

The regular meeting of the San Anselmo Planning Commission was called to order by Chairman John Sharp at 8:00 p.m. on April 15, 1985 in the Council Chamber. L. Wight of Staff present.

1. Roll Call

Commissioners Present: Harle, Hayes, Heubach, Kroot, Sharp

Commissioners Absent: Bergeson, Sousa

2. Approval of Minutes

The minutes of March 18, 25 and April 1, 1985 had not been distributed, hence approval was continued until the next meeting.

3. PUBLIC HEARINGS

The Chairman announced items D, (Piro), E (Caboara) L (Amendments to Municipal Code) have been continued to future meetings.

A. V-2049 - Lucile Dandeleit

Ms. Dandeleit stated the Town Engineer has issued an encroachment permit for the fence. She stated she felt the agenda did not properly state the variance she requested on the east property line.

There was not one else in the audience to comment on the application.

The Commissioners discussed the ramifications of approving a variance that was improperly noticed.

M/S Harle, Hayes to approve V-2049, application of Lucile Dandeleit, 126 Redwood Road, A/P 7-081-26, amendment to variance granted April 1, 1985, this being a 10 foot northeast sideyard variance to construct a deck extension within zero feet of the northeast side property line; and a seven foot frontyard variance to construct a greenhouse addition within 13 feet of the front property line: It is noted that the plan is unchanged from that discussed April 1 in which the deck is clearly shown extending to the property line. Granting of the variance is necessary for the preservation and enjoyment of substantial property rights; granting of this variance 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. Approval based on the nature of the construction which more or less is dictated by the terrain and the dimensions of the present house. Passed with 4 Aye votes; Commissioner Heubach abstained.

Applicant notified of the 10 day appeal period.

B. V-2015 Rae Johnstone

Ralph Smith present in behalf of Mrs. Johnstone.

Rabi Elias, Engineer, present for the Town of San Anselmo.

Mr. Elias said the property owner thought the property line was 8 feet further up the hill, as shown on the original drawing. Mr. Elias said when some trash and debris was removed a corner was found placing the property line 8 feet further down the hill. He then told the

applicant it would be necessary to observe the property line, and so the building was placed 8 feet further down the hill. He said the contours on the drawing were inaccurate and resulted in a much higher building than was anticipated. He said he did not recall a discussion about which way the roof faced. The drawing, he said, did not indicate the joists protruding or the lower floor.

Views expressed by Planning Commissioners were:

Do not think a variance should be granted for the lower floor or extending joists: granting of such a request would imply approval of the extra space being able to be used as a living unit: Tacit approval of a second unit in future: Application should have been returned to Planning Commission when it was discovered the location of the building would be different from that originally approved: Drawing refers to future workshop and skylights; the Commission had endeavored to make it clear from the beginning that there was no future use of this nature. The Commission began to feel they had been manipulated. If the original application had been presented as it was constructed, it would have not been approved by the Planning Commission: Concerned over setting a precedent. Leaving the extended joists and the floor will absolutely guarantee it becoming a second unit. Drawing points to a more intensive use of the structure. The area cannot handle any more traffic. The plan with the future details was disapproved at the last meeting, and yet the almost identical plan was returned to the Commission

Mr. Smith said the roof was angled differently for the drainage. He said he was distressed that the Commission felt they had been maneuvered. He said the storage shed was constructed in good faith. If, he said, the Commission found words on the drawing they did not approved of, they should strike them out. They are only words, he said. Mr. Smith said the building had been constructed with as much flexibility as possible. Eventually, it will be sold.

Lucile Dandeleit from the audience said from a community consideration, the building looks like a cross between a Daniel Boon log cabin and a warehouse. It is really gigantic.

Jay Judeen, property owner next door said the 9 feet makes a lot of difference to him. He feels it is obtrusive and not in keeping with the neighborhood.

Mrs. Hare, Rosemont Avenue, asked if landscaping could be done to mitigate the appearance of bulk. The 2nd unit application could always be denied if it were to come before the Commission, she thought.

M/S Heubach, Kroot to deny V-2015, application of Rae Johnstone, 125 Redwood Road, A/P 7-083-26, amendment to variance granted August, 1984, for the lower portion of the storage building and parking deck to be enclosed within five feet of the north side property line, three feet of the south side property line and eight feet of the front property line on the grounds that it would be detrimental to the neighborhood.

Commissioner Hayes stated he was going to vote against this because he things it will cause a worse problem that already exists.

