

The regular meeting of the San Anselmo Planning Commission was called to order at 8:00 p.m. on June 15, 1987, by Chairman McPeak in the Town Hall Council Chamber. Staff present: John Kottage, Director Public Works/Planning, Lisa Wight, Planning Technician, John Roberto, Planning Consultant and Barbara Chambers, Administrative Secretary.

A. ROLL CALL

Commissioners Present: Zaharoff, Kroot, Harle, Hayes, Sias
McPeak
Commissioners Absent: Manning

B. APPROVAL OF MINUTES

The following corrections were made to the minutes of May 18, 1987: On page 1, fourth paragraph, under discussion Item delete the words "the approval" and add "giving Town employees or any group selection priorities". On page 10, second paragraph, correct spelling "iminent".

M/S Hayes, Kroot, to approve the minutes as corrected.

Motion passed unanimously.

The following corrections were made to the minutes of June 1, 1987: On page 2, third paragraph under Item 2, delete the words "there are still" and add "they would allow". On page 2, seventh paragraph, delete "getting rid of the numbers" and adding "and staying within the numbers and the design criteria".

M/S Zaharoff, Kroot to approve the minutes as corrected.

Motion carried. Chairman McPeak Abstained.

C. PUBLIC HEARINGS

1. Town of San Anselmo initiated amendments to the Zoning Ordinance - Title 10 of the Municipal Code - Hillside Density Districts (R-1H) - to establish a new application processing procedure and standards for developments proposed within the R-1 H district and review of the proposed Negative Declaration.

John Kottage presented the staff report stating that 1. the highest point in the roof line shall be no higher than 18 feet vertically above the nearest point on the ridgeline ground surface, nor shall the highest point on the roof line be higher than 30 feet vertically above the slope ground surface. The requirement which produces the lowest height shall govern. 2. For the purpose of this section, the ground surface shall be either the predevelopment ground elevations at the points of interest or the finished grade elevation at the point of interests, providing the refinished grade elevations are approved by specific action of the Planning Commission. In approving the finished grade elevation as finding the governing ground surface, the Planning Commission shall make all of the following findings: a) that use of the finished grade in lieu of the predevelopment ground surface will produce results consistent with the intention of this section to minimize visual impact on the ridge zone. b) that use of the finished grade will not result in the substantial obstruction of visible ridgeline or view from other properties in the Town. 3. These requirements assume evenly graded ground surfaces. When local irregularities in the ground surface produce results which are in conflict with the intent of these requirements, the Planning Commission shall determine reasonable, average conditions in the vicinity of the key governing points and instruct the Town Engineer to make structure height calculations based on these reasonable, average conditions. 4. The intention of the preceding height limits is to produce structures which minimize visual impact on the ridge zone. If during design emerges which is in compliance with these limits but in conflict with the intent of the ordinance, the Planning Commission shall have the authority, to amend these limits in order to achieve the

original intention of these limits. In amending the height limit, the Planning Commission shall make all of the following findings: a) that the amenities resulting from the variation in height will benefit the public welfare and other properties in the area. b) The amendment will not result in the substantial obstruction of a visible ridgeline or views from other properties in the Town.

Mr. Kottage also gave a demonstration of homes that have recently been built on a steep grade. The Schank Development was in a R-1 H zone and it shows the home on a 3 to 1 slope and it was done within the limits that staff has developed. The Valasquez residence was roughly a 1 1/2 to 1 slope (65% grade). Mr. Kottage stated that this design doesn't fit in the 30 foot envelope but it does in the 35 foot envelope. At this slope it is possible to bring the house into the 30' envelope by reducing the width of the house.

Jonathon Braun, 479 Scenic, was unclear about the 18 foot and 30 foot requirements. He wanted to know if it was possible to build a 30 foot home on finished grade on the ridge line. Jonathon said that he would not like to envision a 3 story house in the ridge zone with a 30 foot height limit and would like to see the limit dropped to 25 feet.

Doug Elliott, developer, said that he supports this new version of the staff report and went on to say that builders need to have clear definitions of what is needed and expected.

Commissioner Sias said he was in support with the limits of 18' and 30' and these are good guidelines.

Commissioner Hayes is still concerned about the 30 foot height limitations on flat or gentle slope although he does agree with the height limit on the steep slope. He is also questioning item #4 in the staff report stating that the wording is to reduce height and he thought the intent was to have it work both ways. If revised to work both ways perhaps it would be better to have a more restricted height limit. He wondered if perhaps a table could be created based on slope.

