

**TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES OF DECEMBER 5, 1994.**

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

A. CALL TO ORDER

Commissioners present: Harle, Israel, Sargent, Julin, Ollinger, Mihaly
Commissioners absent: Hayes

B. CONTINUED PUBLIC HEARING

1. Michael and Linda Gill, a design review of a gate to be located across Oak Avenue near the driveway entrance to 555 Oak Avenue. The gate is proposed to incorporate pedestrian access. Also included for review are signs denoting trail use restrictions. CONTINUED TO DECEMBER 19, 1994.

C. CONSENT

1. Minutes - November 21, 1994
2. V-9436 - Matthew Owens and Susan Sherer, 12 Allyn Avenue, A/P 7-092-09, a variance request to construct an addition that will be located 14' from the rear property line (20' required), and 5' from the side property line (8' required), on property located within the R-1 Zoning District (above 150' mean sea level).

M/S Mihaly/Harle to place 47 Sierra Avenue and 123 Woodside Drive on the Consent Agenda from the Public Hearing. Motion unanimously passed.

3. V-9433 - Paul McLaughlin and Elizabeth Share, 47 Sierra Avenue, A/P 5-194-17, a 7' north side yard variance and a 17.5' rear yard variance to construct a new two car garage within 1' of the north side property line and within 2.5' of the rear property line, on property located within the R-1 Zoning District.

4. V-9434 - Ted and Jennifer Van Midde, 123 Woodside Drive and 127 Woodside Drive, A/P Nos. 5-272-13 and 5-272-05, a variance for a second driveway; a 1' front yard and an 8' side yard variance to construct a retaining wall within 19' of the front property line and within 0' of the side property line, on property located within the R-1 Zoning District

M/S Mihaly/Harle to approve Consent Agenda. Commissioner Israel asked that a condition be placed on 12 Allyn that states a band be placed on the wall and water proof membrane be placed at the base of the wall.

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

D. OPEN TIME FOR PUBLIC DISCUSSION

E. PUBLIC HEARINGS

1. V-9430 Peter and Toni Thompson, 26 Vineyard Avenue, A/P 7-265-13, a variance to construct a new carport that will be 4' from the front property line (20' required); 2) an addition on the east building wall 6'6" from the side property line (8' required); 3) a new deck 9'9" from the front property line (14' required); and 4) to exceed the 35% lot coverage by 320 square feet (4.2%) on property located within the R-1 Zoning District.

The applicant was present.

Mr. Washington presented the staff report, stating he was recommending approval of the setback variances but is requesting the applicant remove the 80 square foot deck and limit the new carport to 222 square feet. Another suggestion would be to remove a portion of the existing carport so as not to exceed the lot coverage.

Peter Thompson stated that he has no objection to removing the second deck, which will reduce the lot coverage by 80 square feet. He said that he is still requesting a two car covered carport by the front door. Any covered carport is an advantage in the neighborhood. He said he wants to leave his options open if, and when, he applies for a second unit. Covered parking would be an advantage to his tenant. He did not feel it made sense to dismantle a perfectly suitable building because of lot coverage.

Commissioner Sargent thought the intent of the lot coverage was to provide open space. His tendency is to encourage the applicant cover 1/2 a garage but does not see the point

of tearing down a roof. He felt that it boils down to a ratio. He is willing to approve the covered parking for the second carport if the deck is removed.

Commissioner Israel thought that 35 percent is quite a lot of coverage and this lot is already covered with structures. He is sympathetic as to why the applicant wants the carports but agrees with staff's recommendation not to approve a variance for lot coverage. There is a difference with pavement on grade and roof structure. He asked what would happen if the applicant modifies the previously granted variance that was approved in 1968.

Commissioner Harle did not see how he would be able to make the findings to support the variance with regards to necessity. He said he might consider a de minimis finding otherwise he would have to oppose the lot coverage variance.

