

The regular meeting of the San Anselmo Planning Commission was called to order by Chairman Hayes on March 7, 1988, at 7:15 p.m. in the Town Hall Council Chamber. Staff present: John Roberto, Consultant, Hadden Roth, Town Attorney, Lisa Wight, Planner.

A. ROLL CALL

Commissioners Present: Harle, Julin, Yarish, Zaharoff, Hayes
Commissioners Absent: Manning, Sias

B. RESOLUTION FOR ADOPTION

PP-10/V-2209 - Lee Cole Properties, The Alameda, South of 443 The Alameda, San Anselmo jurisdiction, A/P 177-220-54, driveway easement, adoption of resolution for denial.

Mr. Roberto explained that the Planning Commission should review the resolution provided for this meeting and make whatever changes are deemed appropriate. This action to adopt the resolution does not require a public hearing and it is not necessary to open discussion of the resolution to the public. However, the Commission can always take public input if it is desired.

Commissioner Julin stated that she would feel better if the County were involved in the decision regarding the easement. Mr. Roth noted that Doug Maloney, Council for the County, takes the same position as the Town Attorney, stating the applicant would have the right to have an access road. He did not feel we could require the applicant to go through the County first, and would not advise it be a recommendation as part of the resolution. However, we have requested that it be investigated.

Mr. Roberto wanted to note a few changes in the wording in the Resolution as follows: page 1, paragraph 3 to read "WHEREAS, J. K. Naylor Inc., in the three variance applications filed on August 28, 1987 included a request to construct a paved turnabout on a portion of A/P 5-043-16, the turnabout was located outside of the driveway easement shown on the map submitted on the application". Page 2, number 3, add "the applicant in this matter".

M/S Zaharoff, Julin to deny without prejudice Variance application by Lee Cole Properties to improve an access roadway within an easement over properties located in San Anselmo, for the reasons as stated in the Resolution prepared by John Roberto in the staff report dated March 7, 1988. (copy attached)

Motion passed unanimously. Applicant advised of the 10 day appeal period to the Town Council.

C. PUBLIC HEARINGS

1. A-144 - Mauro Passeti, 60 Mariposa Avenue, A/P 7-284-32, design review of ten apartment units and review of the environmental document.

John Roberto presented the staff report indicating that he has prepared a negative declaration and a draft Resolution for the Commission. If approved, the Commission should also incorporate Exhibits A. Architectural plans received February 11, 1988; B. Storm Water Drainage Plan dated January 19, 1988; C. Landscaping Plan dated March 2, 1988; and D. Color palate dated February 1988 as part of the approval.

John Silvey, 50 Mariposa, was generally satisfied with the new landscaping plan however noted that the symbol for the birch trees on the landscape legend is incorrect and should be changed to reflect 13 - 15 gallon birch trees. Also the automatic irrigation as designed shall be installed.

Mr. Passeti said that the legend could be followed to show 6 - 15 gallon trees and 13 - 15 gallon trees and the landscape architect

could verify placement of trees.

Commissioner Julin thought the larger trees should be used to screen the walls otherwise was in agreement with the application.

Commissioner's Harle and Zaharoff felt that all the requirements had been met but noted that the legend should reflect 13 - 15 gallon trees.

Commissioner Yarish was in favor of the application. Chairman Hayes would like to see screening on the eastern part otherwise was in support of this application.

M/S Zaharoff, Julin to approve A-144 Mauro Passeti, a negative declaration of environmental impact and conditionally approve a design review application for a 10 unit residential apartment project located at 60 Mariposa Avenue in San Anselmo A/P 7-284-32 and to adopt the Resolution as prepared by staff for the meeting of March 7, 1988.

Motion passed unanimously. Applicant advised of 10 day appeal period.

2. PP-10/V-2209 - Carradine, Incorporated Architects, The Alameda, South of 443 The Alameda, San Anselmo jurisdiction A/P 5-043-16, 5-043-22, and 5-043-31, preliminary plan development, variance for a driveway easement; and discussion of environmental clearance.

Mr. Carradine, applicant, present.

Mr. Roberto presented staff report dated March 7, 1988 advising the Commission that he has prepared three Resolutions for denial. The Commission should review the wording in each draft resolution and make whatever changes are deemed appropriate. Mr. Carradine does have the opportunity to withdraw his application but he requests the Commission take action.

