

A regular meeting of the San Anselmo Planning Commission, called to order on April 7, 1986, 8:05 p.m., by Chairman Kroot in the Council Chambers. Planning Technician Lisa Wight was present.

ROLL CALL

Commissioners Present: Hayes, McPeak, Sharp and Chairman Kroot

Commissioners Absent: Harle, Heubach, Zaharoff

APPROVAL OF MINUTES

Approval of the minutes of March 3 and 17, 1986 were continued to the next regular meeting.

PUBLIC HEARINGS

A. V-2110 - Anthony Avellino, 184 Butterfield Road, A/P 5-101-40, variances to construct a garage and storage area within the required front and side setbacks.

This item was continued to the next regular meeting of April 21, 1986.

B. 2-2112 - Monica Martin and Mary Lu Graham, 36 Monterey Avenue, A/P 6-013-17, Four foot north sideyard variances to construct an addition and trellis within four feet of the north side property line and a three foot south sideyard variance to construct an addition within five feet of the south side property line.

The applicant and project designer, Dan Thomas, were present.

M/S, Sharp-Hayes, to approve V-2112, Monica Martin and Mary Lu Graham, 36 Monterey Avenue, A/P 6-013-17, four foot north sideyard variances to construct an addition and trellis within four feet of the north side property line and a three foot south sideyard variance to construct an addition within five feet of the south side property line, on the grounds that the granting of the application is necessary for the preservation and enjoyment of substantial property rights, the variance should be granted give the configuration of the property, and it will not create any materially adverse affect to the neighborhood, consistent with the drawings dated February 18, 1986. Motion passed unanimously.

C. NU-51 - Joe L. Miranda, 124 Prospect Avenue, A.OI 6-192-15, use permit for a new second living unit in a single family residential zone.

V-2114 - Joe L. Miranda, 124 Prospect Avenue, A.O 6-192-15, parking variance for existing parking to remain within the front, rear and side setbacks.

The applicant was present.

Planning Technician Wight reported that the proposed second unit would be in the lower floor portion of the dwelling and no exterior work would be done. Two parking spaces for this unit will be in a gravel surfaced area below the house. There are two additional parking spaces for the upper unit in the garage and driveway.

Ms. Wight further explained that the purpose of the second unit ordinance was to provide housing for a socio-economic mix of residents, specifically low and moderate income residents.

Mr. Miranda said the second unit would be in the 540 square foot lower level of his three level, four bedroom home. The parking for both units is existing and no exterior work is required.

Monty Georgeson, 126 Prospect, said his main concern with the application was that it would affect the character of the neighborhood. He said he has never seen cars parked in the garage, the previous tenants of the single family house had vehicles parked on the street creating a visibility hazard, and

it is ridiculous to think that the tenant will park 50 feet away from the entrance to the lower unit when it is closer to park on the street.

Freeman Andrews, 30 Prospect, said there is a 6 way fire hydrant in the center of the curb at the lower parking area with 3 plugs in the rear facing the parking area. Mr. Andrews said it was his understanding that parking is to be 15 feet from the fireplug. If parking is to be in this lower parking area, he was afraid it would jeopardize emergency fire response to the neighborhood. He argued that the parking will be on a utility easement and Mr. Miranda will have to dig into the side of the hill to create parking spaces, thereby jeopardizing the stability of the hill and its trees.

Barbara Warren, 150 Prospect, said this property is on a 90% turn and vehicles often park on this curve, creating a danger for emergency vehicles. She said that due to this traffic hazard, the property hardly suits one family, let alone two families.

Carol Slatterly, 64 Prospect, spoke against the application saying it was a commercial venture for the property owner which would exacerbate a traffic problem.

Gail Stewart, 122 Prospect, expressed concern that any excavation into the downhill parking area would jeopardize her retaining wall, the bay trees and the integrity of her property. She asked that there be a survey of the property before any work is done.

Fred Baumsteiger, 100 Alta Vista, said that a car parked on the street in front of 124 Prospect prevents access of fire vehicles.

Norma Baumsteiger, 100 Alta Vista, asked what rent Mr. Miranda would charge.

Paul Nylund, 14 Prospect, said he agreed with the statements already made regarding frontage and parking problems and added that there are children in the neighborhood. Furthermore, the access to the second unit from the parking area below is lengthy and is via a spindly stairway that exits onto a deck 20 feet from his bedroom. Mr. Nylund said he wants Mr. Miranda to deal with the existing problems on the property before turning it into a commercial venture.