Commissioner Julin felt she could approve the lot coverage variance. The removal of the roof does not make a difference because the carport would still be there. The limit of 35 percent has a value in the issue of square footage and bulk. In this case the square footage will not change. With regard to the issue of bulk, it would be essentially the same because there would still be the back and side of the structure, but they will not be visible. The structure that is left will not be imposing to anyone. The roof does have a functional value and does not make sense to remove it. In summary, the bulk is still there. The finding would be the topography and the non visibility and that it is de minimis.

Commissioner Harle felt that Commissioner Julin is talking about reasonableness however that has never been a finding.

Commissioner Ollinger liked the idea of placing the carport closer to the house. Given the site and the location of the existing garage, he felt this is the most logical location. The structure would look more unsightly with the roof removed, and allowing only one half a roof is not logical. It is a good idea to add more parking because parking is needed in this area. The house is really tucked away and he did not think the proposal was objectionable. The request will just blend in with the neighborhood. He sees the reasonableness of where it is being proposed, and it is adding parking and is not visually disturbing or a detriment to the neighborhood. He felt it would be unreasonable to cover one half of the parking and taking off the roof will make it look uglier than leaving it on. He did not think granting the variance for a carport which is bringing cars up to the house is a grant of special privileges because other properties in the neighborhood have parking close to the house. The lot configuration is also a consideration and the lot coverage overage is under 2 percent.

Chairman Mihaly said that he would have to abstain because he has not visited the site.

M/S Harle/Julin, to approve V-9430 Peter and Toni Thompson, 26 Vineyard Avenue, A/P 7-265-13, a variance to construct a new carport that will be 4' from the front property line (20' required); 2) an addition on the east building wall 6'6" from the side property line (8' required); 3) a new deck 9'9" from the front property line (14' required); and 4) to exceed the 35% lot coverage by 320 square feet (4.2%) on property located within the R-1 Zoning District. 1. Due to 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. Approval of the application to exceed lot coverage is based on the distribution of the parking areas and that the applicant will remove the 80 square foot deck and the excess of lot coverage is de minimis. 2. The granting of the 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 or the applicant and will not be detrimental to the public welfare or injurious to property or improvements in such neighborhood. The proposed structures will not cause undue safety hazards on neighboring properties nor will it result in any detriment. The adjacent house at 20 Vineyard is higher in elevation than the subject Bay window and the privacy for that property will not be impacted. Conditions of Approval: 1. The kitchen bay window and new deck shall be constructed in conformance with the plans date stamped August 18, 1994 by the Town of San Anselmo. The interior details of these plans shall identify the sub-floor presently shown as future in-law unit, to be labeled instead as storage space only. 2. The applicant shall install an all-weather surface on the driveway accessing the parking area to be improved, to the satisfaction of the San Anselmo Public Works Director.

Commissioner Israel noted to the Commission that if the elevated walkways are not included in the lot coverage they should be because they are over 30 inches. That would further increase the lot coverage variance.

Ayes: Sargent, Julin, Ollinger, Harle

Noes: Israel
Abstain: Mihaly

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

4. Town of San Anselmo, the Planning Commission will consider revisions to the Zoning Ordinance regarding an Administrative Design Review process for residential development in the flatland area (i.e. land below 150' mean sea level).

Ms. Wight presented the staff report in the absence of the Planning Director Chaney.

Chairman Mihaly said that staff should consider carefully what the 15' means. He said that staff should be able to answer questions such as: What if it is 13' now and 15' is added to it? What if it is a 600 square foot addition; what portion has to be over 15'? What portion has to be 15' in height?

Ms. Wight thought that it should be and/or 500 square feet or 15'.

Commissioner Israel thought that 15' was quite high.

Commissioner Harle opposes adding design review as a principal. He does not want to add aesthetic beliefs to the entire town although he felt that it should be only for loss of light and air and that the neighbors should be noticed but he does not want to get into the color aspects in the flatlands.

Commissioner Israel said that if he was to agree to what Commissioner Harle proposes then it would have to be the same guidelines for the hillsides.

