

The regular meeting of the San Anselmo Planning Commission was called to order on February 3, 1986, at 8:00 p.m. by Chairman Kroot in the Council Chambers.

ROLL CALL

Commissioners Present: Harle, Hayes, Heubach, McPeak, Sharp, Zaharoff and Chairman Kroot

APPROVAL OF MINUTES

The following corrections were made to the minutes of January 27th:

On page 1, the following sentence was added at the end of the fourth paragraph under the parking workshop: "It was assumed that public transport would be much better provided for, he said." On page 2, the word "will" on the tenth line was replaced with "with."

M/S, Hayes-McPeak, to approve the minutes as corrected. Motion passed unanimously.

V-2101 - William and Pam Cordingley, 10 Elkhorn Way, A/P 177-265-04: 9 foot frontyard variance to enclose an existing cardeck and storage area below the cardeck within 11 feet of the front property line; Variance to the two story height limit to finish an existing basement area under the house; and variance for an open stairway and railing with a zero front yard setback.

Bill Cordingley was present. He concurred that some view will be blocked but not any significant views. His previous plan was modified to lower the roof 3 to 4 feet, and the inside elevation was lowered from 8 feet to 7 feet. A photograph with a tissue overlay depicting the addition was submitted by Mr. Cordingley. The garage will be integrated with the house, the existing vegetation will hide some of the house and he will do further planting around the base of the garage. He argued that an enclosed garage is more attractive than an open, cluttered cardeck and furthermore, cars do not slow down on Elkhorn Way long enough for drivers to enjoy the view. He submitted letters from 3 neighboring property owners in support of the application.

Commissioner Sharp said he had no problem with the proposal except with the garage, but agreed that an enclosure is less of an eyesore than a cluttered cardeck, especially if it is well landscaped.

Commissioner Zaharoff questioned the impact of the garage addition on the property at 11 Elkhorn.

Commissioner McPeak said the garage represents a considerable obstruction and will affect the view of the valley from areas above Elkhorn. He noted that viewsapes are considered significant items in San Anselmo, and added that he would oppose landscaping near the road which would further block the views.

Commissioner Harle said he was impressed with the fact that the neighbors are not bothered by it, the blockage does not affect public safety and it is not a street driven extensively for views.

Commissioner Heubach said he felt the view from below is more imposing and he would be soliticious of the views of the people at 20 Elkhorn. Mr. Cordingley responded that he took photographs from the perspective at 20 Elkhorn Way.

The applicant was asked if he would consider an open carport instead of a garage. He responded that a garage keeps out rain and wind that a carport does not and that it is difficult to add a storage area below an open carport due to water drainage problems.

Commissioner Hayes noted that the structure will alter the view, but that letters from neighbors and the overlay showing its visual impact and location further back from the road than expected did much to allay his concerns.

Chairman Kroot said he did not think the garage will be detrimental to neighbors, noting their letters of support, and agreed it would be difficult to have waterproofing for storage below without a garage and that a cluttered cardeck was more unsightly than an enclosed garage.

M/S, Harle-Zaharoff, to approve V-2101 for William and Pam Cordingley, 10 Elkhorn Way, A/P 177-265-04, a 9 foot frontyard variance to enclose an existing cardeck and to create an enclosed storage area directly below the existing cardeck within 11 feet of the front property line; a 20 foot frontyard variance to construct an open stairway and 3'6" high railing with a zero front yard setback; and a variance to the two-story height limit to permit the finishing of an existing basement area under the house, thus creating a 2 1/2 story structure, on the grounds that it does not significantly affect negatively the interests and activities of those people living and working in the neighborhood, will not be materially detrimental to the public welfare or injurious to property or improvements in such neighborhood, the granting of the application is necessary for the preservation and enjoyment of substantial property rights, the configuration of the existing structures in relation to the property and street necessitates this as the most logical solution to providing these benefits, in accordance with the drawings marked received January 17, 1986. Motion passed by the following vote:

AYES: Harle, Hayes, Heubach, Sharp, Zaharoff, Chairman Kroot

NOES: McPeak

Mr. Cordingley said he was a member of the steering committee supporting a proposal for the Tamalpais Theater called Club Mine. This program will require a use permit which is scheduled to be heard by the Commission at a special meeting on February 24th. Mr. Cordingley asked the Commissioners if they would be willing to meet on-site at the Tamalpais Theater prior to February 24th. He suggested that since the use is a large concept in terms of space, number of people involved and number of people affected, it would be useful for the Commission to familiarize themselves with the scope of the project on the site before the hearing; this meeting could be open to the public.