Motion passed by the following vote:

Ayes: Heubach, Kroot, Sharp

Noes: Harle, Hayes

C. V-2046 - Joe and Gail Fuentes

Architect Frank Cuthbert presented the rendering previously requested by the Planning Commission. He said the house had been moved 11 + feet down the hill; 6 feet had been lowered from the roof; the dwelling size cut by 350 sq. ft., all of which minimized as much as possible the impact of the dwelling on the hill. He said placement of the dwelling was limited because of geological constraints.

Commissioner Kroot stated he possibly had a conflict of interest and would not take part in this item.

M/S Heubach/Harle to approve V-2046, application of Joe and Gail Fuentes, 63 Cordone Drive, A/P 5-212-05, for a three story variance for a new dwelling on the grounds that consideration of the grade of the property and location makes optimum use of the property; the third story variance is a technical one, probably in the truest sense, granting 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; granting of the variance is necessary for the preservation and enjoyment of substantial property rights. Passed with 4 Aye votes. Commissioner Kroot abstained.

F. SR-346 - Richard Kyungseo Min, M & R Cleaners

Gino Relampagos was present for the applicant.

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

M/S Harle, Heubach to approve SR-346, application of Richard Kyungseo Min, M and R Cleaners, 90 Greenfield Avenue, A/P 6-171-13, sign variance for four signs to be 46 square feet in total area on the basis that the design and lettering is about optimum at this size and would be less slightly if reduced to absolute requirements. Plan received by Town of San Anselmo April 10, 1985. Passed unanimously.

Applicant notified of the ten day appeal period.

G. V-2051 - Robert Pinkham

Staff reported the area had already been enclosed. A letter from a property owner to the rear was acknowledged.

M/S Kroot/Hayes to approve V-2051, application of Robert Pinkham, 258 Redwood Road, A/P 7-085-05 and 7-095-26, for a third story variance to enclose the lower portion of the dwelling; granting of the variance is necessary for the preservation and enjoyment of substantial property rights; granting of the variance 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 based on the finding that it is the least objectionable place for an addition to the house in an

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existing area underneath the house; approved in accordance with drawing received by the Town of San Anselmo March 25, 1985. Passed unanimously.

Applicant notified of the 10-day appeal period.

H. NU-24 - Barbara O'Brien

James Madden, Petaluma, California was present to represent Mrs. O'Brien. He asked for a continuance.

Fred Peterson, Attorney for the Hillcrest Property Owners asked if it would be possible to hear some of the neighbors since many were elderly, and it was difficult for them to come out. He said everyone there was in favor the second unit; however, from all evidence, the area proposed simply will take no more weight. This is the area that suffered disaster from the flood 2 years ago; soils studies were made, hydrological studies were made; it was found the yard where the proposed structure will be placed consists of 7 - 8 feet of fill (consisting of old tires, pieces of metal etc.) and 5 feet of colluvium, all uncompacted, and not designed to take anybody's foundation or surcharge. Mr. Peterson said he had been told the garaged was closed off and a fireplace in it would prevent a car from parking there. Further, he said the survey shows no walkway around the house which appears to be built at least in one corner on the property line.

Richard Street, 15 Hillcrest, said he had lived there for 30 years and he was concerned that tragedy was not compounded with another mistake. At no time, he said, was there ever any discussion of additional weight during the slide repair project. The O'Brien backyard is incomplete, he feels. It is composed of uncompacted fill. He said an addition would increase the weight and alter the drainage. The map submitted is not accurate. He felt aesthetic consideration should be given by people downhill. He did not think it right for Mrs. O'Brien to go ahead with plans for an addition when she has not taken steps to secure her property, such as the crib wall, drainage, and compacting the fill. He then described the construction of the dwelling and the foundation. He described fill placed by a previous owner consisting of old tires, pieces of metal and anything he could get his hands on. This, he said is still there. He said when the retaining wall was installed to correct the slide the Town Engineer required that one foot be taken from the top of the wall because he felt it would not holder a larger load. The proposed construction, he felt would put additional stress on the new wall.

Steve Endicott, 80 Camino de Herrera said during the slide massive oak trees came down and now noise comes straight across and invades his privacy. He also is concerned over lack of parking. At present time, cars park in his driveway. He did not think there was any way they could provide unobstructed parking.

Mrs. Estes, 91 Rosemont said she lived directly under the slide and was out of her home for 1 & 1/2 years. She feels at great risk now and is most apprehensive about any added weight. She said her privacy has been invaded; she still gets all the drainage from above.

Mr. Cornaggia said he agreed with all that had been said. He said because of the slide his home went from a woodsy

area to a freeway.