Commissioner Sias said that perhaps the working "with these limits but in conflict" can be eliminated in item #4.

Commissioner Kroot supports the height limitations and was happy to see that the height went down from 40 feet. He does agree with commissioner Hayes that perhaps item #4 should be reworded.

Commissioner Zaharoff supports the ordinance but wants to know if staff could address the 30 foot height and gentle slope. She also wanted to know if the definition of "finished grade" can be tightened up. She felt that it was important to give developers direction and also would like to use item #4 as an exception rather than the norm.

Chairman McPeak said that he had no problem with the height for the gentle slope area but does not support a difficult formula.

John Kottage stated that the County has a height limit of 30 feet and that limit seems to work fairly well.

Commissioner Sias said that perhaps this item needs more consideration before a decision can be made.

Chairman McPeak asked staff to include language for hardship in the ordinance, address the language for gentle slope, including reducing the height from 30 feet on the gentle slope.

M/S Zaharoff, Kroot, move to continue to the next regular meeting of July 6, 1987.

Motion passed unanimously.

2. NU-55 - Debbi and Tim Peterson, 58 Madrone Avenue, A/P 6-082-25, use permit for a new second living unit in an R-1 zone - CONTINUED TO 7-6-87.

V-2178 - Debbi and Tim Peterson, 58 Madrone Avenue, A/P 6-082-25, parking variance for a third parking space to be within 20 feet of the front property line and 1'6" of the east side property line - CONTINUED TO 7-6-87.

3. C-214 - Guasco Market, 100 Center Boulevard, A/P 6-101-04, design review of a permanent storage container on the west end of the property - CONTINUED TO 7-6-87.

4. V-2179 - Peter J. Gnemmi, 15 El Cerrito Avenue, A/P 6-031-15, a 14 foot rearward variance to construct an addition within six feet of the rear property line.

Peter J. Gnemmi, applicant, present.

Lisa Wight presented staff report stating that the existing structure houses a first floor with a one car garage, and a basement. It has a second floor which serves as the living area. The two bedroom living area is approximately 850 square feet. The applicants propose to construct a master bedroom, bath and dining/family room on the second floor and a workshop on the first floor. The triangular shaped lot is approximately 4,500 square feet. The existing dwelling was constructed on the southwest side of the property and fruit trees and a garden were planted on the northeast side. The logical location for extending the house is towards the rear. Extending the structure to the south is not possible as the existing dwelling is only 3.5 feet from the side property line, and extending 22 feet from the rear property line, while the extension will be 8 feet from the rear property line. The first floor workshop addition will be 600 square feet and the second floor living addition will also be 600 square feet. Staff is able to make the special circumstance finding for a first floor addition due to the irregular shape of the parcel and due to the configuration of the existing dwelling on the land. However, staff is unable to make the special circumstance finding for the second floor addition because the living area could be accommodated on the first floor in place of the workshop although this would create access difficulties between the living areas of the house. Additional living area is necessary for the enjoyment of substantial property rights. The 850 square foot home is very small for a family. However, staff is uncertain that a 600 square foot workshop is necessary and suggests that the living area may be placed on the first floor in lieu of the storage area. While staff can appreciate the need to expand the small home, the proposed two story addition could appear very imposing to the south side neighbor at No. 27 El Cerrito Avenue even though the eight foot side setback is being maintained. The proposed second story family/dining room windows will look directly over the pool area of the property at 27 El Cerrito Avenue. The second story enclosed porch and storage area will be removed. However, the tendency to use the windows from the family/dining room might be greater than from an enclosed porch. Perhaps eliminating the workshop and constructing the living addition on the first floor would be possible.

Mr. Gnemmi stated that the size of the home is closer to 800 square feet, not 850. Also, the workshop is actually going to be a playroom for the family. He sent notices to his neighbors along with copies of the plans and none of the neighbors had complaints. Mr. Gnemmi stated that the windows in the family/dining room will not be as large as first shown on the plans and the sliding glass door has been eliminated.

Commissioner Hayes wanted Mr. Gnemmi to show the Commission the changes on the plans.

