

The regular meeting of the San Anselmo Planning Commission was called to order by Chairman John Sharp at 8:02 p.m. on July 8, 1985 in the Council Chamber. L. Wight of Staff Present.

1. ROLL CALL

Commissioners Present: Bergeson, Harle, Kroot, Sousa, Sharp

Commissioners Absent: Hayes, Heubach

2. APPROVAL OF MINUTES - July 1, 1985 Held over until the meeting of July 15, 1985.

3. PUBLIC HEARINGS

The Chairman announced items A, B were continued to the July 15 meeting.

C. S-97 Tarrant Bell Properties - Willow Glen

Bob Neaylon, 18 Beverly Way asked to see what is happening.

Staff reported no additional comments to staff memo and said the applicants were told they need not appear for the meeting.

Commissioner Bergeson said he had no problems as did Commissioner Sousa.

Commissioner Kroot said he had no problems since the Public Works Director said there should be no trouble with it.

Commissioner Harle and Commissioner Sharp said they agreed.

Bob Neaylon said his property adjoins the project and he said the McDonald survey showed this property to be 2 feet on his property. If no monuments are set, he wondered how he would know where his property line is perhaps 30 years down the line.

Staff said only those in the creek area would not be monumented.

Commissioner Harle suggests they only be authorized not to monument the creek bed and under the corner of buildings. There was further discussion over which monuments are to be set and which are not. The Commission was unable to make a determination at this point.

M/Harle, to grant an exception to Article 9 of Title 10 of the San Anselmo Municipal Code requirement that all angle points and lot

corners be monumented with regard to S-97, application of Tarrant-Bell Properties, Willow Glen, 1330 Sir Francis Drake Boulevard A/P 5-224-17, as to points or corners which would fall in the creek bed or on the building corners facing Sir Francis Drake in units marked 1, 2, 3, 4 and 5 on the map of Willow Glen dated April 85 stamped preliminary as presented to the Planning Commission July 8, 1985 on the grounds that this granting is necessary for the preservation of substantial property rights and is necessitated by the layout of the property and buildings which would make these points inaccessible.

After a brief discussion Commissioner Harle withdrew the motion.

M/S Bergeson, Harle to refer S-97, application of Tarrant-Bell Properties, Willow Glen, 1330 Sir Francis Drake Boulevard, A/P 5-224-17, for an exception to the subdivision ordinance back to the applicant for more specific information as to the points that he wants excepted from the requirement, and that he show all proposed monuments. Passed unanimously. P/C 7-08-85

D. V-2067 Beverly Lewis

Staff had no objections. The applicant was present.

Commissioner Bergeson said he had visited the site. It is a steep site and had special soils condition. He saw no problem with the plan and variance.

M/S Kroot, Harle, to approve V-2067, application of Beverly Lewis,

178 Floribel Avenue, A/P 7-095-24, for a two foot west sideyard variance to construct an addition within ten feet of the west side property line on the grounds that granting of the variance is necessary for the preservation and enjoyment of substantial property rights; will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the property involved and will not be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood; variance is necessitated by the existing location of the residence on the site and configuration of the site; variance granted in accordance with drawings received by the Town of San Anselmo 6-11-85. Passed unanimously. Applicant informed of the ten-day appeal period. P/C 7-08-85

E. V-2068 NOVA CONSTRUCTION

Staff said because of the steepness of the proposed ramp, it would probably be necessary to raise the height of the carport about 1 and 1/2 feet.

Applicant agreed to above.

There was no one else in the audience to address the item.

Commissioner Bergeson asked about the For Sale sign on the property, and the applicant told him he had recently purchased the property.

Commissioner Kroot said he felt some Oak trees may be in jeopardy if the building is placed in this location.

The applicant said he intended only to cut one branch of an oak, but intended to remove no trees.

Commissioner Kroot thought there could be a soil problem. He said he had no problem with the setbacks, but with the location of the garage. He would like to see it further from the trees by a few feet.

It was pointed out that 4 feet had been taken away from the rear of the garage.

Commissioner Harle thought Commissioner Kroot's comments seemed reasonable.