Mr. Carradine stated he is in complete disagreement with staff, believes he has satisfied all the requirements to have staff make the necessary findings, feels that the homes could be build in the upper part of the parcel and will not infringe on the ridge top. He feels the parcels are improperly zoned because he now has a copy of a USGS map that indicates he is not in a ridge zone.

There was discussion about the definition of the 300 foot contour and Chairman Hayes reiterated his comments from the last Planning Commission meeting.

Mr. Carradine explained that he would be willing to pay for a surveyor to get the exact location of the parcels since there seems to be a discrepancy with what he originally presented and what information he now has. He always was under the impression that the property was below the ridge top.

Mr. Roberto said that since Mr. Carradine is suggesting the topo he prepared for this application is now incorrect, he would advise Mr. Carradine resubmit a new application with the new information. Also, if the contours are not correct, then the roadway and grade are also incorrect.

Mr. Carradine said he never felt that contours were an issue and it looks like the ridge top is off the property.

Chairman Hayes advised the applicant that the Commission can only act on information that has been presented. The General Plan defines the parcels as being in the ridge zone. There are sufficient grounds for denial of the application other than the ridge top. There is also a time limit of March 26, 1988 and he did not think a survey could be obtained in that short time.

Mr. Roberto indicated that they can withdraw the application or request a 90 day extension.

Mr. Roth said that the withdrawal could be looked at as an extension. He advised that the Commission should act on what is before them now and the applicant can reapply again at a later date.

Mr. Carradine addressed the drainage by saying he thought it could be resolved with the recommendations from Mr. Kottage. He wanted to reiterate that he was always under the impression that he was in conformance with the General Plan and he was surprised to rear that a variance was required. With regards to running out of time, he did not feel it was fair to the owners. State laws were passed to get fast action and the denying is a willful circumvention of those laws.

John Loutis, 353 The Alameda, still has not seen an Engineers report on the driveway.

Ellen Murphy, 102 Bretano Way, Greenbrae, said she was the owner of the parcel about 9 years ago and intended to develop the lot however she came up against the same problems as Mr. Carradine is having. She is sorry that he has to go through the aggravation and grief that she went through.

Frank Burger, 324 The Alameda, said that with the information presented for this application, there is no alternative but to deny it.

Commissioner Yarish said that given the time constraints there is little alternative but to deny.

Commissioner Zaharoff said that grading and drainage are issues still to be resolved and we can only go on the information that has been provided by the applicant. She is in support of the denial.

Commissioner Julin and Harle are in support of the denial.

Chairman Hayes felt there were adequate reasons as stated in the Resolution for a denial.

Mr. Carradine feels it is important for an applicant to know what the definitions are and felt this should have been verified. If he knew ridge zones were an issue he would have addressed it. With regard to the houses moving to the bottom of the hill and accessing from The Alameda, he felt it will destroy the appearance at the street level.

M/S Julin, Zaharoff, a Resolution of the Town of San Anselmo Planning Commission denying a variance application by J. K. Naylor Inc. to obtain access by easement for a lot (A/P 5-043-22) which has direct access to a public street as taken from the Staff memo dated March 7, 1988 from John Roberto to the Planning Commission. (copy attached)

All eyes. Motion passed unanimously. Applicant advised of the 10 day appeal period to the Town Council.

M/S Julin Zaharoff, a Resolution of the Town of San Anselmo Planning Commission denying a variance application by J. K. Naylor Inc. to obtain access by easement for a lot (A/P 5-043-16) which has direct access to a public street as taken from the staff memo dated March 7, 1988 from John Roberto to the Planning Commission. (copy attached)

All eyes. Motion passed unanimously. Applicant advised of the 10 day appeal period to the Town Council.

M/S Julin, Zaharoff, a Resolution of the Town of San Anselmo Planning Commission denying a variance application by J. K. Naylor

Inc. to obtain access by easement for a lot (A/P 5-043-31) which has direct access to a public street as taken from the staff memo dated March 7, 1988 from John Roberto to the Planning Commission.

All ayes. Motion passed unanimously. Applicant advised of the 10 day appeal period.

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3. V-2217 - Jim Kessler, 54 Hillside Avenue, A/P 7-121-21, a 14 foot frontyard variance to construct an open deck and open stairs within zero feet of the front property line; and a 20 foot frontyard variance to construct a lattice trellis on the open deck within zero feet of the front property line.

Jim Kessler, applicant, present.

Ms. Wight presented staff report.

Gale Pettyjohn, 52 Hillside, was concerned about the trellis cutting off their light and obstructing their view but has no objection to the deck.

