

**TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES FOR MARCH 6, 1995**

The regular meeting of the San Anselmo Planning Commission was convened at 8:00 p.m. in the Council Chamber by Chairman Israel. Staff present was Planning Director Ann Chaney, Planning Consultant Delvin Washington and Associate Planner Lisa Wight.

A. CALL TO ORDER

Commissioner's present: Julin, Hayes, Harle, Israel
Commissioner's absent: Mihaly, Sargent, Ollinger

B. CONSENT

1. Minutes - February 27, 1995

M/S Hayes;Julin to approve Consent Agenda.

Ayes: Hayes, Israel, Julin

Abstain: Harle

Motion carried.

C. OPEN TIME FOR PUBLIC DISCUSSION

D. PUBLIC HEARINGS

1. V-9503 - Kevin and Laura Shea, 14 Rowland Court, a/P 7-112-22, 1) a 12' front yard variance, an 8' north side yard variance, a 5' south side yard variance, and an 11'9" rear yard variance to reconstruct and extend a dwelling; 2) a variance for the lot coverage to be 40%; and 3) a parking variance for no on-site parking, on property located within the R-1 Zoning District.

The applicant was present.

Ms. Wight presented the staff report.

Commissioner Harle asked about contiguous lots being combined. Ms. Wight stated that she has researched this carefully and has discussed this with the Town Attorney. Even though this lot is so small it is a legal lot because it was recorded by deed prior to 1935. Ms. Wight also stated that if the Commission goes with staff's recommendation, the item will have to be renoticed.

Chairman Israel stated that he has received a letter from the owner of 31 Rowland.

Mr. Shea explained that the structure is currently existing and they want to create an entrance away from the parking. He is opposed to staff's proposal for parking as well as moving the dwelling. He did not want to give up his yard space to create parking and staff's proposal would also create a hazardous situation if the driveway were to be moved. He is attempting to maintain the same architecture with the addition.

Ms. Wight explained that parking in the front would not provide adequate setbacks.

Caroline Burk, 29 Rowland, explained that the concerns of the neighborhood are density and the number of cars. There is no parking on one side of the street which limits parking. They are however, supportive of the beautification effort. It was her understanding that this application was a repair. Ms. Wight stated that staff's determination is that the garage is reconstruction.

Commissioner Hayes is concerned about the proposed parking for ingress and egress. He asked the applicant if he considered changing property boundaries from 51 Laurel to provide a larger parcel for 14 Rowland. Mr. Shea said that he has not considered that and views them separate parcels. He would be willing to move the fence to allow for four spaces by using 41 Rowland Court.

Commissioner Hayes said he was inclined to have the parking go to 41 Rowland rather than what staff proposed because of safety. He is less concerned about tandem parking than the safety issue. He did not think there would be more than one car for the small lot. He said the variance for lot coverage is fairly marginal and given the unusual nature of the property he is not too concerned about the coverage.

Commissioner Harle felt that this is a very crowded neighborhood and is not enthusiastic in reviving this use for a tiny dwelling on this tiny lot with additional cars. However, if the direction is to give accommodation, then at the very least he wanted to see the entire parking on site. He objected to the revival of this use. Staff indicates that their proposal is safe but the applicant has persuaded him that it is not. In any event, he felt the garage should be removed.

Commissioner Julin is not bothered by the tandem parking given all the conditions of the lot. It troubles her that the provisions for automobiles take over the decision

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making process. Given that this is a legal building site she felt that accommodations should be given to this parcel. She supports the application as proposed.

Chairman Israel would not support parallel parking in the front of the property. He liked the tandem space better but in this neighborhood there is history that the tenants are not now parking that way. He supports continuing the use but cannot come up with a parking scheme that he would approve. He would be willing to consider granting a variance for one car but will not support parking in tandem.

Mr. Shea said he is trying to create legal parking and tandem parking is not unusual in the neighborhood.

Staff suggested that the unit be a two story with the garage underneath. Chairman Israel stated that he has more trouble with that because of the additional bulk.

Commissioner Hayes suggested a continued because there is not complete support of this. He said that there is common ownership on all three lot and felt there should be a better solution.

Mr. Shea stated he did not want to park a car in the back yard of 51 Laurel. The garage on Laurel is now used for storage.