Larry Wylie, 119 Barber Avenue, had submitted a letter in opposition to the application and he highlighted the main points of concern:

1. Possible health and safety code violations; specifically, whether the owner can provide enough light and ventilation to the unit.
2. The traffic and parking problems, exacerbated by the function of this neighborhood as a funnel street from uphill properties.
3. There is a provision for an owner to declare a hardship to the owner occupancy requirement and he questioned how owner occupancy is monitored without violating the rights of the owner and his neighbors.
4. In order to comply with state mandates for low and moderate income housing, rent control is imposed on new second units. This rent control introduces a lower income element into an otherwise homogenous neighborhood that is the only one in town that has a viability as a single family neighborhood.

Stanley Powell, 130 Barber Avenue, said he is opposed to variances for rental units since they would downgrade the neighborhood.

Jane Davis, 9 Prospect, said he agreed with what had previously been stated and added that his feelings would be different if Mr. Miranda were building an addition for his family but this is a commercial venture.

Paul Eveloff, 48 Alta Vista, said he was concerned about the traffic hazards from cars exiting the lower level parking area, particularly those which back out that close to the Avenue Del Norte, where there is a considerable downslope which accelerates the speed of cars. He asked that a traffic study be made so that the city is not liable for any accidents which may occur here.

Freeman Andrews, 30 Prospect, said he checked Mr. Miranda's license plates through the Department of Motor Vehicles and was told he has not requested a change of address. He therefore questioned whether Mr. Miranda in fact intended to live on the premises. He said this is the last area of San Anselmo that has large irregular areas of greenspace, there are three parcels affected by the bay trees, and backing out into this intersection will be dangerous. He questioned how staff could recommend approval of the unit given the existence of the utility easement and the fire hydrant at the parking area.

Planning Technician Wight responded that neither the parcel map nor any other information available on this application indicated any easements, there is no exterior construction in the lower parking area near the bay trees or anywhere else on the property and the Police Department advised that there is no off-street vehicle clearance requirement for fire hydrants.

Richard Scearse, 47 Prospect, said the proposed unit would put more pressure on fire protection, there is no on-street parking on nearby Sturdivant, and he has seen on-street parking on both sides of Prospect. It is difficult for drivers to see children crouched down on skateboards coming up Prospect.

Margaret Drohon, 131 Prospect, said this neighborhood had friendly residents who keep up their properties. She had invited Mr. Miranda to her home Saturday afternoon but he did not show up as promised. Now she was wary of trusting what he says.

William Kapranos, 160 Prospect, said his primary concern is parking, not the number of units or people. Of all the places in town where there should not be a second unit, it is on the curve at 124 Prospect.

Jackie Freedman, 161 Prospect, said three times since Mr. Miranda has moved in there have been work vehicles blocking the road and she questioned what will happen during and after construction. This is not a two car driveway and the garage has not been used for parking.

Vince McClurg, 171 Prospect, said it was a great neighborhood but dangerous due to traffic and no sidewalks. He said the added traffic from a second unit would increase the danger. He was also concerned with the location of parking across the street. The residents have worked long and hard to get the neighborhood the way it is and they would like to keep it that way.

George Muller, 41 Barber, said he would hate to see two more cars coming down the hill in the morning. In addition, a second unit would bring a different character to the neighborhood, would ruin its unanimity and allowing a second unit in a single family zone would be tantamount to changing the rules of the ball game in the middle of the game.

Mr. Miranda said he bought the house in November, he is a single man, his intent is to appreciate and change the rundown appearance of the property, and he has every full intention of keeping up the property and living there. He said most residents on Prospect must back their cars out onto the street, and that he does use the garage for parking, although he has not done so all the time because of the boxes and other moving things in there.

In response to a question from Chairman Kroot, Mr. Miranda said he would prefer the tenants not use the upper parking area.

Mr. Wylie questioned how a hardship exception for owner occupancy is approved. Staff and the Commission responded that it would be subject to review at a public hearing.

Commissioner Hayes said he agreed that parking is the main issue. He gave a synopsis of the purpose of the second unit ordinance, explaining that although the state has mandated that local governments allow second units, San Anselmo created its ordinance prior to this mandate as a means of allowing residents to remain in their homes in return for adding low and moderate income units to the town's housing stock. He said the Commission tries to make sure that problems do not result from these second units.

In response to questions from Commissioner Hayes, Mr. Miranda said he has used and can use the garage for parking.

Commissioner Hayes said he was concerned with the feasibility of the parking space(s) at the lower end of the property, noting that on a rainy day or when the tenant is loaded with packages he/she may be tempted to park closer to the unit on the street. Additionally, the proposal exports parking from an area that affects Mr. Miranda to an area that does not affect him but which does affect his neighbors.

