

A regular meeting of the San Anselmo Planning Commission was called to order on December 15, 1986 at 8:00 p.m. in the Council Chamber by Chairman Kroot. Public Works/Planning Director Kottage was present.

ROLL CALL

Commissioners Present: Harle, Hayes, Manning, McPeak, Zaharoff,
Chairman Kroot

APPROVAL OF MINUTES, DECEMBER 1, 1986 AND JULY 7, 1986

M/S, Zaharoff-McPeak, to approve the minutes of July 7, 1986 as submitted. Motion passed by the following vote:

AYES: Harle, McPeak, Zaharoff, Kroot

ABSTAIN: Hayes, Manning

M/S, Zaharoff-McPeak, to approve the minutes of December 1, 1986 as submitted. Motion passed unanimously.

PUBLIC HEARINGS

Z-241 - Town of San Anselmo, 1535 Sir Francis Drake Boulevard, A/P 5-153-01, proposed rezoning from C-1 (Neighborhood Business District) to either PPD R-2, PPD R-3 or PPD R-3/C-1 (Preliminary Planned Development with a presumptive use of either Two Family Residential, Multiple Family Residential, or Two Family Residential/Neighborhood Business), and the initial environmental review.

Chairman Kroot abstained from this application. Commissioner McPeak chaired this public hearing.

Public Works/Planning Director Kottage summarized the Commission's previous discussions on the issue of the inconsistency between the zoning of the property and the Land Use Map of the General Plan. The question was raised at the December 1st meeting of whether there was any inconsistency in the General Plan itself about the designated use of this parcel; specifically, the Commission questioned whether there was any wording in the text of the General Plan which indicates the use of this property as other than residential. Planning Consultant Roberto examined the General Plan and determined that the use of this property is designated as residential in the Land Use Map, the Land Use Element text and the Housing Element of the General Plan. The Housing Element, the most recent element, recognizes this site as possible for multiple housing. The only exception to a residential designation on this property in the General Plan is Recommendation #6 on page 7 of the Land Use Element, which "recognizes a limited number of small neighborhood commercial...areas - chiefly where they now exist along Center and Sir Francis Drake Blvds. to serve residents closer to home to Red Hill or the downtown Center." However, the subject parcel was not one of the neighborhood business districts clearly identified on the Land Use Map. Furthermore, the highest possible use for this property is PPD R-3 if affordable housing units are developed.

Commissioner Harle responded that in drafting the Housing Element, the Town was under pressure to provide low income housing sites and therefore identified certain parcels for this use, including the property at 1535 Sir Francis Drake. Furthermore, the General Plan itself was written by a consultant brought in at the last minute.

Commissioner Manning questioned whether there were applicable guidelines under Recommendation #6 to allow continuation of the commercial use of this property. Mr. Kottage responded that this parcel was not specifically identified as a parcel for commercial use.

Commissioner Harle suggested there may be a report on file on the adoption of the General Plan which may explain the intent of the designating this property as residential on the Land Use Map. He said he would be unwilling to place the limitation of residential use only on the owner of this property.

Commissioner Manning asked whether the Town would be allowed to phase out commercial use of the property over a period of time.

Commissioner Hayes commented that although the Town has made a commitment to entertain the idea of housing on this site, that does not mean the Town has to rezone the property. He said he did not find the previous commercial use of this site, the Miwok gas station, objectionable and some commercial uses may be acceptable.

Commissioner Zaharoff commented that a low intensity commercial use such as a nursery may be an asset to the neighborhood but the C-1 zoning designation would not guarantee a specific commercial use of the property. All the information from staff is that the most consistent designation of the property is residential, yet the commercial use has not been detrimental in the past.

Commissioner Harle noted that a high density would be required for low income housing to make it economically feasible but a high density could be improvident at that corner. He additionally commented that changes in land use designation of a property in the General Plan is not noticed like a rezoning of a property yet carries as much weight. In essence, therefore, properties may be rezoned without due process.

Commissioner McPeak said he did not want to see 12 units on that parcel, noting that circulation is sensitive on that site, and questioned whether high density residential is appropriate there.

There are three options before the Commission, Commissioner Hayes noted: rezone the property to R-3, leave it the way it is or rezone it to PPD R-3/C-1.