Robert Pettyjohn, 61 Hillside, feels the trellis will obstruct his light and it looked like the trellis will go the height of the house.

Jim Kessler thought the neighbor's view was already obstructed by the bamboo.

Commissioner Zaharoff thought perhaps the applicant could construct a mini version of a story pole to see if it does indeed obstruct the neighbor's view.

Commissioner Julin did not feel there was much protrusion because the trees were already there and number 52 is set back. She felt what the applicant was proposing would be an improvement.

Commissioner Harle echoed Commission Julin.

Commissioner Yarish had a problem with the dwelling being over the property line. He feels the street already has a terribly crowded look to it.

Chairman Hayes can support the deck variance but agrees with Commissioner Zaharoff about erecting mini story poles.

Mr. Kessler presented various photographs of the property and did not feel he would be obstructing anyone's view but would be willing to erect story poles.

M/S Zaharoff, Harle move to continue V-2217 - Jim Kessler, 54 Hillside Avenue, A/P 7-121-21, a 14 foot frontyard variance to construct an open deck and open stairs within zero feet of the front property line; and a 20 foot frontyard variance to construct a lattice trellis on the open deck within zero feet of the front property line on the basis that the applicant can erect story poles that will simulate the lattice work proposed only in those portions that would obstruct the view of number 52 Hillside. This is continued to the meeting of March 21, 1988.

All ayes. Motion passed unanimously.

4. V-2221 - Albert K. S. Jung, 41 Hillcrest Court, A/P 5-092-12, a 15 foot frontyard variance and a 2.5 foot north sideyard variance to construct an in-ground swimming pool within five feet of the front property line and 5.5 feet of the north side property line; and an eight foot north sideyard variance to install pool equipment within zero feet of the north side property line.

Albert Jung, applicant, present.

Ms. Wight presented staff report and noted that the letter received tonight from Alice Tofanelli will be addressed at the

building permit stage.

Dick Rogers, son-in-law of Alice Tofanelli, wanted to know how deep the pool was and restated the concerns of Mrs. Tofanelli.

Maggie Stafnes, 33 Hillcrest, has no objection to the application for the current owners but does think the pool is very close to her property.

Commissioner Julin thought it was overdevelopment of the front yard, not aesthetically pleasing, but would not object if the neighbors do not.

Commissioner Harle had no real concern about the pool but the fence height was a concern. He also felt the pool equipment should be moved further in and the sound muffled.

Commissioner Yarish wondered if there was a location further away from the neighbor to construct the pool and equipment. He thought it was overdevelopment in the front of the property and would prefer to see a smaller pool. He also wondered if the fence was measured from the inside or out. The applicant stated that the pool could only be constructed where it has now been designed but perhaps a cover could be constructed with insulation to minimize the noise.

Commissioner Zaharoff would like to see a smaller pool because it is in the frontyard but the neighbors were not objecting so she could go along with the current size but would like to see the equipment moved. Also, she wondered if the four feet retaining wall will be included as part of the six foot height requirement around the pool.

Chairman Hayes agreed that the equipment should be moved away from the neighbors sideyard and thought that perhaps the shallow end could be moved farthest away from the neighbors. He was also concerned about slides in the area. He wondered about the fence around the pool and what the height requirements should be without having to get a variance and yet provide sufficient screening.

M/ Yarish to approve V-2221 on the basis that: 1. Due to special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the controlling zoning ordinance or regulation deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification, specifically there is no other possible location for the pool on the property; 2. The granting of the variance 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, specifically that swimming pools are not uncommon in the area; 3. The granting of the variance is necessary for the preservation and enjoyment of substantial property rights of the petitioner, specifically that he has a reasonable desire for a pool; and 4. The granting of such 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 of the applicant and will not be materially detrimental to the public welfare or injurious to property or improvements in such neighborhood, specifically that if he moves the pool equipment to another location approximately 8 to 10 feet from the drawn location along the north side property line.

At this time there was additional discussion about the placement of the pool equipment and the retaining wall/fence around the pool. Commissioner Yarish then asked to withdraw his motion.

M/S Yarish, Julin move to continue V-2221 - Albert K. S. Jung, 41 Hillcrest Court, A/P 5-092-12, a 15 foot frontyard variance and a 2.5 foot north sideyard variance to construct an in-ground swimming pool within five feet of the front property line and 5.5 feet of the north side property line; and an eight foot north

sideyard variance to install pool equipment within zero feet of the north side property line to the meeting on March 21, 1988 for the applicant to submit elevations for the front fence.

