

A regular meeting of the San Anselmo Planning Commission was called to order on December 1, 1986 at 8:00 p.m by Chairman Kroot in the Council Chamber. Planning Director Kottage was present.

ROLL CALL.

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

Commissioners Absent: Heubach

APPROVAL OF MINUTES

The vote on the motion to approve NU-54 was missing and therefore the minutes of July 7, 1986 were continued to the next regular meeting.

M/S, McPeak-Harle, to approve the minutes of November 17, 1986 as submitted. Motion passed by the following vote:

AYES: Harle, McPeak, Kroot

ABSTAIN: Manning, Zaharoff

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-2/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.

Attilio Segale, part-owner of the subject property, and Cook Segale, his son, were present.

At the last meeting on this item, the question arose as to whether the zoning of a property must conform to the General Plan. Public Works/Planning Director Kottage reported that State law requires consistency between the General Plan and zoning ordinance. However, there is inconsistency on the subject property in that the zoning classification is C-1 while the designation on the Land Use Map is residential. There are other locations in Town where an inconsistency exists. On Thursday night, the Commission and Town Council will conduct a special workshop on planning priorities and will also discuss the inconsistency issue and how the Town should proceed.

Commissioner McPeak noted the Commission had previously discussed inconsistencies between the text of the General Plan and the Land Use Map and had requested clarification on this type of inconsistency.

It was the consensus of the Commission to continue the application until after they had discussed the issue of General Plan inconsistency with the Town Council.

Mr. Segale said that at the last meeting staff had been directed to ask the Town Attorney's advise on the legality of downzoning. The Commission responded that this was not the issue staff had been directed to address, that downzoning is not particularly unusual, and invited Mr. Segale to attend the workshop on Thursday night.

M/S, Manning-Zaharoff, to continue the application to the meeting of December 15, 1986. Motion passed unanimously.

SS-263, Paul Tietjen, 1348 San Anselmo Avenue, A/P 7-051-07,
two-lot parcel split with exceptions and initial environmental
review.

The applicant was present.

Staff reported that the lot split conforms with all codes except average width; the two lots proposed are 56 and 47 feet wide respectively, while 60 feet is the required minimum width. However, if the purpose of the minimum width requirement is to ensure adequate setbacks, the inadequate width is compensated for by the proposed setbacks in the building envelopes which exceed the code requirements, Planning/Public Works Director Kottage reported.

Mr. Tietjen acknowledged that the existing deck which overlaps the proposed boundary line between the lots will be removed, and that staff has determined that the area to maneuver in and out of the garage is acceptable.

Commissioner Manning said the proposal was consistent with the nature of the neighborhood and would not be detrimental to the surrounding properties. Commissioners Harle and McPeak expressed their support of the application. Commissioner Zaharoff said she could not make the required findings to approve the exception. Chairman Kroot said that he would support the application, noting that the proposal meets all the requirements except lot width, the lot sizes are much larger than what is required, and that he likes the way the applicant has placed the buildings in relation to the existing large trees.

M/S, McPeak-Harle, to approve the negative declaration of environmental impact for SS-263, Paul Tietjen, 1348 San Anselmo Avenue, A/P 7-051-07, two-lot parcel split with exceptions, based on the smallness of the scope of the project. Motion passed by the following vote:

AYES: Harle, Manning, McPeak, Kroot

NOES: Zaharoff

Mr. Kottage asked the Commission to make the requirements of the Ross Valley Fire Department concerning water supply as explained in their memo dated April 25, 1986 a condition of approval. Mr. Tietjen said he was not aware of these requirements but agreed to comply with them.