Commissioner McPeak said the Commission's goal was planning control of the property. He therefore suggested staff prepare a General Plan amendment to revise the Land Use Element to allow commercial or residential on this property and to amend the Housing Element to also allow low density commercial on this parcel, and to prepare a rezoning of the property to PPD R-3/C-1 with a designated maximum number of units.

Cook Segale asked whether the Commission was interested in hearing a presentation by a prospective nursery tenant. Commissioner McPeak responded that it was not appropriate at this time.

A resident in the Oak Knoll Avenue neighborhood said that commercial zoning which allows multiple businesses on this property creates too high an intensity of use of the property. Although the Commission was leaning toward a PPD designation on the zoning which would require public review whenever a commercial use changed, a residential zoning designation would not require constant review; once the homes were built, that would be the end of the review.

Attilio Segale, part-owner of the property, said the property has been used commercially for a long time and they have only had trouble with one tenant, the Miwok gas station, which the owners evicted. He disagreed with a zoning designation other than C-1, adding that low cost housing means too many units too close to Sir Francis Drake Blvd.

Commissioner McPeak responded that the Town was fortunate to have a property owner such as Mr. Segale, but that the Town has to look at what is best for the community in determining the allowed use of this property.

M/S, Zaharoff-Hayes, to direct staff to prepare a General Plan amendment to revise the Land Use Map of the General Plan to allow commercial or residential uses on this property and to amend the Housing Element to also allow low density commercial use on this property, and to prepare a rezoning of this property to PPD R-3/C-1 with a limitation on the number of units allowed. Motion passed by the following vote:

AYES: Harle, Hayes, Manning, McPeak, Zaharoff

ABSTAIN: Kroot

V-2148 - Richard E. Negley, 40 Butterfield Road, A/P 5-144-26, a seven foot north sideyard variance to raise a garage roof six inches within one foot of the north side property line with an eight inch overhang; a five foot north sideyard variance to raise a storage area attached to the garage 4.0 feet high within three feet of the north side property line with an overhang; an 18 foot rearward variance to raise a storage area roof 4.0 feet high within two feet of the rear property line.

Richard and Tracy Negley were present.

This application was continued from the meeting of December 1, 1986 to allow the Planning Commissioners to further review the impact of the work, done without the required variances, on the neighbors.

Letters opposing the application were received from the neighbors to the south and east of the structure while a petition of support was received from other neighbors. Public Works/Planning Director Kottage said the key issue in this application was the increase in bulk caused by the raised roof and walls on the structures in the setbacks.

In response to questions from Chairman Kroot, Mr. Kottage responded that the roofing over the utility room was not shown on the building permit application obtained for roof repairs and that it was not clear from those plans that the roof was going to be raised.

Mr. Negley stated that many items in the garage and storage area suffered water damaged last winter and the roof remodel was necessary to prevent further damage. He said all water previously drained onto 181 Morningside but is now going to their own property. He added that 181 Morningside has a 7.5 foot trellis against their common property line and that when their own trellis work is replaced, the view of the yard and garage structure will improve.

Irene Suki, 189 Morningside, said the garage roofing was very well done and does not block her view.

Suzanne Wollman, daughter of the owner of 181 Morningside, said the trellis Mr. Negley spoke of was put there 30 years ago when setback laws were different. She said the view from her mother's backyard is affected by the new roofing; the previous roof on the potting shed was level with the top of their rear fence and therefore it was not seen.

Mary McHale, 44 Butterfield, said that the letter written and submitted by Thomas Schaal on behalf of Florence Arrigo, owner of 181 Morningside, states her opinion. She said her property and Mrs. Arrigo's property are the only two affected by the remodeled structure and that the neighbors who signed the petition supporting the application are not involved in the issue. Ms. McHale said the building permit plans did not indicate any work at all on the other side of the garage where the roof was raised. The permit was just to replace the roof and therefore it is not valid. The remodel is a detriment to her from her eating area, her kitchen, dining room and yard. She said she did not want a solid wall from the end of her house to the end of her back yard, and the fact that the remodeling has already been done should not be under consideration.

Commissioner Zaharoff said the variance application was to be treated as if the work has not been done. Looking at it as if the work was not done, she would not have a problem with the 18 inch overhang in the front of the garage, and that while she would be alerted to the 3.5 foot increase in height of the roof on the utility shed, she did not feel that the majority of the increase would block views or light. The design was an improvement over what was there before and in looking at this as a new application, she would have granted the variance as long as the drainage is resolved so that neighboring properties are not taking on additional drainage.

