

A regular meeting of the San Anselmo Planning Commission was called to order on February 2, 1987 at 8:02 p.m. by Chairman McPeak in the Council Chamber. Public Works/Planning Director Kottage, Planning Technician Wight and Planning Consultant Roberto were present.

ROLL CALL

Commissioners Present: Harle, Manning, Zaharoff, McPeak

Commissioners Absent: Hayes, Kroot

APPROVAL OF MINUTES, JANUARY 19, 1987

On page 7, in the first sentence of the first paragraph under "Public Comments," the word "1960's" was replaced with "1970's."

M/S, Manning-Zaharoff, to approve the minutes of January 19, 1987 as corrected. The motion passed unanimously.

PUBLIC HEARINGS - Continued Items

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/Neighborhood Business District) and the initial environmental review - CONTINUED TO 3-2-87.

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 two feet of the rear property line - CONTINUED TO 3-2-87.

V-2154 - Richard and Maureen Hochschild, 281-A Crescent Road, A/P 7-222-42, a 12 foot rearward variance to construct a first floor addition within eight feet of the rear property line; a four foot frontward 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 frontward variance to construct a retaining wall within 13 feet of the front property line; a seven foot rearward variance to construct an open deck within seven feet of the rear property line; a one foot rearward variance to construct an open deck within 13 feet of the rear property line; frontward and sideyard variances to extend a carport to accomodate two vehicles - CONTINUED TO 3-2-87.

Z-242 - Mr. and Mrs. Paul Elliot, 57 Summit Road, A/P 7-013-41, 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 3-2-87.

U-616 - Mr. and Mrs. Paul Elliot, 57 Summit Road, A/P 7-013-41, use permit for a Specific Planned Development single family dwelling - CONTINUED TO 3-2-87.

V-2158 - Mark McKinstry, 63 Spruce Avenue, A/P 7-025-02, third story variance and parking variance - CONTINUED TO 3-2-87.

PUBLIC HEARINGS

V-2157 - Warren L. and Kathryn J. Prostrello, 41 Prospect Avenue, A/P 6-181-10, a third story variance to construct a living addition; a six inch height variance for a chimney to be 35.5 feet in height from average grade; a six foot east sideyard variance to construct an open porch and stairs within zero feet of the east side property line; and an eight foot frontyard variance and two foot east sideyard variance to construct a first floor garage, second floor living room extension and third story living addition within 12 feet of the front property line and six feet of the east side property line.

The proposal is to add 1,600 square feet to a 1,200 square foot home on a 5,000 square foot lot. The portions of the proposed addition necessitating variances are a third story, a garage expansion, second floor living room expansion, a porch and stairs and a chimney.

Staff expressed concern about the looming affect the third story could have for persons using the street, the property across the street at 30 Prospect, and the westerly property at 31 Prospect. Staff recommended the entry porch be reduced to provide a two foot rather than a zero side setback for maintenance purposes.

The property owner was not present. James Weber, project architect, said the owner is living overseas and plans to return next year to live in the house at 41 Prospect. Mr. Weber said they designed around the existing footprint as much as possible. He noted that instead of adding a third story, they could add onto the back of the house and still conform to the 35 foot height limit, but he felt this design would create more of an adverse impact. By building solid fence rails and planting trees, the architect said they could mitigate the impact of the third story and loss of privacy.

Margaret Drohan, 31 Prospect, had submitted a letter and a copy of a report from a private appraiser assessing the negative financial impact of the proposed project on her property. Ms. Drohan said the third story addition would result in an enormous amount of privacy loss and would overlook and block light from her greenhouse, eating area, sewing room, hot tub and back yard. She was skeptical that landscaping could be planted at a height of 35 feet and survive, and such screening was only temporary.

Ms. Drohan further stated that aside from the project devaluing her property and reducing her privacy, she did not see a hardship or the special circumstances warranting a variance.

Richard Scearse, 47 Prospect, expressed concern about the loss of light, heat and privacy if the project is built. The master bedroom in his home, which backs right up to the property line, would be directly adjacent the applicant's master bedroom. He was further concerned over the size of the building on such a small lot, and felt it would devalue his property and privacy.

Helga Moriarty, 10 Avenue Del Norte, said the back of her house faces 41 Prospect. She said the third story will reduce the sunlight and privacy of her family room. In addition, her view of trees from her master bedroom would be replaced by a view of this addition.

Freeman Andrews, 30 Prospect, said that more than doubling the square footage of a home on such a small lot creates an imbalanced and city lot image and violates the property rights of the owners on both sides.

Nancy Altman, Avenue Del Norte, said it was absurd to have a 3,000 square foot home on a 5,000 square foot lot.

Charlotte Andrews, 30 Prospect, said the addition will block the light on Ms. Drohan's property.