Mr. Hare, 56 Rosemont, said there was so much drainage coming down, until they get the drainage problem cleared up no construction should be allowed. He said Mrs. O'Brien has a pipe which goes into a V ditch, but it is hazardous.

Mr. Peterson asked if it would be appropriate for the Planning Commission to ask for elevations, the type of foundation, and what type of load. He said it was an unusual situation.

Staff reported the plan did not look accurate. She thought the second space might not be a usable space since the side narrowed to 4 feet which would not be usable as a parking space. Staff recommended a survey

Comments from the Commission were: Predisposed against the application. Would like a survey and engineering studies. The application appears to be fairly detrimental to the and a danger to the retaining wall. Would like to see elevations and a survey.

M/S Heubach, Hayes to continue NU-24 and V-2053, Barbara O'Brien to the meeting of May 20. Passed unanimously.

I. NU-25 - Jack Lieberman

Mr. Lieberman said the unit already exists; however, there has been no cooking facilities in it. He has 4 parking spaces.

Staff reported 5 vacancies remain in this neighborhood if this permit is granted.

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

M/S Harle Hayes to approve NU-25, application of Jack Lieberman, 38 Ridge Road, A/P 5-172-23, for a use permit for a second living unit on the basis that it is consistent with the activities in the neighborhood and the finding that it falls within the maximum number of second residential units authorized by resolution of the Council for the single family residential use area in which the unit is located; is located on an Assessor's parcel on which the owner of record maintains his principal residence; does not encroach upon required setbacks or cover land in excess of the coverage specified in the Muni Code and will be made the subject of a rent guarantee contract. Passed unanimously.

M/S Hayes, Heubach to approve V-2053, application of Jack Lieberman, 38 Ridge Road, A/P 5-172-23, an 11.5 foot rear yard variance, six foot west side yard variance and a 3.5 foot east side yard variance to construct an open deck and stairs within 8.5 feet of the rear property line, zero feet of the west side property line; and 2.5 feet of the east side property line; and a parking variance for the existing parking to be in tandem within the east side and front property lines; variance necessitated by the proximity of the existing structure to the west side property line and rear property line; granting of the variance is necessary for the preservation and enjoyment of substantial property rights; granting of the variance 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. Passed unanimously.

Applicants were notified of the 10 day appeal period.

J. V-2055 Mark Baker

Staff reported the Sanitary District stated there may be some question as to the accuracy of the rear property. Staff said if this were a question, a survey would be required.

John Bruce, Bay Tree Lane, property owner at the rear said he felt the construction was over the property line. The sewer easement he said was entirely on his property. He asked if there was a deck proposed for the rear where the sliding doors are. He said the back door was taken out and wondered where the garbage cans would be placed.

Fred Olaguez, architect said the sliding doors are to be removed, a window put in; there will be no deck at this location, and the garbage cans will be moved forward by 30 feet.

Afolf Wahl, 20 Kenrick said he was not sure emergency vehicles would be able to get past the curves if the garage is extended.

Mr. Bruce stated excavation has been done under the house and he is concerned if that is going to change the water problem.

M/S Hayes, Kroot, to approve V-2055, application of Mark Baker, 16 Kenrick Avenue, A/P 5-055-08, for a 14 foot rear yard variance to construct an addition to within six feet of the rear property line; 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 and is necessitated by the placement of the structure on the lot, particularly the proximity to the north and west property lines, approval based on drawings received by the Town of San Anselmo on April 8, 1985. Passed unanimously.

Applicant notified of the 10-day appeal period.

K. V-2056 Paul and Suzanne O'Rear

Staff reported previously there had been a second unit; however owner does not wish to use it that way, but was going to convert it into a master bedroom.

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

M/S Kroot, Heubach to approve V-2056, application of Paul and Suzanne O'Rear, 250 Redwood Road, A/P 7-095-03, for a six foot south side yard variance to reconstruct an open deck within zero feet of the south side property line; a 2.5 foot north side yard variance to reconstruct and add to an open deck within 3.5 feet of the north side property

line; and a one foot north sideyard variance to construct a bedroom addition within seven feet of the north side property line; 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 is necessitated by the placement of the existing house; variance to be in conformance with drawing received by the Town of March 27, 1985. Passed unanimously.

Applicant notified of the 10-day appeal period.

MATTERS FOR CONSIDERATION OF COMMISSION

Commissioner Kroot brought up the necessity for a third story variance where there is a difficult sloped site and thought perhaps the Commission should discuss it.

The Chairman said he wished to schedule for discussion the Affordable Site Study and the Red Hill School Site.

At 11:35 p.m. the meeting adjourned to the next regular meeting of May 4, 1985.

Thelma Foster