

TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES FOR JULY 16, 1990

The regular meeting of the Planning Commission was called to order at 8:00 p.m. by Chairman Yarish in the Council Chamber. Staff present: Lisa Wight, Planner; and Dain Anderson, Assistant Director of Planning.

A. ROLL CALL

Commissioners present: Sias, Harle, Mahaley, Hayes, Julin, Yarish
Commissioners Absent: Kroot

B. PUBLIC HEARING CONTINUED TO AUGUST 6, 1990

V-9010 - Norman Vachon, 12 Fern Lane, A/P 7-015-02, a 3' north sideyard variance and an 11' rearyard variance to construct a living addition within 5' of the north side property line and within 9' of the rear property line, with a 1' roof overhang, on property located within the R-3 zoning district.

2. Z-9001 - James Helfrich, between 444 and 500 The Alameda, rezoning of County parcels: A/P NOs. 177-133-13 and 177-220-54 to R-1H for a maximum density of 4 dwellings when combined with San Anselmo parcels: A/P Nos. 5-043-16, 5-043-22 and 5-043-31.

3. V-9015 - Paul and Carol Kreider, 40 Cordone Drive, A/P 5-222-06, a 2'6" north sideyard variance to construct a first story kitchen addition within 5'6" of the north side property line; and 3' south sideyard variance to construct a second story living addition within 5' of the south side property line, with an 18" roof overhang, located on property within the R-1 zoning district.

C. PUBLIC HEARINGS

1. NU-64 - V-9008 - Richard and Maureen Hochschild, 281A Crescent Road, A/P 7-222-42, 1) a use permit to legalize a second living unit located on property within the R-1 zoning district; and 2) a 9' frontyard variance and a 11'6" rearyard variance to construct a new dwelling within 11' of the front property line and within 8'6" of the rear property line, with a 1' roof overhang.

The applicants and their Architect, Robert Swanson, were present.

Dain Anderson presented the staff report.

Maureen Hochschild said it would be impossible to add on to the existing dwelling because as it was noted at the previous meeting, their house was built as a stable to the main dwelling. The existing house is only 14' wide and would need variances to add on to as well as any addition to this house would be looming over the down hill neighbors. Her neighbor at 19 Cedar was also against the possible of expansion of the existing dwelling. Additional concerns are that at the highest point the house is now 24' and it would be impossible to add under the existing house. They have made revision to the proposed new home based on the comments of the Commissioners from the last meeting. The house has been reduced in size by 200 square feet, the height has been reduced by 4 feet and is now 29' at the highest point, and have eliminated the third story. Their lot is almost twice the size of a legal lot and they will not exceed the 40 percent of lot coverage. He felt her right would be deprived if they were not able to construct the new home. The dwelling will be 50' away from the nearest neighbor and the adjacent neighbors do not seem to object to their proposal. With regard to the use and size of the existing dwelling as a second unit, Mrs. Hochschild said she contacted the Town prior to starting this project and was told there is no maximum square footage of a second unit. If in fact the Town does have a maximum allowed, they would be willing to alter the house to comply. With regard to parking, they felt that three off street parking was adequate for the main house and a second unit, and now they are being told it is substandard. With regard to the access driveway, they will replace it if necessary. They will also do whatever is required to make safe the eucalyptus tree so that it will not be a hazard to the down hill neighbors or themselves. They have erected story poles to allow the neighbors to see what the impact will be. She also presented photographs to the Commission.

Chairman Yarish asked if the adjacent neighbors have been contacted for a possible lot line adjustment. Mrs. Hochschild stated that they have already had a lot split. Mr. Anderson added that by reducing the neighbors property could potentially reduce the lot to being substandard for the neighborhood.

Commissioner Julin asked if there would be any difficulty obtaining a water hook up from MMWD for the additional house. Mr. Hochschild stated his plan until water hook ups are available is to use the existing water hook up for the new dwelling and leave the second unit vacant.

Peter Coperswithe, 87 Woodland, felt that 2,400 square feet house would be very imposing.