Chairman Mihaly felt that the draft is a good start and going in the right direction. He felt staff should think very hard about the gateway on Page 2 of the Zoning Table. Regarding 4A., Section 10-7.10(5) (Commissioner)(1) regarding administrative review and the finding that it will not impair access to light and air of structures on neighboring properties. He wondered if this means if all of the proposals start with the Planning Director? If the intent is to require design review in the flatlands this part should be rewritten because by adding A2 will change everything in 4A. He would like to see the criteria broadened. He would like to see light and air include structures.

Commissioner Harle stated that one you get into view lines, you need to clarify who gets the right for the view.

Commissioner Julin was amazed because she has no interest in design review in the flatlands and does not understand why this is before the Commission. She approaches her view from the perspective of the community but also looks at it from affordability. She felt there are other things that seem to be more important such as updating the General Plan. Also, the General Plan Map needs to be updating. The Town is so regulation oriented and perhaps missing the big picture. The Board of supervisors is asking for the communities to adopt an economic issues policy. Also, the second unit ordinance should be updated.

Commissioner Israel thought the broad policy issues typically get brushed aside. If the design review in the flatlands is done correctly, it should take very little staff time. In the Town of Ross, every application must have a petition from their neighbors and other cities have the applicants prepare their own public notices.

Commissioner Ollinger thought that Commission Julin was correct in much of her thinking. As a professional, he feels the regulations are frustrating and cause many delays. His concern is that the guidelines should be very clear and state the intent. The Town cannot take care of everyone's issues. The ordinance should be very specific and very clear.

Commissioner Sargent agreed with Commissioner Julin. He is surprised at how little planning the Commission does but how much regulation occurs. However, this design review shows that most are administrative and very few would come to the Commission. The town is facing density issues more and more because of the wealth in San Anselmo. Density causes greater issues with neighbors. There is a very strong stewardship. He thought that perhaps he would like to look at the larger issue but recognizes that there should be a means to take care of the really inappropriate houses that are going to be build which would cause an impairment to light and air. He does not want to propose the view issues because he did not think that could be controlled. The Commission cannot protect individual views.

Commissioner Ollinger stated that the house that Dorthea Shaw was upset about did not require any variances and that the real problem with that project was the neighbor had a bad design.

Commissioner Mihaly said it should be obstruction of light and air, not structures. This is one of the items he cares about most. The current way of doing business is troublesome and the setback is not really working. If a variance is not required, the neighborhoods could have a terrible addition. The Commission has really been looking at light and air but we could not consider them because of the variance findings. The Commission has been struggling with the variance procedure for years. He stated that he sees the changes that can be done at staff level. In looking at the chart that indicates the number and size of the additions in the flatlands, there have been very few. He would like to change the variance procedure and require design review in place of variances.

Commissioner Harle felt that allowing a wide range of criteria would be too conforming. It could only work if it is limited to light and air.

Chairman Mihaly thought the current design review criteria is really worthless. The threat to the flatlands is bulk and he does not think the ordinance change addresses that. He felt that by using the variance procedure it is difficult to impose them. He would like to see more criteria and would not mind a debate with other Commissioners to change the nature of the setbacks although he does not believe the town is ready for it. Therefore, he felt the design review is a start.

Commissioner Sargent agreed completely with Chairman Mihaly in trying to have a design review but also agreed with Commissioner Mihaly about the other issues that need to be accomplished in town.

Commissioner Israel said that the word "significantly" should be added to Page 4 of the Resolution to state "...will not significantly altar privacy of adjacent parcels".

Chairman Mihaly stated that the criteria from the Commission should be presented to staff. He felt that the Commissioners should be very conservative at the gateway. He also suggested bringing this item back after the January workshop and that staff prepare a tentative agenda for the workshop meeting to the next Planning Commission meeting as well as a list of outstanding issues .

F. GENERAL DISCUSSION

There was none.

G. REPORT OF UPCOMING APPEALS TO TOWN COUNCIL

There was no discussion.

H. ADJOURNMENT TO DECEMBER 19, 1994

The regular meeting of the San Anselmo Planning Commission was adjourned at 10:20 p.m. to the next meeting of December 19, 1994.

BARBARA CHAMBERS