Commissioner McPeak expressed his agreement with Ms. Zaharoff, except that he would like to see revised plans to bring the height of the utility room close to the original height.

Commissioner Harle expressed concern over making the findings of necessity due to special circumstances and that there is no detriment to neighbors.

Commissioner Hayes said that while he appreciated the fact that the potting shed was not previously visible from the Arrigi property, he does not find it objectionable.

Commissioner Manning expressed concern about the utility area, noting the Commission must deal with the issue of detriment to neighbors, with concern given to immediate neighbors. He supported pursuing measures to soften or mitigate the affect.

Mrs. Negley said the trellis on their property will help balance the structure.

Chairman Kroot opined that the only area which could be a detriment is the area by the utility room; he would be willing to support other variances except utility room.

Ms. McHale asked how any landscaping could be done if the structure is right next to the property line.

M/S, McPeak-Harle, to refer the application back to the applicant for resubmittal of plans showing the height of the utility room back to where it was before. Motion passed by the following vote:

AYES: Harle, Hayes, Manning, McPeak, Kroot

NOES: Zaharoff

V-2149 - Stephen Tillson, 105 Scenic Avenue, A/P 7-064-01, a 17 foot frontyard variance to construct a two-car garage with a second story office area within three feet of the front property line. CONTINUED UNTIL JANUARY 5, 1987.

V-2151 - Michael and Catherine London, 13 Morningside Drive, A/P 5-183-03, a four foot east sideyard variance to construct a first floor addition and trellis within four feet of the east side property line; and a three foot east sideyard variance to construct a second floor addition within five feet of the east side property line.

The applicants were present.

The proposal was for a 300 square foot first floor family room addition to the rear along the existing building line, of which 53 square feet and a trellis overhang is in the side setback. A 30 square foot dormer associated with the 900 square foot second story bedroom and bath addition is also in the side setback.

Commissioner Hayes noted that most of the homes in the Morningside neighborhood are one story and expressed concern that two-story additions could gradually destroy the special character of the area.

Commissioner Harle said he understood Mr. Hayes' misgivings, but sympathized with the problem of people who acquired a small starter home and are unable to step up to another larger home so their only solution is to expand their existing house. He noted that this proposal was mainly a question of structural integrity so on that basis he would support the application. Commissioner McPeak also had trouble with saying a person cannot use his property to expand his family if it is a reasonable application.

Commissioner Zaharoff said she appreciated Commissioner Hayes' concern about the neighborhood changing, adding she wished the Commission could do more long range planning, but felt this application was acceptable.

Chairman Kroot supported the application, noting that the design of the addition is like the other houses in the neighborhood.

Mr. London said they took pains to get an architectural design that fit into the neighborhood, and that there are four two-story homes in the area around his home.

M/S, McPeak-Harle, to approve V-2151, Michael and Catherine London, 13 Morningside Drive, A/P 5-183-03, a four foot east sideyard variance to construct a first floor addition and trellis within four feet of the east side property line; and a three feet east sideyard variance to construct a second floor addition within five feet of the east side property line, on the grounds that the special circumstances applicable to the property, namely the size, and the location of the structure on the lot, strict application of the zoning ordinance would deprive the property of privileges enjoyed by other property in the vicinity, the granting of a variance will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone, the granting of the variance is necessary for the preservation and enjoyment of substantial property rights, and 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 and will not be materially detrimental to the public welfare or injurious to property or improvements in such neighborhood, as shown on the plans received by the Town November 13, 1986. Motion passed by the following vote:

AYES: Harle, Manning, McPeak, Zaharoff, Kroot

NOES: Hayes

V-2152 - Jack and Cheryl Redmond, 33 Oak Springs Drive, A/P 5-254-13, a third story variance to construct an addition; and a two foot east sideyard variance to construct the addition within six feet of the east side property line.

The applicants were present.

Staff reported that due to the small useable area in the rearyard, the only practical means to expand is with a third story. However, staff did not feel there were special circumstances associated with the property that necessitate the variance and recommended the projecting windows be set back from the edge of the existing side wall of the house.