Commissioner McPeak questioned the number of second units allowed in the Barber Avenue neighborhood compared with the number allowed throughout the town and whether the population there generates a significant amount of traffic. Several residents present stated that traffic between Sir Francis Drake Boulevard and the streets above this address, including Avenue Del Norte, Sturdivant, Alta Vista, Woodruff and Prospect, passes by 124 Prospect. Mr. McPeak said that several years ago staff did an analysis of the neighborhoods in the town and designated a number of units per neighborhood. He questioned whether the designation for the Barber Avenue neighborhood is too high.

Commissioner Sharp said he did not support the application, noting that he could not make the findings that the proposed use will not be detrimental to the health, safety, peace, morals, comfort and general welfare of the persons in the neighborhood or detrimental to the general welfare of the Town. He noted that this unit is not as proximate to the downtown as other second units, there are existing parking problems and traffic hazards in the neighborhood which endanger children and jeopardize emergency vehicle access which should not be further complicated by the addition of this unit.

Chairman Kroot commented that on the face of it this looks like a viable second unit, yet there were 40 neighbors present in opposition to the application. He suggested that if it is approved, there be a survey of the property.

M/S, Sharp-Hayes, to deny the applications on the grounds that the unit would be detrimental to the health, safety, peace, morals, comfort and general welfare of the persons residing or working in the neighborhood and would be a negative detriment to the town in that it would change the character of the neighborhood. Motion passed by the following vote:

AYES: Hayes, McPeak, Sharp, Chairman Kroot

NOES: (None)

ABSENT: Harle, Heubach, Zaharoff

D. U-606 - Arturo's Fresh Pasta, Inc., 754 Sir Francis Drake Boulevard, A/P 6-091-39, use permit for the off-sale of beer and wine in a commercial zone.

The applicant was not present.

Planning Technician Wight explained that the applicant had been advised in error that a use permit was not needed for the off-sale of beer and wine when he opened his business last fall. No complaints have been received about this operation.

M/S, Hayes-McPeak, for approval of U-606, Arturo's Fresh Pasta, Inc., 754 Sir Francis Drake Boulevard, A/P 6-091-39, use permit for the off-sale of beer and wine in a commercial zone, on the grounds that it is necessary for the enjoyment of substantial property rights and will not be injurious to property and improvements in the neighborhood. Motion passed unanimously.

E. NU-12 - Lino Rizzi, 118 Morningside Drive, A/P 5-142-22, use permit to allow a second unit to remain in a single family residential zone upon change of ownership.

Planning Technician Wight explained that the on-site parking spaces are not legal size but are workable.

The new owner was present and said he planned to continue what has been there in the past.

Commissioner Sharp noted that this application differed from the second unit application on Prospect in that the parking is not difficult and if the unit had been a detriment to the neighborhood, the neighbors would be present at this hearing.

No one in the audience spoke to this application.

M/S, McPeak-Hayes, to approve NU-12, Lino Rizzi, 118 Morningside Drive, A/P 5-142-22, use permit to allow a second unit to remain in a single family residential zone upon change of ownership, based on it not being a detriment to the health, safety, peace, morals, comfort and general welfare of the persons residing or working in the neighborhood or injurious to property and improvements in the neighborhood or the general welfare of the Town, and that the granting of the application is necessary for the preservation and enjoyment of substantial property rights of the petitioner. Motion passed unanimously.

F. Paul Tietjen, 1348 San Anselmo Avenue, A/P 7-051-07, two lot parcel split with exceptions and environmental review.

This application was continued to the meeting of April 21, 1986.

G. V-2115 - James Williams and James Harding, 1590 Sir Francis Drake Boulevard, A/P 5-124-31, third story variance and parking size and setback variances to construct two additional apartment units in an R-3 zone.

C-209 - James Williams and James Harding, 1590 Sir Francis Drake Boulevard, A/P 5-124-31, design review of new apartment units.

Planning Technician Wight reported that there are currently three units (two on-bedroom units and one two-bedroom unit) on the property; the zoning allows up to 6 units. The proposal is to add two two-bedrooms units. Seven parking spaces are required and the applicant proposes nine. Variances are requested for three of the parking spaces which are in the east side and front setbacks, and two which are substandard in width. A variance is also requested for a third story; a three-car parking level is proposed below two floors of living area.

Messrs. Williams and Harding were present. Mr. Williams said the roof of the new building would be approximately 1 foot lower than the building to the east. Although the existing garden area will be removed, a private green space to the rear of the buildings will be planted with new trees, which Mr. Williams said would be an improvement over the existing outside space.

It was noted that to avoid losing the garden, parking spaces would be lost and the building would have to be moved closer to the front property line.