Commissioner Sharp said he had no problem with the application, but he did feel it was dangerous to sit here and redo the application and essentially say this is how we would accept it.

The applicant said he had no time to redraw the plan, he was afraid he would lose the deal.

The Commission asked if this application could be squeezed on for the meeting next week. Staff agreed.

M/S Bergeson, Kroot, to postpone V-2068, application of Nova Construction, 270 Redwood Road, A/P 7-095-27, for a 17 foot frontyard variance to construct a garage within three feet of the front property line, be continued to the meeting of July 15 wherein the applicant will revise the site plan in accordance with the discussion relative to moving the building away from the trees and closer to the road and perhaps furnish the floor elevations so that they might be corrected. Passed unanimously.

P/C 7-08-85

F. V-2069 Jake and Nicole Ours

Staff reported no objections.

Mr. Ours said he wished to raise the existing building and add a little more head room in the existing lower floor.

Commissioner Sousa asked the height of the present building and future building. Applicant said the present building is approximately 20 feet high.

M/S Harla Kroot, to approve V-2069, application of Jake and Nicole Ours, 125 Saunders Avenue, A/P 7-041-37 for a 3'6" south sideyard variance to raise the dwelling to a height of 26 feet from grade to provide full height in the lower level on the grounds that it is of no significant detriment to the public welfare or injurious to property or improvements in the neighborhood, will not materially affect adversely the health or safety of persons residing or working in the neighborhood; granting of the variance is necessary for the preservation and enjoyment of substantial property rights, and is necessitated by the placement of the house; variance granted in accordance with drawings receive June 12, 1985 by the Town of San Anselmo. Passed unanimously.

Applicant notified of the 10-day appeal period. P/C 7-08-85

G. V-2070 Jude Salles,

Staff read a letter from James Vitek in which he approves the proposed carport, disapproves a larger dwelling and disapproves an abandonment of street right-of-way.

Mr. Salles speechified at length on his history of ownership, proposed plans, and probable objections of neighbors to his application.

Jonathan Braun, 479 Scenic Avenue, said there was a question of safety. People coming up the hill do not stop at the intersection as it is, and they would be unable to see cars backing out of the proposed cardeck. If it were set on the other side of the dwelling, it would give 20 - 30 feet of visibility.

Ted Rose, 40 Canyon Road (next door) said he had a couple of problems: Mr. Salles, he said, took down a fence and had the property surveyed, and now has a property line 6 feet into his property, in fact, the surveys indicates his deck is on Mr. Salles property. He said it was very difficult to get an accurate survey in this area. He said Mr. Salles had started to build a very high fence, at least 8 feet high. He said his neighbor had cut a deep foundation, 3 feet deep, all the way down on Mr. Rose's side.

Mr. Jim Vitek, 530 Scenic Avenue, said he had no objection to the carport, but he felt the house should be back of the setback lines.

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Vicki Williams said she lives directly above this project. She had signed a petition for Ghisella, however, she thinks now that Mr. Salles is going to run a commercial business out of his home. She said he is already running a business from Town Property (this being the old garage building in the public right-of-way).

Mr. Ted Rose said the derelict shed is on Town property.

Mr. Ed Shaner, 555 Scenic Avenue said if the Town property is given to Mr. Salles, he can do anything he wants with it.

Carrie Adell, 53 Canyon Road, said great grooves were dug, and she had been told they were going to be for a retaining wall no more than 4 feet high. She said if there were to be an edifice like a great warehouse, she would not be able to see anything. She said the proposed carport will be within 20 feet of her studio window.

Sandy Magid, 49 Canyon Road, said he had not seen the plans, but did not think the street right-of-way should be abandoned for the benefit of a private property owner. He felt painting the curb red would aggravate the parking situation. Mr. Magid said he and his neighbors planned to come before the Planning Commission to ask that Ivy Lane be abandoned to prevent problems with people blocking property owner's access.

Jerry Lloyd, 540 Scenic Avenue, said he was a neighbor and the designer of the project. He said he had always made it known if this particular property were purchased by someone who would clean it up and improve it, he would donate his design services free of charge. He said he had tried to preserve the view to the east of the pines. He knew there would be a backing problem, but he felt tearing down the old structure should alleviate the traffic problems. The ditch in front of the property, he said, was for a 2 foot retaining wall. Mr. Lloyd said the commercial business would be of concern to him. This is the first he has heard about it. He knew Mr. Salles had a small truck with his name on it, but was unaware he was conducting a business from the property.