Motion passed unanimously.

5. V-2201 - Connie and Jim Culver, 90 Woodside Drive, A/P 5-271-15, a 13 foot frontyard variance to construct open stairs within one foot of the front property line; and a two foot frontyard variance to construct an open deck within 12 feet of the front property line.

Jim and Connie Culver, applicants, present.

Ms. Wight presented staff report.

Mr. Culver stated that the stairway is needed for access out in case of a fire. They have a 3 story dwelling and only one exit at this time. Also, for security reasons they can not leave their front door open for the students. The exterior architecture will be improved by these stairs and the proposed deck.

All the Commissioners were in agreement with the application.

M/S Harle, Yarish, move to approve V-2201 - Connie and Jim Culver, 90 Woodside Drive, A/P 5-271-15, a 13 foot frontyard variance to construct open stairs within one foot of the front property line; and a two foot frontyard variance to construct an open deck within 12 feet of the front property line on the basis that this variance, specifically for the easing of access to a studio designed for giving music lessons and because of the topography and building placement on the lot, the stairs is the best possible location; and the granting of the variance 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; the granting of the variance is necessary for the preservation and enjoyment of substantial property rights of the petitioner; and the granting of such 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 of the applicant and will not be materially detrimental to the public welfare or injurious to property or improvements in such neighborhood. This is in reference to plans received February 17, 1987 specifically to the blue print material and not the xerox copy attached.

Motion passed unanimously. Applicant advised of the 10 day appeal period.

6. V-2222 - Mr. and Mrs. Roger Irwin, 16 Sunny Drive, A/P 6-112-13 and 6-112-22, a 12 foot rearyard variance to raise the height of the garage and construct a second story living area above within 8 feet of the rear property and construct a second story living area above within 8 feet of the rear property line.

Mr. and Mrs. Roger Irwin, applicants, and Greg Dedona, representing applicant, present.

Ms. Wight presented staff report.

Greg Dedona said the existing garage is in bad shape and the vans will not fit in the garage. Because of the slope of the land this leads to the garage being the best place for the addition. The applicant's intent also was to upgrade the garage to the same architecture as the house.

Roger Irwin said they have three sons and the garage is now used as a rumpus room. They intend to use this second story as a place for the kids to spend their leisure time.

Commissioner Yarish was in support of the applicant. Commissioner Zaharoff had no problem with raising the garage and since the

neighbors did not oppose the second story she could also support that.

Commissioner Julin could support the raising of the garage but felt the second story is too high for the width of the garage on a down slope lot.

Commissioner Harle said he could approve the application due to the character of the neighborhood.

Chairman Hayes said it seems feasible because it takes cars off street, ties in with the house and the neighbors have no objection.

M/S Harle, Yarish to approve V-2222 - Mr. and Mrs. Roger Irwin, 16 Sunny Drive, A/P 6-112-13 and 6-112-22, a 12 foot rear yard variance to raise the height of the garage and construct a second story living area above within 8 feet of the rear property and construct a second story living area above within 8 feet of the rear property line on the basis that the granting of the variances 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, specifically all other properties in the vicinity have useable garages and this one is not any different; The granting of the variance is necessary for the preservation and enjoyment of substantial property rights of the petitioner, specifically giving an additional living area with a degree of privacy itself; The granting of such 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 of the applicant and will not be materially detrimental to the public welfare or injurious to property or improvements in such neighborhood, specifically that the garage with a second story is not visible to the three other properties and there are not objections from the neighbors. The special circumstances are the steep slope and it being the only available building space on top of the garage. The condition being that the space will not be rented or converted to be separate living space. This is all based on plans submitted December 21, 1987.

AYES: Zaharoff, Yarish, Harle, Hayes
NOES: Julin

Applicant advised of 10 day appeal period.

7. EU-11 - Uma Silbey, 28 El Cerrito Avenue, A/P 5-242-11, a use permit for a second living unit to remain upon change of ownership. CONTINUED TO MARCH 21, 1988.

8. V-2223 - Cesar A. Chang Castillo, Cesar's Cyclery, 29 San Anselmo Avenue, A/P 7-302-15, a parking variance to increase the intensity of use of the property by constructing first and second story additions.

C-216 - Cesar A. Chang Castillo, Cesar's Cyclery, 29 San Anselmo Avenue, A/P 7-302-15, design review of exterior changes, including first and second story additions.