M/S, McPeak-Sharp, to approve V-2115, James Williams and James Harding, 1590 Sir Francis Drake Boulevard, A/P 5-124-31, third story variance to construct two additional apartment units in an R-3 zone and parking variances for two parking spaces out of 9 to be 8' in width and 3 setback variances for parking spaces #1, #2 and the unnumbered #9 backup space, as shown on the plans submitted March 13, 1986, on the grounds that it is not detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood, the granting of the application is necessary for the preservation and enjoyment of substantial property rights. Motion passed unanimously.

Design Review

Mr. Williams explained that the design, stucco material and paint will match the existing structures. The Commission requested clarification on which color samples and materials apply to which portions of the building; the applicant noted this information on the set of file plans.

M/S, McPeak-Sharp, to approve C-209, design review of two new apartment units as shown marked on the drawing received March 13, 1986, with the material and color samples submitted and coordinated with the drawing. Motion passed unanimously.

V-2116 - Prudence and Jared Dreyfus, 65 Alder Avenue, A/P 7-042-07, a three foot west sideyard variance to construct an addition within five feet of the west side property line.

Mr. Dreyfus and Scott Borski, one of the project architects, were present.

Planning Technician Wight reported that last year the Commission reviewed a variance proposal for a two story addition in the west side setback. It was referred back for redesign due to its adverse impact to the adjacent property at 69 Alder. A one story only addition with the same footprint is now proposed.

Mr. Borsky said the applicants were attempting to work with the Guisti's, owners of 69 Alder, by keeping the addition to one story although a two story addition could be constructed out of the setbacks without needing a variance. He said a tree would be removed which may improve the light for the Guisti's. Bruna Guisti objected to the applicant obtaining signatures of approval from neighbors who would not be impacted by the addition, explained that the numerous additions being built on properties surrounding hers are boxing her in and cutting out her light and air and furthermore have made her suspicious of more additions. She wanted to know the exact distance between this new first floor addition and the property line.

Discussion then turned to the variance findings, specifically the finding that there are special circumstances on the property to warrant the variance. Staff reported that they recently discovered this finding had been deleted from the Municipal Code. Commissioners Sharp and Hayes said they therefore could not vote on this application or any other variance application until the issue of the finding deletion is resolved.

Regarding this variance application, the Commission noted that this plan gives Mrs. Guisti better protection than a second story addition but there was no guarantee one would not be built in the future. Furthermore, the Commissioners were concerned about the impact of this addition on Mrs. Guisti's property, particularly the patio area. They discussed proposals to alter the roof and corner to reduce its impact.

It was the consensus of the Commission to continue the application for resubmittal of a plan with a revised corner design and a survey of the the common property line between 65 and 69 Alder Avenue.

M/S, McPeak-Sharp, to continue the application to the meeting of May 5th. Motion passed unanimously.

A-140 - Stephen and Lucie Tillson, 33 Merced Avenue, A/P 5-104-10, design review of a new single family dwelling

Stephen Tillson was present.

Planning Technician Wight explained that design review was a condition of the two parcel subdivision that included this lot.

David Ortez, 4 Palazzi Court, said he was primarily concerned with the house to be built on the other parcel created in the subdivision.

Dick Jordan, 28 Merced, said he had no problem with the application.

Mr. Tillson said the roof would be black composition shingles, the wood siding grey (Olympic 908), the trim, fascia, garage door and downspouts white, the deck would be redwood, and the chimney would be grey with white. Regarding landscaping, he said the property will essentially remain as is; existing fruit trees will remain and the rear and front will be planted with grass cover and sod, to be irrigated by a sprinkler system.

It was the consensus of the Commission that review of a landscape plan was necessary.

M/S, Hayes-Sharp, to conditionally approve A-140, Stephen and Lucie Tillson, 33 Merced Avenue, A/P5-194-10, design review of a new single family dwelling, as described by the plans dated April 7, 1986 as annotated by the applicant regarding the intended colors, stains, deck and chimney, with the condition that the approval is subject to timely submittal of a landscape plan in accordance with the requirements of the design review ordinance. Motion passed unanimously.

The Commission informed staff they needed information on design review applications, including siding materials and building colors.

Concerning the discussion on the variance findings, staff suggested that this type of issue be discussed at the end of the meeting.

Commissioner Hayes noted that staff should have notified the Commission immediately upon discovery of the omission of the variance finding.

Adjournment

By motion duly made and seconded, the meeting was adjourned at 11:15 p.m.

Beth Calamar

The April 21, 1986 meeting of the San Anselmo Planning Commission was cancelled due to lack of quorum.