mature streetscape. With respect to the living addition sideyard variance: a) special circumstances for the addition are that the lot is 8' narrower than most other lots in the area and the variance is for a 5' setback from the common side property line; b) the granting of variance will not cause adverse impact upon persons living and working in neighborhood. There is a guaranteed open space between the subject property at 52 Tamalpais by virtue of a driveway easement. Such approval is based on plans dated August 12, 1993.

Commissioner Israel asked about the third car to have the door changed. Hayes was persuaded that the area is unworkable as a garage and will be only used as storage therefore he did not want to add it as a condition.

Ayes: Israel, Julin, Hayes, Harle

Noes: Sias

Motion carried. Audience advised of the ten day appeal period.

E. GENERAL DISCUSSION

There was none.

F. OPEN TIME FOR PUBLIC DISCUSSION

There was none.

G. REPORT OF UPCOMING APPEALS TO TOWN COUNCIL

There was none.

H. ADJOURNMENT TO THE MEETING OF September 7, 1993

The regular meeting of the San Anselmo Planning Commission was adjourned at 9:45 p.m. to the next special meeting of September 7, 1993.

BARBARA CHAMBERS