David Faw, 281 Crescent, said that the owners have a right to have one house on their lot but the question is whether or not two is appropriate. Another possibility would be to allow the

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existing dwelling to remain but remove the kitchen facilities after the new house was constructed. The Town could require a Deed Restriction stating that the unit would not be used as a second unit. He also wondered if the roadway would be paved by the applicants.

Commissioner Harle restated his previous concerns from the last meeting which were that the size of the second unit was permissive, not restrictive under the State Law. There was never an ordinance set in San Anselmo, specifying the size of a second unit.

Cathy McGrath, 78 Woodland, was concerned that the eucalyptus tree might be damaged and have to be removed. The tree now screens her from other neighbors and would not like to see it removed. She was also concerned about the potential increase in traffic on Woodland if the second unit is approved.

Commissioner Hayes stated that construction as proposed would lead to overdevelopment. He further stated that if the main dwelling (or new house) already existed, and the applicants were asking for approval of a second unit, he would deny.

Commissioner Mahaley said that State Law allows for a certain amount of second units in each neighborhood and therefore he would be willing to grant a use permit for the second unit. With regard to the variances, he would be able to make one of the findings because of the irregular shape of the lot but would not be able to make the other findings.

Commissioner Julin felt that the San Anselmo ordinance is very specific relating to second units and she did not feel the Commission could process this application under the second unit guidelines.

Commissioner Harle said the existing dwelling would make an ideal second unit and would not like to see it torn down. With regard to the new dwelling, the applicants are not asking for more than what the other people have in the neighborhood, therefore he can make the findings about substantial property rights. His major concern is the imposing nature of the proposed dwelling. He was not concerned about the square footage, rather that the structure is looming.

Commissioner Sias was unable to make the findings necessary for approval because it would create overdevelopment of the site. He further stated that the Town should consider taking a closer look at the second unit ordinance.

Chairman Yarish said he could support the concept of the second unit but would not be able to support the variances necessary for the new dwelling. It would be out of scale with the neighborhood. He therefore preferred that the applicants extend the existing dwelling rather than build another house on the lot.

Richard Hochschild said that after hearing the conversation of the Commissioners he would rather demolish the existing dwelling, which would remove the request for a second unit use permit and build another home for his family on the lot.

Chairman Yarish said he was disturbed by that request, the existing house is in good shape and well maintained.

Commissioner Harle was gravely upset that the applicant would have to do that to build a larger house on the lot.

Commissioner Hayes said that he would hate to see a good building destroyed, and asked what the Commission felt about just asking the applicant to remove the kitchen facilities, which in turn would remove the second unit status.

The Commission felt the applicant should have additional time to consider the comments made prior to making any decisions about demolishing the existing dwelling. Mr. Hochschild was willing to ask for a continuance.

M/S Hayes, Sias, to continue NU-64 /V-9008 - Richard and Maureen Hochschild, 281A Crescent Road, A/P 7-222-42 until the meeting of August 6, 1990.

Motion unanimously passed.

2. AR-9005 - Mark and Kari Toomey, 187 Oak Springs Drive, A/P 5-293-02, architectural review of living additions located on property within the R-1C zoning district.

The applicants and their architect Hal Lezzeni, were present.

Lisa Wight presented the staff report.

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Mr. Lezzeni said his clients have no objection to staff's recommendation that additional native trees be planted to the rear of the proposed additions for screening.

The Commissioners supported the proposal with staff's recommendation that additional trees be planted. Commissioner Sias added that he supports the exterior color only because it has been existing.