Mr. Salles said there was no business being carried on. He owned one small truck which has his business name on it. He said he has a business in Corte Madera.

Joanne Johnson, 55 Canyon Road was curious as to why the Town should abandon property to Mr. Salles. She asked how many vehicles would be housed in the garage and stated further that Mr. Salles has a telephone in the old garage.

Mr. Salles reiterated his desire to put a foundation under the house, put new siding on the house and a new roof. He said the

Town had told him he could not do this without adding a carport. He said if he had to spend the money to add a carport, he wanted to use the space underneath for another room for his house. He said they were planning to landscape the property

Ms. Johnson asked if the Town had ever investigated the drainage problem.

Mr. Vitek said he was completely opposed to abandoning the right of way; he sees no reason to get rid of it, especially to a private individual. Perhaps, he said, the Town should rent it.

Mr. Magid said he could see no reason to abandon the right-of-way, the building should come down and the turn widened.

Mr. Charles Campbell, 557 Scenic Avenue asked why there was a request to abandon the right of way.

Mr. Lloyd said there was a condition of prior use here.

Staff reminded the Commission the consideration now before them was whether or not the proposal was in conflict with the circulation element of the general plan.

Jonathan Braun said he could find no reference in the General Plan to abandoning right of way.

Commissioner Harle said this was a fairly complex question of rights and privileges. He is concerned over the property owner whose deck encroaches into the subject property. He said that building a long time ago was done informally. He said he was unwilling to give Mr. Salles the street right-of-way unless Mr. Salles would do something for the parcel with the deck. He said if the old garage were coming down, he could see no reason to cede the property; if a new room were to be built, they would have no use for the old garage. He said it was very important in this neighborhood to get the cars off the street. He said he could approve Parcel A being abandoned, but not Parcel B.

Commissioner Kroot said Commissioner Harle had put the situation very well. He felt the improvement could not but help the neighborhood. He said the proposed hand rails were wire mesh; they would not interfere with vision. He felt abandoning of Parcel A was justified; he liked the idea of linking it with the lot line adjustment with 40 Canyon Road.

Commissioner Sousa said he felt the addition to the house was not unreasonable, landscaping would help, and he agreed with Commissioner Harle on adjustment of lot line on the east side. He

is in favor of abandoning Parcel A, but not B. He definitely favors the removal of the structure.

Commissioner Bergeson is concerned with drainage as related to the construction. He said the Commission is concerned with drainage and soils. The subject must be dealt with. He said he stood on the corner quite a while, and did not see the carport as a traffic hazard. The structure and carport would have no detrimental impact; he said he felt sorry for the downhill neighbor, but things like this happen. He said it was not owner's desire in the first place to build the carport, he could have applied for a parking variance. Commissioner Bergeson could see no benefit from abandoning Parcel B. He did feel the old garage should be taken down. He said more pressure could be brought on the Town to clean up the corner than a private property owner.

Commissioner Sharp said he feels much the same as the other commissioners except regarding the property dispute, he does not feel anything can be done about that since it is not before the Commission, and they do not have any power to do anything about it. He said it was a good thing to take the parking off the street. He felt there were a lot of misunderstandings in the neighborhood and thought it would help if the people there could get together before they come to a meeting. He said he had no problem with abandoning Parcel A but was opposed to Parcel B.

Mr. Magid said the house was built as a 1 bedroom cottage and felt it would be a disservice to the neighborhood to increase the use to anything else.

Ms. Williams said Mr. Salles or the neighbors had not asked for the abandonment and she did not understand why it was being considered.

Commissioner Sharp said he was starting to think both abandonments would be in conflict.