M/S, Harle-McPeak, to approve SS-263, Paul Tietjen, 1348 San Anselmo Avenue, A/P 7-051-07, two-lot parcel split with exceptions, the exception being essentially for average width of the parcels created, on the grounds that the parcel split is consistent with the General Plan, strict application of the standard would result in unnecessary hardship inconsistent with the purpose of the chapter being in fact that the lot is larger than need be, and the applicant in the present circumstances without the lot split would be denied full use of his property, the exceptional circumstance is the basic shape of the lot, the extra area of each lot compensates for the exception to the width requirement, the geometry of the lots are acceptable considering the range of lot widths in that neighborhood, the granting of the exception will not materially detrimentally affect the public welfare, be injurious to property or improvements in the neighborhood or be contrary to the objectives of this chapter, with the upgrading of the fire hydrant as required by the Fire Chief in a memo dated April 25, 1986 be made a condition for the provisions proposed, in reference to the drawings as revised on November 10, 1986. Motion passed by the following vote:

AYES: Harle, Manning, McPeak, Kroot

NOES: Zaharoff

V-2147, Philip J. and Anne F. Murphy, 30 Sals Avenue, A/P 6-072-17, a third story variance to construct a living addition; a 4.5 foot north sideyard variance to construct the addition within 3.5 feet of the north side property line; a three foot south sideyard variance and a 14 foot frontyard variance to construct an entry pergola within five feet of the south side property line and six feet of the front property line; and a 19 foot frontyard variance to construct a one-car carport within one foot of the front property line; the third story addition and carport will have a one foot overhang and the pergola will have a 1.5 foot overhang on the south side.

The applicants were present with the project architect, Tom Turman.

Staff reported that since the hearing on this application at the meeting of November 17th, revised plans lowering the height of the third story and a petition from neighbors in support of the application had been submitted. In addition, the applicants will waive their assessment that the front property line is further from the parking structures than staff determined; the applicants' agreement with staff's more conservative position on the location of the front property line means that staff will recommend waiving the requirement for a survey.

Philip Murphy explained they were trying to make the house suitable for a family of four and had looked at other possible solutions. There is roughly 15 feet between the rental unit and the house which is inadequate for the desired addition. Due to the slanting of the roof in the front of the house, adding onto the second story would require demolition of the existing second story and complete reconstruction; the end result would be a structure which looms more than the proposed third story addition, Mr. Murphy said.

Mr. Murphy said the neighbor to the south had initial concerns about the third story, but they plotted the path of the sun and showed that the addition would not impact the neighbor's light. He said they had lowered the roof line in response to the Commission and staff concerns at the last meeting, and that the architect advised that the third story roof cannot be any lower. The applicant submitted a letter of support from the First Baptist Church, the owners of 68 and 72 Nokomis.

Tom Turman, architect, said the house is about 80 feet and the addition 100 feet from the street. Furthermore, all the houses on that side of the street are on the same upslope, which raises any structure, and the house is surrounded by trees on three sides and therefore the neighbors cannot see the house. He said he is hoping the new entry in front will detract from the view of the house.

Mr. Turman said the open carport and pergola will be exposed wood with the roofing material consisting of composition shingles.

Commissioner Zaharoff said she had no problem with the carport or entryway but felt that the third story would have a looming affect. She said there is a duty from an overall planning perspective to ensure that building is consistent with the aesthetics and character of San Anselmo.

Commissioner McPeak said he had no problem with the third story addition, and that he was more concerned about the carport that close to the street.

Commissioner Harle supported all of the application, noting that he does not oppose the carport since it is open-looking and that the visual affect of the third story is due to the fact that it is 100 feet back from the road and therefore further uphill. He said the tallness of the structure is not out of keeping with the neighborhood. Mr. Harle noted that as many houses in town are too small for San Anselmo households, more and more accomodations will have to be made for growing household sizes. In this case he felt the trade-off in aesthetics for the use of the property by the owner was acceptable.

Commissioner Manning said he thought the proposed addition was imposing but noted that there was no opposition expressed by the neighborhood. He said it was the most rational use of the property to maintain use of the property.

Chairman Kroot expressed his agreement with the statements by Commissioners Harle and Manning.