M/S Harle, Julin, to approve AR-9005 - Mark and Kari Toomey, 187 Oak Springs Drive, A/P 5-293-02, architectural review of living additions located on property within the R-1C zoning district on the basis: 1. Conformance to the approved preliminary and precise development plans; this property was developed in 1965 without preliminary and precise development plans; 2. Adequacy of screening; Views from the properties across the street at Nos. 184 through 196 are towards to west, away from No. 187. Screening of the additions from the frontyard is not possible as the additions are directly behind the driveway. The existing front landscaping is well maintained and consistent with the neighborhood. The properties below No. 187 at Nos. 147 and 151 Oak Springs Drive, will view only portions of the additions from their rear yards. Views from these properties are mainly towards the southeast, away from No. 187. Views from properties across the valley should be very insignificant due to the distance, existing trees, and the other existing homes. 3. Selection of architectural features that enable the structure to blend with its environment. The ridge line is being raised by 2' over the existing one story dwelling to tie in with the two story addition. This roof height increase and additions should not cause an adverse impact. There are both one story and two story dwellings on Oak Springs Drive, and this addition will not be out of character with the neighborhood. 4. Is functionally and aesthetically compatible with the existing improvements and the natural elements in the surrounding area; 5. Provides for protection against noise, odors, and other factors which may make the environment less desirable; this finding is not applicable to this project. 6. 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; The additions could be considered an improvement to the neighborhood and property owners of Nos. 183, 188, and 189 Oak Springs Drive have signed a petition of support. 7. 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 this is a single family dwelling with a two car garage and two car tandem driveway. In addition, traffic is minimal on Oak Springs Drive. 8. Will not adversely affect the health or safety of persons using the improvement or endanger property located in the surrounding area. The additions will be reviewed by Town staff for UBC compliance and engineering standards. A condition of approval is that additional native trees be planted behind the proposed additions in order to secure some privacy for persons using the rear yard pool at No. 147. The applicant is to submit a tree planting plan to staff for administrative approval.

All ayes. Motion unanimously passed. Audience advised of the ten day appeal period.

3. V-9014 - James and Patti Roman, 40 Sir Francis Drake Boulevard, A/P 6-191-20, variance to construct a third story (basement is considered the first story); and a 1' south side yard variance to construct the third story within 7' of the south side property line, located on property within the R-1 zoning district.

The applicants were present.

Lisa Wight presented the staff report.

Mr. Roman presented letters of support from two neighbors.

The Commissioners were in support of the variance.

M/S Julin, Harle, to approve V-9014 - James and Patti Roman, 40 Sir Francis Drake Boulevard, A/P 6-191-20, variance to construct a third story (basement is considered the first story); and a 1' south side yard variance to construct the third story within 7' of the south side property line, located on property within the R-1 zoning district 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 an identical zoning classification, and the granting of a 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; and 2. The granting of the variance is necessary for the preservation and enjoyment of substantial property rights of the petitioner; and 3. 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. The special circumstances applicable to the property are the location and configuration of the existing dwelling. The existing dwelling is already three stories; however, the top story is not completely usable. The height increase should not be

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particularly noticeable to surrounding neighbors, nor should it have an adverse impact. The exterior of the dwelling will be improved as a result of the construction. There is heavy foliage between his property and those across the creek located on Barber Avenue. The northerly neighboring dwelling at No. 54 Sir Francis Drake Boulevard will not notice the addition due to the distances between the two properties. The existing dwelling at No. 40 is located on the common side property line, which means there are only 2 feet between the two dwellings. Sunlight to the neighbor's two bathroom windows is completely diminished. However, the variance request is for the portion of the house located 7' from the common side property line and is the roof area. Since the walls remain unchanged, and views from No. 36 are not towards this property, the variance request can be supported. This is based on plans dated April 18, 1990.

Motion unanimously passed. Audience advised of the ten day appeal period.

4. V-9016 -/AR-9006 - Mr. and Mrs. Joseph Sabatell, 48 Woodside Drive, A/P 5-262-09, a 4' frontyard variance to reconstruct a dwelling within 16' of the front property line; and a 2' north sideyard variance to reconstruct open stairs within 4' of the north side property line; and architectural review of a new dwelling located within the R-1C zoning district.

The applicants were present.

Lisa Wight presented the staff report.

Mr. Sabatell explained that it would be more costly to stabilize the house than to rebuild. Bids ranged up to \$300,000 for repair of the dwelling.