SR-345 - Cesar A. Chang Castillo, Cesar's Cyclery, 29 San Anselmo Avenue, A/P 7-302-15, sign variance to permit a sign to extend above the top of the front wall of the building.

Cesar A. Chang Castillo, applicant, present.

Ms. Wight presented staff report.

Doug Anawalt, 202 Saunders, stated that the previous use had no parking problems and he did not anticipate this business to have increased parking.

Bill Bandy, 202 Saunders, felt this is a better use of the

property then the previous one and will help get more business at this end of Town.

Commissioner Zaharoff had no objection with the sign or design review, agrees that it will be a low generator of traffic but felt it would be worthwhile discussing what type of problems it could cause in the future.

Commissioner Julin was in support of the parking variance and design review but would like to see planter boxes on the outside. She felt the sign would be a distraction as proposed.

Commissioner Harle was in support of all three applications.

Commissioner Yarish thought this was a very good use of the building.

Chairman Hayes had no problem with the applications although he thought one of the parking spaces will be taken away because of the safety stairway.

M/S Zaharoff, Harle, to approve V-2223 - Cesar A. Chang Castillo, Cesar's Cyclery, 29 San Anselmo Avenue, A/P 7-302-15, a parking variance to increase the intensity of use of the property by constructing first and second story additions on the basis that: Due to special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the controlling zoning ordinance or regulation deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification, specifically that the size of the property can not carry the amount of parking spaces necessitated by code; The granting of the variance 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, specifically that other properties in the area enjoy parking variances; The granting of the variance is necessary for the preservation and enjoyment of substantial property rights of the petitioner, specifically that this does not necessitate the amount of parking of the code because of it being a low traffic generator; The granting of such 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 of the applicant and will not be materially detrimental to the public welfare or injurious to property or improvements in such neighborhood, specifically that the business is a low traffic generator and will not put increased burden in the area.

Motion passed unanimously.

M/S Zaharoff, Harle to approve C-216 Cesar A. Chang Castillo, A/P 7-302-15 design review of exterior changes, including a second story addition on the basis that it is functionally and aesthetically compatible with the existing improvements and the natural elements in the surrounding area; Provides for protection against noise, odors, and other factors which may make the environment less desirable; Will not tend to cause the surrounding area to depreciate materially in appearance or value or otherwise discourage occupancy, investment, or orderly development in such area; Will not create any unnecessary traffic hazards due to congestion, distraction of 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.

Motion passed unanimously.

M/S Zaharoff, Harle to approve SR 345, Cesar A. Chang Castillo, 29 San Anselmo Avenue, A/P 7-302-15, sign variance to permit a sign to extend above the top of the front wall of the building on the

basis that: Due to special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the controlling zoning ordinance or regulation deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification, specifically the configuration of the building necessitates placement of the sign as shown by applicant to be seen from the roadway; The granting of the sign review 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, specifically that other business have signs visible from the roadway; and The granting of the sign review 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, specifically other business have signs visible from the roadway; The granting of such sign review, 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 of the applicant and will not be materially detrimental to the public welfare or injurious to property or improvements in such neighborhood, specifically the sign is in the best place and will cause no distraction to motorists. This is in reference to plans dated February 16, 1988.

Motion passed unanimously. Applicant advised of the 10 day appeal period.

D. ITEMS CONTINUED OR WITHDRAWN

1. V-2218 - Diane and Michael Snodgrass, 28 Agatha Court, A/P 6-043-15, a 4.5 foot west sideyard variance to construct a second floor addition within 3.5 feet of the west side property line - CONTINUED TO MARCH 21, 1988.

2. U-631 - Cerelo Nabarrete, Jr., 330 Sir Francis Drake Boulevard, A/P 6-251-04, use permit for Arthur Murray Dance School in a C-3 District - WITHDRAWN.

V-2208 - Cerelo Nabarrete, Jr., 330 Sir Francis Drake Boulevard, A/P 6-251-04, parking variance for a dance school in a C-3 District - WITHDRAWN.

E. APPROVAL OF MINUTES - February 22, 1988

M/S Harle, Julin to approve minutes with a correction to page 10, 3rd paragraph from bottom to read "M/S Harle, Yarish, to approve...."

Ayes: Harle, Julin, Zaharoff, Yarish

Abstain: Hayes.

The regular meeting of the San Anselmo Planning Commission was adjourned at 11:30 p.m. to the next regular meeting of March 21, 1988.

Barbara Chambers
Administrative Secretary/Technician