M/S, Harle-Manning, to approve V-2147, Philip J. and Anne F. Murphy, 30 Sals Avenue, A/P 6-072-17, a third story variance to construct a living addition; a 4.5 foot north sideyard variance to construct the addition within 3.5 feet of the north side property line; a three foot south sideyard variance and a 14 foot frontyard variance to construct an entry pergola within five feet of the south side property line and six feet of the front property line; and a 10 foot frontyard variance to construct a one-car carport within one foot of the front property line, with a one foot overhang on the third story addition and a 1.5 foot overhang on the south side of the pergola, on the grounds that it allows enjoyment of substantial property rights, it does not create a substantial detriment to the activities, health or safety of persons in the neighborhood, the layout of the property and the character of the structure of the old house set limits on further construction necessitating these variances, in accordance with the plans dated received by the Town November 28, 1986. Motion passed unanimously.

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 TO DECEMBER 15, 1986.

A-141, Stephen Tillson, 31 Merced Avenue, A/P 5-194-47, design review of a new single family dwelling (requirement of 1985 parcel split approval).

The applicant was present.

The proposal was for a two-story, 1,029 square foot home with a 460 square foot garage on the first floor.

Staff reported that the key issue at the last hearing was clarification of whether the setback is taken from the property line or the edge of the roadway easement along the side property line. It is the Town Attorney's opinion that the setback is taken from the property line. In addition, revised plans have been submitted which move the structure 3 feet to the south to improve the turnaround area.

M/S, McPeak-Harle, to approve A-141, Stephen Tillson, 31 Merced Avenue, A/P 5-194-47, design review of a new single family dwelling (requirement of 1985 parcel split approval), based on the drawings submitted to the Town: sheet 1 dated November 26, 1986, and sheets 2-3 dated October 29, 1986, based on it being functionally and aesthetically compatible with the existing improvements and the natural elements in the surrounding area, it will not cause noise, odors, and other factors which may make

the environment less desirable, it will not tend to cause the surrounding area to depreciate materially in appearance or value or otherwise discourage occupancy, investment or orderly development in the area, will not create unnecessary traffic hazards due to congestions, distraction or motorists, or other factors and provides for satisfactory access by emergency vehicles and personnel; and will not adversely affect the health or safety of persons using the improvement or endanger property located in the surrounding area, with the condition that the water main upgrade required by the Marin Municipal Water District shall be installed at the applicants' expense prior to occupancy, with the colors to be: cedar shingles on the walls, white aluminum frame windows, antique white trim, fascias, gutters and leaders, a painted black chimney, landscaping in the front of the dwelling including grass seed planted on the west side and sod with a sprinkler system directly in front of the house, Japanese trivet ground cover and a drip system next to a brick walkway to the house, a redwood deck and redwood entry deck, with the rear of the property to remain in its natural state with minor trimming of two bay trees necessary to accomodate the dwelling. Motion passed unanimously.

V-2148 - Richard E. Nagley, 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 3.5 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 3.5 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 3.5 feet high within two feet of the rear property line.

The applicant was present.

According to the applicant, the garage/storage area and utility area had separate roofs which sloped at different angles, creating leakage problems. The applicant constructed a new roof on top of the existing roof which raised the garage roof six inches and the utility area 3.5 feet. He also extended the overhang in front of the garage. A building permit was issued for roof repairs but it was not until after the work had been done and the Town inspected the job that it was discovered that the roof was raised and that it was in the setbacks. Staff recommended the drainage problem created by the new roof configuration be resolved.

Mr. Nagley said the slope of the roof was changed by 1 degree and that the 8 inch overhang was previously existing.

Mary McHale, 44 Butterfield, spoke against the application. She said she had spoken with Mr. Nagley before he began construction expressing her opposition to the increase in roof height and the overhang as well as drainage problems, but that he proceeded with the work regardless. She said the garage with the overhang is on her property line, and that he had extended the structure 18.5 feet in the front. She said he could have cut the 2x4s to accomodate drainage. She said she opposed raising the roof on the utility shed because it brought the roof closer to her property and aggravated her drainage problem. She said the bulk created by the new construction is tremendous from her side of the property line.