Afolf Wahl, 20 Kenrick Drive, said the hill is very unstable and was concerned about the house sliding down the hill when the rains come. He wanted some assurance that his property down slope would be safe.

Chairman Yarish explained that plans for the dwelling would require approval from structural and soils engineers as well as having to build to the appropriate codes. He noted that the codes of today are much more stringent and there will be less change of a slide in the future once the new home is built.

Staff stated that a courtesy notice will be sent to the Wahls when the construction plans are received in the office so they will be able to review them.

Alida Wahl, 20 Kenrick, wanted assurance that the hillside is protected and that no trees are cut.

Commissioner Harle support the application.

Commissioner Sias supported the proposal and added that he would like to see native trees planted along the south end of the rear wall and along the south and north side walls to provide adequate screening.

Commissioner Hayes supported the application but thought the exterior color was a bit light and preferred a darker color.

Commissioner Mahaley echoed the comments of Commissioner Sias, adding that the exterior color proposed was fine.

Commissioner Julin supported the proposal as well as staff's recommendation for additional screening. She would recommend that staff work with the applicant on whether or not to change the exterior color to a darker tone.

Chairman Yarish supported the application and the additional screening but suggested that the applicant come back to the Commission with proposals for a darker exterior color.

M/S Hayes, Julin, to approve V-9016 -/AR-9006 - Mr. and Mrs. Joseph Sabatell, 48 Woodside Drive, A/P 5-262-09, a 4' frontyard variance to reconstruct a dwelling within 16' of the front property line; and a 2' north sideyard variance to reconstruct open stairs within 4' of the north side property line; and architectural review of a new dwelling located within the R-1C zoning district on the basis that:

VARIANCE

1. Due to special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the controlling zoning ordinance deprives such property of privileges enjoyed by other properties in the vicinity and under an identical zoning classifications, and the granting of a 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; 2. The granting of the variance is necessary for the preservation and

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enjoyment of substantial property rights of the petitioner; and 3. 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 and in fact by stabilization of a difficult structural situation will actually improve the safety conditions. That approval of the variances and the existence of special circumstances are the steepness of the lot, and that the proposed pro location of the house is nearly identical to that of the existing house. This is based on plans submitted to the Town of April 10, 1990.

ARCHITECTURAL REVIEW

1. The dwelling is in conformance to the approved preliminary and precise development plans; this property is zoned R-1C and preliminary and precise development plans have not been required; 2. the dwelling has adequate screening conditioned on the submittal and approval of staff of a tree planting plan; 3. A selection of architectural features that enable the structure to blend with its environment with the exception of the stucco; 4. The dwelling is functionally and aesthetically compatible with the existing improvements and the natural elements in the surrounding area with the exception of the stucco; 5. The dwelling provides for protection against noise, odors, and other factors which may make the environment less desirable; this finding is not applicable to this project. 6. 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; A new dwelling, carefully designed to conform to the existing neighborhood with attractive materials and adequate screening should be an improvement to the neighborhood. 7. 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; this is a single family dwelling with a two car garage and two car tandem driveway. 8. Will not adversely affect the health or safety of persons using the improvement or endanger property located in the surrounding area. The existing dwelling is considered unsafe for occupancy. The new dwelling will be reviewed by Town staff for UBC compliance and engineering standards. With respect to the stucco color, final selection of color is to be brought back at a future Planning Commission meeting prior to final of the building permit.

Motion unanimously passed. Audience advised of the ten day appeal period.

5. V-9017 - Joe Friedman and Lisa Rood, 23 Bella Vista Avenue, A/P 6-082-34, a 3' east sideyard variance to construct a first story addition within 5' of the east side property line; and a 15' frontyard variance and a 3' east sideyard variance to construct a second story addition within 5' of the front and east side property lines, with a 1' roof overhang located on property within the R-1 zoning district.

The applicants were present.

Lisa Wight presented the staff report.