It was the consensus of the Commission that it would be inappropriate and inordinately time consuming to have an extra meeting before the official public hearing on this application.

V-2105 - Jack Leiberman, 38 Ridge Road, A/P 5-172-23; 8 foot southeast sideyard variance and 3.5 foot rearward variance to construct an enclosed staircase within zero feet of the southeast side property line and 16.5 feet of the rear property line; 8 foot northwest sideyard variance to construct a patio roof (3 feet higher than existing) within zero feet of the northwest side property line; 6 foot southeast sideyard variance to construct a garage addition within two feet of the southeast side property line; and a 17 foot frontyard variance to construct a trash enclosure within 3 feet of the front property line.

The applicant was present.

Staff noted that the window at the property line must be removed, in accordance with the building code. The stairs from the front property line to the patio are at grade and therefore no variance is needed. The proposed patio roof abuts the property line and therefore maintenance may be a problem; the neighbor's house also abuts the property line but not adjacent to the patio.

The Commission expressed concern with the intensity of the use on this property and the proximity of the structures to the property lines.

Mr. Lieberman said he needed an enclosure for the things he had collected on the side of the garage and noted that the lot is long and narrow and the house is within the 20 foot setback and therefore it is difficult to build anything without needing a variance. He said he had attempted to look at other ways to expand the house to no avail. The purpose of the enclosed stairway is to provide an interior connection between the upper and lower floors.

Commissioner Hayes said he was concerned about placement of structures up to the property line and noted the intensity of the use of the property is heightened by the existence of a second unit.

The trash enclosure and patio roof did not present a problem for Commission Heubach, but he expressed concern about the garage and house additions. Although it is a small house, it is a small lot with substantial building coverage and he could not justify granting a variance for the purpose of storing excess personalty. He suggested the applicant explore other ways of increasing house space.

On the basis that it is not expected there will be any structures on adjacent property near these additions, Commissioner Harle said he had no particular quarrel with the request.

Commissioner McPeak said he agreed the use of the property was a bit intense and suggested the applicant sacrifice one addition, such as the enclosed stairway.

Commissioner Zaharoff had expressed concern about the enclosed stairway against the property line but noted if the neighbor does not have a problem with it, it is probably acceptable.

Commissioner Sharp said he had a problem with the enclosed stairway and the intensity of the use of the property.

Chairman Kroot suggested its width be reduced to reduce the encroachment into the setback. Mr. Lieberman responded he was willing to reduce the width of the stairway.

M/S, Hayes-Sharp, to continue this item to the meeting of March 3rd. Motion passed unanimously.

The Commission asked for the floor plan of the lower floor.

NU-50. William C. Langford, 15 Encina Place, A/P 7-271-35. Use permit for a second unit.

The applicant was present. In response to a question from staff, Mr. Langford said the neighbor who submitted a letter in support of the application was aware that this was a second living unit and not just additional living area.

Commissioner Harle asked if someone was living in the shack on the adjacent property. Mr. Langford responded that there were lights inside there every night. Mr. Harle suggested the Building Inspector look into this matter.

M/S, McPeak-Heubach, to approve NU-50, use permit for a second unit, 15 Encina, on the grounds that it does not negatively affect the health or safety of persons residing in the neighborhood, and it is not detrimental to the public welfare or injurious to property or improvements in the neighborhood. Motion passed unanimously.

V-2106. Charles and Lori Saul, 45 Summit, A/P 7-031-09; Variance for a deck and a parking deck with bedrooms below with a 3 foot front setback; and a variance for utility steps and fireplace with a 5 1/2 foot south side setback.

The applicants were present.

Mr. Saul said the lot was narrow and deep, and the house proper is basically the required distance except for the bedrooms under the parking deck. The roof drainage will be directed to one side of the house and will run down to the hammerhead at the street below.

Commissioner McPeak felt the house should be moved further back from the front property line, noting that the cardeck is being raised above the road level and could be lowered. He objected to the living area in the front setback. Mr. Saul responded that moving the house back will make the entry stairs longer, the house taller, and the view from the road would be of the roof, which he felt is undesirable.