Ms. McHale argued that if one has a non-conforming building, one does not have a right to add onto it unless it is absolutely necessary. She felt the addition was not necessary in this case.

Mr. Nagley disagreed with Ms. McHale's contention that the structure was brought closer to her property line. He said the

Commissioner Harle said he did not feel the 18 inch extension in the front or the extension of the overhang on the utility shed was of significant concern but that the drainage should be taken care of. He said if the extension of the overhang on the utility shed could be cut back to satisfy the objections of the neighbor it might be worth doing. He expressed concern about the modifications of the roof, which were not incorporated into the building permit and were done in the setback without planning review. The neighbor has contended that the increase in the height of the wall extending most of the length of the back yard is a detriment. He was willing to continue the application to assess whether there is a detriment to the

Commissioner McPeak said the overhang at the utility area should not exceed 12 inches or what is on the north overhang - whichever is less, and underground piping to the street should be required.

Chairman Kroot summarized the issues before the Commission as:
(1) 18 inch extension of overhang in front within the setback;
(2) Creation of a drainage problem on the garage side/north side (3) Height increase of storage/utility area in the back and extension of the overhang.
Commissioner Zaharoff said she did not have a problem with the 18 inch front overhang but would require gutters for drainage. She said she was willing to require that the overhang at the site of the 3 1/2 raise at the utility shed be cut back and suggested the application be tabled until the next meeting to look at the structure from the point of view of the north side neighbor.

Ms. McHale said that in her view, the work done in the setbacks was not done innocently. She said the code applies to everyone and there should not be an exception for this property. She said she should not have 10 feet of extra pipe to look at nor have water on her property.

Chairman Kroot said he felt the drainage problem must be taken care of and that he could support cutting back the overhang in the back of the structure which may have been enlarged.

Commissioner Harle said he was distressed at the addition of a large new roof over the utility area that close to the property line which increases the wall height 3 1/2 feet, and furthermore that the enlargement was done without planning review.

Commissioner Zaharoff said that the drainage problem should be addressed. Staff responded that there were probably structural solutions, such as roof leaders, etc., which could be implemented. Commissioner Zaharoff asked the applicants their feelings on landscaping to screen the structures. Mrs. Negley responded that they intended to put up lattice work around the gazebo area and also have a compost area in the backyard.

A letter of support from Luis Torres and Howard Johnson, 36 Butterfield Road, was submitted.

Brian Thompson, 30 Butterfield Road, a neighbor two doors to the south of the subject property, said he was not familiar with the drainage issues but from an aesthetic viewpoint the changes to the roof are a definite improvement.

In response to a question from Commissioner Harle, Ms. McHale agreed that the water previously drained off the roof toward Mr. Negley's property whereas now it drains toward her property.

Overhang of the sloped roof is the same extension as was on the flat roof.

neighbor(s), noting that if the neighbor has said there is a detriment he would have to ponder the issue considerably to determine that the required finding of no detriment could be made.

Commissioner Manning said he was willing to continue the application, adding that mitigation measures for drainage should be required.

Chairman Kroot said he did not have a problem with the 18 inch overhang in the front and that if the majority of the Commissioners want a second look at the project, he could concur.

M/S, Zaharoff-harle, to continue V-2148, Richard E. Nagley, 40 Butterfield Road, A/P 5-144-26, to December 15, 1986, with the applicant to come back with a drainage plan. Motion passed unanimously.

NON AGENDA ITEMS

A planning workshop with the Town Council had been scheduled for Thursday, December 4. Planning/Public Works Director Kottage explained that the purpose of the meeting was to prioritize a list of pending planning projects and to also discuss the issue of inconsistency between the General Plan and the zoning ordinance.

ADJOURNMENT

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

Respectfully submitted,

Beth Calamar