M/S Harle, Sousa, that we do not recommend to the Council abandonment of the right-of-way at Scenic and Canyon Road as delineated in the drawing presented as proposed abandonment dated 6-13-85. Passed unanimously. P/C 7-08-85

M/S Harle, Kroot to approve V-2070, application of Jude Salles, 515 Scenic Avenue, A/P 7-062-11, for a 14 foot frontyard variance, 12 foot north sideyard variance and five foot south sideyard variance to construct a car deck and living area underneath within six feet of the front property line, zero feet of the north side property line and three feet of the south side property line

on the grounds that granting of the variance is necessary for the preservation and enjoyment of substantial property rights; will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the property involved and will not be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood.; variance necessitated by the placement of the house and location of off-street parking for that property and it is not a significant detriment to the property in the neighborhood, approval based on drawings dated June 1, 1985. Passed unanimously. Applicant notified of the 10-day appeal period.

I. V-2071 Grant J. and Barbara J. Halsing

Staff reported they would have to inspect the garage before the variance is finalized to be sure it is usable.

Mr. Halsing said he would be glad to remove the floor and wall; he said he had never used the garage for parking. His wife, he said, had always parked outside on the street, where he said there was more than ample room to park.

There was no one in the audience to comment on the application.

Commissioner Harle asked about the address on the garage and wanted to know if it was used as part of this property.

Commissioner Bergeson said he could not think of a more flagrant parking problem. He thought it strange they were seeking to grant this type of variance.

Staff said the Director could not issue a Certificate of Compliance without parking and the property owner could not sell the extra lot until the parking problems were resolved.

Commissioner Sharp said he felt the hardship outweighed any objection to the variance.

M/S Harle, Kroot, to approve V-2071, application of Grant J. and Barbara J. Halsing, 48 Camino de Herrera, A/P 5-091-04, for a parking variance to allow existing parking to continue with one space in the right-of-way on the grounds that it allows for the preservation and enjoyment of substantial property rights; will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the property involved and will not be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood; variance necessitated by the existing building and placement of improvements on that property. Passed unanimously. P/C 7-08-85

Applicant notified of the 10 day appeal period.

J. V-2072 and C-206 James Dismuke

Commissioner Sharp announced he would abstain because of a conflict of interest.

Staff asked for a dedication of the small triangular portion of land on which the Town's signal boxes and controllers are located. Mrs. Dismuke said they had dedicated it to the Town a long time ago.

Staff reported an increase of approximately 2,000 square feet. Total parking requirement would be 12 spaces and there are none. Mr. James Dismuke said he would like the Commission to look at the improvements. He said the Pet Food Cottage needed more storage space, and he did not think that would have much effect on the downtown parking.

Gary Schiller, architect, said he did not think the intensity of the use would be increased. He said the buildings had been there for a long time with no on-site parking. If he would have to demolish one of the buildings to create parking, the improvements would not be done.

Commissioner Kroot said he did not think parking in that end of Town was critical.

Commissioner Sousa said he did not think there would be an increase in the need for parking.

Commissioner Bergeson asked if at some future time what is now planned for storage could be converted into commercial use. He said if things keep going the way they are, the Town will eventually have to address the parking for existing nonconforming uses.

M/S Kroot, Harle to approve V-2072 for James Dismuke, application for a parking variance for an increase in the intensity of the use by adding a second floor addition at 310 - 326 San Anselmo Avenue, A/Ps 7-254-07 & 07 on the grounds that granting of the variance is necessary for the preservation of substantial property rights will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the property involved and will not be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood, variance necessitated by the existing conditions preclude any other feasible parking space without destroying present structures; variance based on drawings received by the Town on 6-12-85. Approved with 4 Aye votes, Commissioner Sharp abstained. Applicant notified of the 10 day appeal period.

Mr. Schiller said he would like to work with the staff on final choice of exterior colors; he presented the basic colors, but said the shades might vary somewhat.

M/S Bergeson, Sousa, to approve C-206, application for design review of a commercial exterior alteration and addition at 310-326 San Anselmo Avenue, A/P. 7-254-07 & 08, as depicted in the color rendering received July 8, 1985 on the basis that it is in keeping with the general plan and will not be detrimental to property rights; granting is necessary for substantial property rights. Passed with 4 Aye votes; Commissioner Sharp abstained. Applicant notified of the 10-day appeal period.

Meeting adjourned at 10:50 p.m. to the next regular meeting of July 15, 1985.