Bob Davison, tenant at 47 Prospect, agreed the proposed project will affect the privacy of people living in the subject house as well as the people on either side.

Ms. Droahn noted that there were only two off-street parking spaces proposed for the four bedroom home. She was concerned that more construction would impact drainage and exacerbate the runoff problems from the property she is now experiencing in her garage.

Perry Litchfield, attorney for the property owner, said that most of the issues addressed by the neighbors were not germane to the application. A design could be fashioned which met the two-story height limit that would be the same height as the third story proposal, he said, adding that it would be an uglier design. He said the concerns of the neighbors address the third finding but there do not seem to be any comments addressing health and safety issues. Furthermore, the project has not been shown to be detrimental to public welfare, Mr. Litchfield said, noting that it is a select group that has concerns and three story dwellings exist throughout the neighborhood. There is nothing to suggest there is going to be any injury resulting from his project, there has been a bit of exaggeration concerning the affect of the dwelling and there is plenty of foliage which blocks the views now and in the future, Mr. Litchfield told the Commission.

George Zerbo, civil engineer, said that during his preliminary hydrologic study he discovered underground springs and water running under the house, and through the garage from the rear, undermining its foundation. The garage is full of termites and must be completely reconstructed.

Mr. Weber submitted photographs showing that there are other structures in the setbacks in the neighborhood.

Commission Remarks

Commissioner Manning said he viewed the subject property from Ms. Drohan's property and observed that the proposed structure would obstruct her light. There comes a time when it is more appropriate to find another dwelling, he said, than to make this amount of addition that is inconsistent with the character of the neighborhood. He did not feel he could make the findings of special circumstances on the property or that the project would not have an adverse impact on the neighborhood.

Commissioner Harle observed that people are finding it is not economically possible to trade up to larger homes as they did in the past. He said he has gone along with home expansions where they can be done modestly and appropriately. However, this project is making small house into a larger house on a small lot, and from a planning standpoint it looks like the wrong house on the wrong lot.

Commissioner Zaharoff said the problem she has with the proposal is with the massiveness of the third story in that it would create a looming affect and is not in scale with other homes in the neighborhood.

Chairman Mcpeak said if an alternative proposal to expand into the backyard requires a variance, he still might not be able to make the necessary findings for approval. The loss of privacy and loss of light resulting from this proposal are significant impacts on the neighborhood, he said.

Given the option of having the Commission vote on the application or continuing it pending submittal of a redesign, Mr. Litchfield chose the former, based on the assumption that the applicant could re-apply after completing this application process.

M/S, Zaharoff-Manning, to deny V-2157, Warren L. and Kathryn J. Prostrello, 41 Prospect Avenue, A/P 6-181-10, an eight foot frontyard variance and two foot east sideyard variance to construct a first floor garage, second floor living room extension and third story living addition within 12 feet of the front property line and six feet of the east side property line; a six inch height variance for a chimney to be 35.5 feet in height from average grade; a six foot east sideyard variance to construct an open porch and stairs within zero feet of the east side property line; a third story variance to construct a living addition, on the grounds there exists no special circumstances applicable to the property, the granting of the variance would constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone, the granting of the variance would be materially detrimental to the public welfare and injurious to property and improvements in the neighborhood, on the grounds that the height and bulk of the proposed dwelling will be detrimental to neighboring dwellings as it will affect their light and privacy. Motion passed unanimously.

SR-344 - Stop N Go, 807 San Anselmo Avenue, A/P 7-162-17, sign review of a front sign change

The proposal is to replace the existing yellow lettering sign with a dark green fabric awning with yellow, red and mint green lettering. The sign conforms to the size requirements of the sign ordinance but staff felt the colors may be too bold and therefore referred the application to the Commission.

Wade McClure, applicant representing Stop N Go, said the sign design was part of a national program to create a smaller sign with an entry image and lights below for the walkway. He said he would like approval to work with staff to modify the colors, such as using red copy with a green background.

Commissioner Zaharoff said she liked the idea of reducing the size of the sign but wanted to see the colors toned down to be more in keeping with other signs in town.

Commissioner Harle commented he rather liked the garish colors but was agreeable to toning down the colors of the sign.

Commissioner Manning commented that he could live with the sign but that it was not entirely consistent with other signs in town.

Mr. McClure said he could use a "muddier" colored yellow and a darker green instead of the mint green.

Chairman McPeak observed that it was an attention-getting sign whereas the signs in town are more earthtone in color.

Bill Ollinger, 60 Olive Avenue, said that if the sign was in a commercial area among other signs, the applicant would have a reason for it to be designed to attract attention. However, since this property is on the edge of a residential neighborhood, the store does not need a bright sign; the store itself is an advertisement.