M/S, Heubach-Sharp, to grant V-2106, 20 foot frontyard variances for a parking deck approach and entry stairs within zero feet of the front property line; a 17 foot frontyard variance to construct a parking deck within three feet of the front property line; 11 foot frontyard variance to construct an open deck within three feet of the front property line; a 12 foot frontyard variance to construct a dwelling within eight feet of the front property line; a 2.5 foot south sideyard variance to construct a fireplace within 5.5 feet of the south side property line, on the grounds that it is necessary for the preservation of substantial property rights, it does not materially affect adversely the health or safety of persons residing or working in the neighborhood, and the lot configuration of a 2 to 1 downslope is best utilized by the granting of these downslope variances, as shown on the drawings dated January 14, 1986. Motion passed by the following vote:

AYES: Harle, Hayes, Heubach, Sharp, Zaharoff, Kroot

NOES: McPeak

V-2017. Robert Poor, 356 Redwood Road, A/P 7-095-10; a third story variance to construct a new dwelling.

The applicant and his architect, Murry Silverstein, were present.

Under town code, the Planning Director has the authority to approve reconstruction without requiring a variance when the Council has made a formal declaration of disaster. The slide which destroyed the previous home on this site was declared a disaster by resolution of the Town Council and therefore the applicant is allowed to rebuild the home within 6 feet of the front property line. Since the previous residence did not have three stories, a variance for the third story is required.

Staff noted that the two adjacent homes have two stories.

Mr. Poor said the new house would be less obtrusive as viewed from the road and will have less square footage than the former house.

Mr. Silverstein noted that the second story above the garage is not a full two stories above the road. He presented a model showing the house in relation to the road.

Commissioner Hayes said that one of the required findings is that the proposal is not a substantial detriment to the neighborhood. Due to the previous landslide history on this property, there is a special burden of proof that this is a safe place to put the house.

Chairman Kroot agreed the Town needed to be extra careful in approving this project but that the proper way to handle it is through a soils report with an inspection of the excavation by a soils engineer. Commissioner Sharp added he would be fearful of the Planning Commission making judgments on these geotechnical issues.

Planning Director Kottage said that on a site with a history of sliding, he would want a second opinion from a soils specialist in addition to the soils engineer being on-site during the excavation and prior to the concrete pour.

M/S, Heubach-Harle, to grant V-2107, Robert Poor, 356 Redwood Road, A/P 7-095-10, a third story variance to construct a new dwelling, on the grounds that the variance is necessary for the enjoyment and preservation of substantial property rights, it will not materially adversely affect persons living and working in the neighborhood, no safety hazards are anticipated, and the configuration of the lot is best utilized by the design as submitted which best utilizes the footprint and utilizes spacing of the lot.

Commissioner Hayes said he would want to see the soils information before making a decision.

The motion passed by the following vote:

AYES: Harle, Heubach, McPeak, Sharp, Zaharoff, Kroot

NOES: Hayes

ORDINANCE CHANGE: Proposed amendment to San Anselmo Municipal Code, Title 10, Chapter 2 (Subdivisions) by adding Article 5.5, "Vesting Tentative Map Statute" to bring the Town's subdivision ordinance into conformance with state law; and initial environmental review.

The ordinance before the Commission was based on a state model and was slightly modified by staff and the town attorney to fit San Anselmo's needs. The purpose of the ordinance is to guarantee a subdivider certain rights to proceed with development in substantial compliance with the local ordinances in effect that the time the vesting tentative map is approved. These vested rights extend for substantial periods of time beyond the filing for recordation of a final map.

The Commission discussed the section of the ordinance which requires the applicant to submit any other information required by the Town at the time the Tentative Map is submitted. Although this is vague and does not give the applicant specific information on what information will be required, Planning Director Kottage said the unusual long term rights guaranteed under the ordinance justify the broad wording.

M/S, McPeak-Sharp, to recommend approval of the negative declaration of environmental impact. Motion passed unanimously.

M/S, Sharp-Hayes, to recommend the Town Council adopt the Vesting Tentative Map ordinance as proposed as recommended in the staff report tonight. Motion passed unanimously.

ADJOURNMENT - By motion duly made and carried, the Commission adjourned at 11:00 p.m.