Mr. Friedman stated his reasons for requesting the variance are because of the narrowness of the lot and the existing tree in the rearyard. He felt his design is compatible with the existing house. He stated that he would be willing to eliminate the attic and the window on the east side. There are many trees that will screen the addition so he did not think it would be a negative impact on the neighborhood. He added that the addition of the second story would block some of the afternoon sun from the neighbors at 17 Bella Vista.

Nicolas Uliantzeff, 17 Bella Vista, presented sketches of how he felt the addition would loom over his property. His concerns were that he would lose sun, lose privacy in his bedroom, the addition will loom over his property and stated that the variance is not necessary because there is adequate room in the rear to build without variances.

Mr. Chamberlain, 20 Bella Vista, wondered why the addition couldn't be in the rear instead of applying for variances for a second story. The second story would also block his view of Mt. Tamalpais.

Forde Greene, Attorney representing the owner at 25 Bella Vista, presented photographs that show the adverse impact the addition will have on the neighbors. He felt his client will lose her view of Red Hill and would destroy her privacy of her yard and pool area and would decrease her property value. In addition, the character of the neighborhood would be destroyed.

Casey Lagert, 25 Bella Vista, was opposed to the addition because it will block his views and light.

Mr. Friedman agreed that the view of 25 Bella Vista would be blocked on the east side but they will have afternoon sun.

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Lisa Rood stated that the proposed addition will only be 7' higher than it currently is.

Commissioner Sias was unable to make the necessary findings because of the negative impact it will have on the neighborhood and the fact that it is possible to build elsewhere on the lot without variances.

Commissioner Hayes was not able to make the required findings for the same reasons as Sias. He added that the houses are already close together and the addition would create a wall affect.

Commissioner Mahaley was sympathetic to the owners for wanting the expansion but could not make the findings.

Commissioner Julin felt the application should be denied because of staff's recommendations.

Commissioner Harle and Chairman Yarish were unable to make the appropriate findings.

M/S Julin, Mahaley, to deny V-9017 - Joe Friedman and Lisa Rood, 23 Bella Vista Avenue, A/P 6-082-34, a 3' east sideyard variance to construct a first story addition within 5' of the east side property line; and a 15' frontyard variance and a 3' east sideyard variance to construct a second story addition within 5' of the front and east side property lines, with a 1' roof overhang located on property within the R-1 zoning district on the basis that they are unable to make the special circumstance finding for the reasons that the lot is not irregularly shaped, is of an average size for the neighborhood, the topography is not steep, and the configuration of the house and its location on the lot are not unique.

Motion unanimously passed. Audience advised of the ten day appeal period.

D. DISCUSSION ITEM

Staff request for Planning Commission Interpretation of allowable use of a second unit on property zoned single family residential: Specifically, use of both the main dwelling and use permit approved second unit by Anthony House - CONTINUED

APPROVAL OF MINUTES - JUNE 18, AND JULY 2, 1990

M/S Julin, Harle, to approve minutes of June 18, 1990 with the following amendments: page 3, paragraph 2, delete "...structures in the neighborhood." and insert "...pattern of development on the block."; page 5, insert sentence under paragraph 5 : All Commissioners were in support of the application".

Ayes: Sias, Harle, Julin, Yarish
Abstain: Hayes, Mahaley

M/S Sias, Julin, to approve minutes of July 2, 1990 as written.

Ayes: Hayes, Harle, Sias, Julin
Abstain: Yarish, Mahaley

F. GENERAL DISCUSSION

Commissioner Julin would like a workshop scheduled in the near future to discuss increased fees for Planning applications.

G. REPORT OF UPCOMING APPEALS TO TOWN COUNCIL

The Bells appeal for Fernwood will be heard on July 24, 1990; the Moriarity appeal for 16 Bolinas will be heard on August 28, 1990.

H. ADJOURNMENT

The regular meeting of the Planning Commission was adjourned at 11:50 to the special meeting of the zoning committee on July 24, 1990

BARBARA CHAMBERS
ADMINISTRATIVE SECRETARY