M/S, Harle-Zaharoff, to refer SR 343, Stop No Go, sign review of a front sign change, back to staff for negotiation with the applicant, looking toward subduing the color scheme of the sign. Motion passed unanimously.

C-211 - Hilda's Coffee Shop, 639 San Anselmo Avenue, A/P 7-212-34, design review of vehicle cover structure.

The proposal is to construct a quonset hut type structure made of a PVC plastic pipe frame and covered with plastic sheeting to house one vehicle in the rear of the building off Kientz Lane. The rear of the restaurant is used for deliveries and an employee entrance.

Doug Anawalt, architect, was present.

The Commissioners expressed concern that the material, which Mr. Anawalt said is designed for a 3 year duration, could deteriorate and be unsightly.

Brian Young, owner of Hilda's Coffee Shop, said that if the cover became torn, it would not be serving its purpose.

M/S, Manning-Harle, to approve C-211, Hilda's Coffee Shop, 639 San Anselmo Avenue, A/P 7-212-34, design review of a vehicle cover structure, on the condition that the structure be maintained, and in the event it becomes deteriorated, the structure must be removed or restored upon 30 days notice, based on the findings that it is functionally and aesthetically compatible with the existing improvements and the natural elements in the surrounding area, it provides for protection against noise, odors, and other factors affecting the environment, it will not tend to cause the surrounding area to depreciate materially in appearance or value, it will not create unnecessary traffic hazards due to congestion, distraction of motorists or other factors and provides for satisfactory access by emergency vehicles and personnel, and it will not adversely affect the health or safety of persons using the improvement or endanger property located in the surrounding area. Motion passed unanimously.

V-2157 - Larry Loomer, 11 Glen Road, A/P 7-013-08, a 20 foot frontyard variance to construct a two-car garage with an open deck above within zero feet of the front property line and a 9'6" frontyard variance to construct new entry stairs within 4'6" of the front property line.

Prior to its recent removal, there existed a second floor deck with an enclosed area below which had the same exterior wall lines as the proposed enclosed garage and second floor deck.

Staff expressed concern about garage access difficulties associated with the location and dimensions of the existing driveway and proposed garage entrance, as well as sight distance problems at the adjacent intersection.

Mark Clark, representing the owner, said the deck has undergone substantial deterioration. He said the owners of 11 Glen, as well as residents of Forest Avenue, park in the vicinity of the Creek Road and Glen Road intersection and that the garage would allow the residents of 11 Glen to park off the street. Mr. Clark indicated the applicant was agreeable to the conditions of approval recommended by staff.

M/S, Harle-Zaharoff, to approve V-2157 - Larry Loomer, 11 Glen Road, A/P 7-013-08, a 20 foot frontyard variance to construct a two-car garage with an open deck above within zero feet of the front property line and a 9'6" frontyard variance to construct new entry stairs within 4'6" of the front property line, on the grounds that the layout of the existing building with respect to the lot size is a special circumstance justifying this variance, the granting of the variance is necessary for the preservation and enjoyment of substantial property rights, it will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not be materially detrimental to the public welfare or injurious to property or improvements in such neighborhood, being conditioned on:

(1) The applicant removing all vegetation and other visual obstructions to intersection traffic for a distance of 15 feet from the intersection of Creek Road and Glen Road;

(2) A new paved driveway will be installed which allows cars to enter the garage from Creek Road. This driveway will be a minimum of 17 feet wide and 30 feet long and will have a slope not exceeding 6 percent;

(3) The large garage door located nearest Glen Road will be increased in size to be a minimum of 16 feet wide in order to allow a minimum of two cars to be parked in the garage;

in reference to drawings available to the Planning Commission at its meeting of February 2, 1987. Motion passed unanimously.

V-2158 - Kevin and Laura Shea, 51 Laurel Avenue, A/P 7-112-35, a 13 foot frontyard variance to construct a two-car garage and second story exercise room within seven feet of the front property line; a three foot frontyard variance and a five foot sideyard variance to extend the first floor living area; a nine inch frontyard variance to construct open entry stairs within 13'3" of the front property line; a 4'6" frontyard variance to construct a chimney within 15'6" of the front property line; a three foot frontyard variance, five foot west sideyard variance and 2'4 1/2 foot east sideyard variance to construct a second floor living addition; variances for the roof overhangs to be 2.5 feet further into the respective setbacks.

Staff reported that they did not foresee adverse impacts resulting from the proposed first and second floor additions, entry stairs and fireplace. They recommended that no vegetation or fencing be placed around the existing 48 inch oak tree located in the west corner of the property in order to limit sight distance problems associated with use of this driveway. Regarding the proposed 588 square foot second story exercise room above the garage, staff expressed concern that it will have a looming effect to persons using the street and will block sunlight to first and second story windows of the westerly neighbor at No. 41 and they could not make the necessary findings for approval.