M/S Kroot, Harle move to approve V-2179 - Peter J. Gnemmi, 15 El Cerrito Avenue, a/P 6-031-15, a 14 foot rear yard variance to construct an addition within six feet of the rear property line for the following: 1. there are special circumstances associated with the variance request, specifically the configuration of the site and the existing small size and layout of the residence; 2. The variance is approved because the strict application of the controlling zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification; and 3. The variance is approved as it will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated; 4. The variance is necessary for the preservation and enjoyment of substantial property rights, specifically the size and shape of the lot and residence; and 5. The variance will not materially affect adversely the health or safety of persons residing or working in the neighborhood, and will not be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, due to the small size of the addition and this motion is based on the fact the sill of windows will not be closer than 4'8" above the 2nd story floor level on the south side of the lot closest to the neighbor's pool and based on the drawings submitted to the Town May 6, 1987.

Motion passed unanimously.

Applicant advised of the ten day appeal period.

5. U-621/C-215 - Michael Vishniakoff, Misha's 21 Tamalpais Avenue, A/P 7-212-19, a use permit and design review for outdoor dining - CONTINUED TO 7-6-87.

6. AR-3 - Time Savings & Loan Association, 471, 491, 491 and 511 Redwood Road, A/P Nos. 7-340-01, 7-340-02, and 7-340-03, amendment to the R-1 H architectural review to change the exterior color scheme.

Bob Johnson, Representative for Time Savings & Loan, was present.

Lisa Wight presented staff report stating that the colors and materials were approved in 1984 but it has now changed ownership. The current owners propose to paint the dwellings in three different color schemes as follows: 471 Redwood Road - earth tones, trim to be dark brown, door to be beige, and field to be golden brown; 491 Redwood Road - earth tones, trim to be beige, door to be cream, and field to be grey; 511 Redwood Road - sky tones, trim to be open blue, door to be yellow, and field to be grey blue. The color schemes for Nos. 471 and 491 are compatible with the existing improvements and the natural elements on Redwood Road. The applicant proposes to use a blue color scheme for No. 511 for the reason that when approaching the dwelling from the 500 block of Redwood Road, there are few trees and the background of the dwelling is the sky. The designer felt that blue tones would be appropriate at this location. With the few exceptions, homes on this road are natural color and the blue may be considered out of character. Staff agrees with the current owner that the dwelling should have some individuality and the different color schemes will accomplish that. The color schemes will not make the environment less desirable and will not tend to cause the surrounding area to depreciate as the structures are new, and protecting the wood with paint will maintain the improvements. The color scheme will not adversely affect the traffic in the area and will not adversely affect the health or safety of persons using the improvement or endanger other properties in the area.

Commissioner Zaharoff stated that the majority of the exteriors in the neighborhood are natural wood stain however she did not view it from the downslope.

Commissioner Hayes feels uncomfortable making a decision on the colors but acknowledges that the Town does have an ordinance and

the Commission is obliged to make a decision.

Commissioner Harle is in agreement with Commissioner Hayes.

M/S Kroot, Zaharoff move to approve AR-3 for Time Savings & Loan Association, 471, 491 and 511 Redwood Road, A/P Nos. 7-340-01, 7-340-02 and 7-340-03, amendment to the R-1 H architectural review to change the exterior color schemes, on the basis on the required findings 1 through 5 of the staff report dated June 15, 1987 and color samples as presented at this meeting for each house.

Motion passed unanimously.

7. V-2180 - George W. Lucas, Jr., 52 Park Way, A/P 6-163-36, third story variance to add an addition to the existing third floor on the main dwelling - CONTINUED TO 7-6-87.

8. V-2181 - Ayris Joan Hatton and Allan Lawrence Kipperman, 112 Crescent Road, A/P 7-221-28, a three foot east sideyard variance to construct a hot tub within five feet of the east side property line; and a 2'6" east sideyard variance to construct an open deck within 3'6" of the east side property line.

David Rulon, Architect, present.

Lisa Wight presented the staff report stating the applicants propose to expand the existing deck to the east of the dwelling and install a hot tub. It seems logical to extend the deck along the existing construction line, rather than indent it to conform to the six foot setback requirements. A sliding glass door is proposed to replace the large window on the family room. The hot tub is situated only five feet from the side property because to place it eight feet from the property line would put it in line with the sliding glass door. This side is the most logical place for a hot tub as there is a tall laurel hedge between this property and the property at No. 108 Crescent road. This hedge will provide great privacy between 108 and 112 Crescent. It's possible the tub will not even be visible from the two story dwelling to the rear at No. 12 crescent Lane. To place the tub elsewhere on the property would eliminate privacy. The open deck is approximately three feet above grade and will not be visible to the neighbors at No. 108 Crescent Road due to the tall laurel. From the second story at No. 12 Crescent Lane the improvements will be visible, but due to the distance between the two houses, the deck and hot tub should have no detrimental effect. The noise from the tub equipment could be detrimental to the neighbor at No. 108 Crescent Road, but due to the fact that the house at No. 108 is set back considerably from this tub whether the tub is five feet or eight feet from the side property line should not make a significant difference. If equipment noise does become a nuisance the applicants should provide some noise baffling.