Warren Holmes, 6 Oak Springs Drive (5-6 doors away from the subject property), said he built the home at 33 Oak Springs Drive about 26 years ago and it conformed to the setbacks at that time. He said he could move in the addition, but he would rather leave it wall over wall and not make the room 2 feet smaller. He said the whole addition could not be moved two feet because of the existing stairway.

Mr. Redmond showed the Commissioners signatures of approval on the plan from neighbors he said might be affected by the addition.

Commissioner McPeak noted that the setback was five feet, not six feet.

M/S, Hayes-McPeak, to approve V-2152, Jack and Cheryl Redmond, 33 Oak Springs Drive, A/P 5-254-13, a third story variance to construct an addition; and a three foot east sideyard variance to construct this addition within five feet of the east side property line, on the grounds that special circumstances exist due to the small size of the lot, the steep topography and placement of existing structures, the granting of the variance is necessary for the preservation and enjoyment of substantial property rights, and will not materially affect adversely the health or safety of persons residing or working in the neighborhood or be materially detrimental to the public welfare or injurious to property or improvements in such neighborhood, with reference to the plans dated received November 12, 1986. Motion passed unanimously.

Z-242 - Mr. and Mrs. Paul Elliot, 57 Summit Road, A/P 7-031-41, proposed rezoning from PPD R-1 (Preliminary Planned Development with a presumptive use of Single Family Residential) to SPD R-1 (Specific Planned Development for one dwelling (previously approved; however, a use permit was not obtained within two years so the zoning automatically reverted to PPD R-1) and the initial environmental review. CONTINUED TO JANUARY 5, 1987

U-616 - Mr. and Mrs. Paul Elliot, 57 Summit Road, A/P 7-031-41, use permit for a Specific Planned Development single family dwelling. CONTINUED TO JANUARY 5, 1987

V-2154 - Richard and Maureen Hochschild, 281A Crescent Road, A/P 7-222-42, a 12 foot rearyard variance to construct a first floor addition within eight feet of the rear property line; a four foot frontyard variance to construct a first floor addition within 16 feet of the front property line - this addition is to have a one foot overhang; a seven foot frontyard variance to construct a retaining wall within 13 feet of the front property line; a seven foot rearyard variance to construct an open deck within seven feet of the rear property line; a one foot rearyard variance to construct an open deck within 13 feet of the rear property line; and a parking variance for one space (with a living addition, two useable parking spaces are required; there is currently only a one-car carport on the property).

The applicants were present.

The proposal is to add a 224 square foot living room and two decks totalling 294 square feet to a 464 square foot home. A seven foot retaining wall in the front setback is also proposed. Staff recommended approval of the setback variances on the condition that an another parking space be added.

Mr. Hochschild said that if they can obtain the variances for the house, they will negotiate with their neighbor at 96 Woodland to purchase some of his property in order to provide more parking.

David Faw, 281 Crescent, supported the variance applications for the setbacks but not for inadequate parking. The applicants gain access to their property via a flag lot on which Mr. Faw owns the fee down to Crescent. The applicants cannot use this lot for parking as its entire width is needed for access and parking for other homes. He said he thinks it would be possible to expand the carport to form something of a triangle to allow independent access to both parking spaces.

Commissioner Manning said that after assessing the use of the roadway and the nature of the land, it seems there is a way to build additional parking.

Commissioner Hayes said he supported the features of the addition and deck but that he would like to see another parking space, noting that several homes gain access off Mr. Faw's flag lot.

It was the consensus of the Commissioners that the addition itself was acceptable but that another parking space was needed.

M/S, McPeak-Hayes, to refer V-2154 back to the applicant for provision of another parking space and continue the application to January 5, 1987. Motion passed unanimously.

APPOINTMENT OF CHAIRMAN AND VICE-CHAIRMAN FOR 1987.

M/McPeak, to appoint Commissioner Hayes chairman. Mr. Hayes declined the nomination.

M/S, Hayes-Zaharoff, to appoint Commissioner McPeak chairman. Motion passed unanimously.

M/S, Zaharoff-Manning, to appoint Commissioner Hayes vice-chairman. Motion passed unanimously.

ADJOURNMENT

On a motion duly made and seconded, the meeting was adjourned at 11:10 p.m.

Respectfully submitted,

Beth Calamar