Mr. Shea read a letter from Ethel Lee Jordan, 41 Laurel, supporting the application. Mr. Shea said it was not a two-story garage, but was basically more of a loft/storage area above the garage. The corner of the garage closest to having a looming affect is only 13 feet high, he said. He said the intent is to build a structure that fits into the character of the neighborhood.

Jerry Bonimer, 52 Laurel, whose property is across the street from 51 Laurel, felt the addition would be a positive improvement in the neighborhood.

Commissioner Zaharoff commented that the second story addition on the house was not inappropriate for the neighborhood in that there were other second story structures on the other side of the street. The portion of the application she said she was struggling with was the second story over the garage.

The applicant responded that the roof ridge was 16 to 17 feet high, the ceiling height of the second floor over the garage will be 7 feet at the peak and 5 feet on the sides, and that the overhangs will be less than 18 inches.

Commissioner Harle said that considering the relatively low height of the two-story garage structure and precedents for such structures in the neighborhood, he found the proposal acceptable.

Commissioner Manning commented that given the characteristics of the neighborhood, he felt the proposal would be an improvement.

Chairman McPeak discussed whether turning the garage to create a different orientation would reduce the impact of the project. The project architect, Bill Ollinger, responded that this would mean the 20 foot wide side of the garage would be in the setback.

M/S, Zaharoff-Manning, to approve V-2158, Keven and Laura Shea, 51 Laurel Avenue, A/P 7-112-35, a 13 foot frontyard variance to construct a two-car garage and second story exercise room within seven feet of the front property line; a three foot frontyard variance and a five foot sideyard variance to extend the first floor living area; a nine inch frontyard variance to construct open entry stairs within 13'3" of the front property line; a 4'6" frontyard variance to construct a chimney within 15'6" of the front property line; a three foot frontyard variance, five foot west sideyard variance and 2'4 1/2 foot east sideyard variance to construct a second floor living addition; and a variance for the roof overhangs not to exceed 18 inches into the setback, on the grounds that due to the size and shape of the property and the location of the buildings on the lot there are special circumstances necessary for the granting of the variance, granting the variance is necessary for the enjoyment of substantial property rights, it 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, with the approval made in reference to drawings received January 14, 1987 by the Town of San Anselmo, with the condition that the second story and garage not be rented separately. Motion passed unanimously.

V-2161 - Steve Levine, 15 Entrata Avenue, A/P 6-241-34, a ten foot rearward variance to extend a first floor family room within ten feet of the rear property line; a three foot rearward variance to construct outside stairs to the second floor within eleven feet of the rear property line; an 18.5 foot rearward variance to raise the roof five feet (from a flat roof to a peaked roof with 5 in 12 pitch) within 1.5 feet of the rear property line; and a six foot rearward variance to construct a second floor addition within 14 feet of the rear property line.

The project architect said the owner was willing to eliminate the outside stairs and would instead access the pool area from the interior stairs.

M/S, Zaharoff-Harle, to approve V-2161, Steve Levine, 15 Entrata Avenue, A/P 6-241-34, a ten foot rearward variance to extend a first floor family room within ten feet of the rear property line; a three foot rearward variance to construct outside stairs to the second floor within eleven feet of the rear property line; an 18.5 foot rearward variance to raise the roof five feet (from a flat roof to a peaked roof with 5 in 12 pitch) within 1.5 feet of the rear property line; and a six foot rearward variance to construct a second floor addition within 14 feet of the rear property line, on the grounds that the size and shape of the property and the location of the dwelling on the property necessitates special circumstances, the variance is necessary for the enjoyment of substantial property rights and it will not materially adversely affect the health and safety of persons living and working in the neighborhood, being in reference to the drawings received January 5, 1987. Motion passed unanimously.

WORKSHOP

Creek Park - Planning Commission representative to participate in discussion of the Park's future.

Commissioner Manning volunteered to serve on this committee.

Prioritization of Planning Department Goals and Objectives

Public Works/Planning Director Kottage submitted lists of priority work items for both the planning consultant and in-house staff based on the joint meetings between the Town Council and Planning Commission.

M/S, Manning-Harle, that the proposed in-house priority work items dated February 2, 1987 be recommended, subject to the following revisions: that the review of the second unit ordinance be moved to a low priority and that revision of the lot line adjustment ordinance be raised from a low to a medium priority. Motion passed unanimously.

M/S, Harle-Manning, to approve the proposed planning consultant priority work items dated February 2, 1987 as stated. Motion passed unanimously.

ADJOURNMENT

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

Respectfully submitted,

Beth Calamar