Mr. Rulon stated the hot tub equipment will be enclosed with doors and the hot tub will have glass around it. He also felt that it would be difficult to put the hot tub anywhere else.

Commissioner Kroot felt that the hot tub is close to the neighbors but had not problem with the application otherwise.

Commissioner McPeak said that he finds it difficult to make the findings in that he felt the hot tub could be moved away from the fence.

M/S Sias, Kroot, move to approve V-2181 for Ayris Joan Hatton and Allan Lawrence Kipperman, 112 Crescent Road, A/P 7-221-28, a three foot east sideyard variance to construct a hot tub within five feet of the east side property line; and a 2'6" east sideyard variance to construct an open deck within 3'6" of the east side property line, on the basis that: 1. there are special circumstances associated with the east sideyard variance requests, specifically that the size, shape, topography, location or surroundings of the parcel of land and the configuration of existing structure and it is a logical place to put the hot tub;

2. the east sideyard variances are approved because the strict application of the controlling zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification; and 3. the east sideyard variances are approved as they will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated; 4. the east sideyard variances are necessary for the preservation and enjoyment of substantial property rights, specifically that they want to place a hot tub in and with the bedroom expansion this is a logical place and; 5. the east sideyard variances will not materially affect adversely the health or safety of persons residing or working in the neighborhood, and will not be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, for the reasons that this hot tub is screened and that other homes are distant from it and that the mechanical equipment is going to be enclosed, based on the plans submitted May 22, 1987

Motion carried.

AYES: Harle, Hayes, Sias, Zaharoff, Kroot

NOES: McPeak

Applicant advised of the ten day appeal period.

9. V-2182 - George Girvin, 35 Redwood Road, A/P 7-083-14 and 7-083-26, a five foot rearyard variance to construct an addition with 15 feet of the rear property line.

George Girvin, applicant, present.

Lisa Wight presented staff report stating that due to the configuration of the existing dwelling the first and second floor additions will not be visible from the rear property at No. 20 Olive Avenue. This is because the existing third story portion of the dwelling surrounds the area of new construction. to conform to the 20 foot rearyard setback will leave a five foot width of a second story open deck between the existing and proposed structures. Requiring this type of design has no apparent merit. Further, the enclosures will not extend beyond the building line of the portion of the existing structure that is in the rearyard setback. 2. The applicant feels the addition is necessary in this location as it is the least visible place to expand the house. Further the three story dwelling surrounds the expansion area, and to reduce the size of the expansion to conform to the rear setback would be unreasonable and impractical. 3. The infill construction should not be a detriment to the neighborhood. The construction will not be visible to the rear properties due to the existing three story dwelling that surrounds it. The easterly neighbor at No. 6 Olive Avenue has a one story dwelling that currently has a clear view of this dwelling; however, the construction of the first and second floor additions should have no further impact on No. 6 Olive as it is infilling an existing three story structure. The front neighbors at Nos. 32, 36 and 40 Redwood Road are set a considerable distance from this dwelling and the addition will for the most part be tucked in the existing dwelling and should not have significant visible impact.

M/S Hayes, Sias move to approve V-2182 for George Girvin, 35 Redwood Road, A/P 7-083-14 and 7-083-26, a five foot rearyard variance to construct an addition within 15 feet of the rear property line, on the basis that; 1. there are special circumstances associated with the variance request, specifically the location of the structure on the lot and the property line 2. the rearyard variance is approved because the strict application of the controlling zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under

identical zoning classification; and 3. the rearyard variance is approved as it will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated; 4. the rearyard variance is necessary for the preservation and enjoyment of substantial property rights, specifically that the proposed edition is largely internal in nature; and 5. the rearyard variance will not materially affect adversely the health or safety of persons residing or working in the neighborhood, and will not be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, for the reasons that the addition is largely internal to the existing structure of the house as referenced to the plans received by the Town May 27, 1987.

Motion passed unanimously.

Applicant advised of the ten day appeal period.

D. Meeting was adjourned at 10:30 p.m. to next regular meeting on July 6, 1987.

BARBARA CHAMBERS
Administrative Secretary/Technician