M/S Hayes/Hayes to continue V-9503 - Kevin and Laura Shea, 14 Rowland Court, A/P 7-112-22, 1) a 12' front yard variance, an 8' north side yard variance, a 5' south side yard variance, and an 11'9" rear yard variance to reconstruct and extend a dwelling; 2) a variance for the lot coverage to be 40%; and 3) a parking variance for no on-site parking, on property located within the R-1 Zoning District.

this application to April 3, 1995 to allow the applicant time to consider reconfiguring the parking and also consider use the three parcels for a parking solution.

Commissioner Harle said if a variance is required he would favor the scheme that uses the 4 as shown and did not involve the use of the garage on Laurel, He would also prefer its removal so there would be no temptations to use it.

Commissioner Harle is not so concerned about lot coverage and setbacks but would go for the 1-4 parking approach but does not agree with parking number 5.

Commissioner Hayes will support the parking scheme in tandem as shown and is willing to supports the variance for lot coverage.

Commissioner Harle would prefer to see a lot line adjustment rather than a deed restriction unless he can be assured that it is just as binding.

Ms. Wight said that if parking was to be granted, 41 will need a variance, so the application will have to be continued for renoticing.

Chairman Israel was not sure that parking would work next to the house because the chimney protrudes.

Commissioner Israel is in agreement that the number 5 space is detrimental more than advantages but is not assured that tandem is the best location. He would like the applicant to look at the other parcel at 51 for parking. His preference is to have all the parking pushed back.

all ayes.

2. DR-9503/V-9506 - Steve Murch, 9 Gold Lane, A/P 6-119-12, design review of a lower floor living addition and uncovered deck; 16' and 13' rear yard variances for retaining walls to be within 4' and 7' of the rear property line; and a parking variance to permit additional living area with no on-site parking, on property located within the R-1 Zoning District.

The applicants were present.

Ms. Wight presented the staff report.

Mr. Murch presented a map that indicates parking as it currently exists in the neighborhood. He has also received written support from 4 out of the 5 owners who use the parking.

Commissioner Harle is willing to support the application, including the parking variance, because the only people who are damaged by the lack of parking are the neighbors themselves.

Commissioner Julin concurred with Commissioner Harle.

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Commissioner Hayes stated that the only practical parking is at the end of Alto. He also wanted to support this but make sure that they are not setting a precedent for the neighborhood.

Chairman Israel supported the variance. The only other parking would be on Alto which is impractical. Although he supports the variance he is unable to make the finding.

Commissioner Harle said it is a community parking situation and it would be detrimental to create on-site parking for this house. He does not think the enlargement of the house will create additional parking.

Commissioner Harle also stated that there is very limited street access and parking on site is very difficult.

M/S Harle/Julin, to approve DR-9503/V-9506 - Steve Murch, 9 Gold Lane, A/P 6-119-12, design review of a lower floor living addition and uncovered deck; 16' and 13' rear yard variances for retaining walls to be within 4' and 7' of the rear property line; and a parking variance to permit additional living area with no on-site parking, on property located within the R-1 Zoning District. Approval is based on the following: *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 the property of privileges enjoyed by other property in the vicinity and under an identical zoning classification, 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.* Stairway: The special circumstance is the topography and the location of the paper streets in relation to this property. The property is surrounded by 4 streets. The front property line, which is always the shortest street frontage, was at one time determined to be Freda Lane, which is a paper street. It actually appears to be the side yard when viewing the property, so a 17' setback appears to be adequate. Due to the minimum width requirement for such a stairway, it appears this is the only logical location to place it. Retaining Walls: It is understandably desirable to create a level yard area on this lot, and locating this area within the setbacks would necessitate removing trees. These kinds of walls are typically approved administratively unless neighbors object and staff feels this is a diminimus application. Parking Variance: The special circumstances is the configuration of the neighborhood in that the parcel is located such that common parking arrangements for all neighbors on the street are the accepted practice and the creation of on-site parking would involve engineering problems that would be detrimental to the neighborhood and that the actuality of the proposed addition is not likely to seriously adversely affect the current parking arrangement. The accepted practice is that the neighbors on Sequoia Drive have entered into a verbal agreement for allocation of parking as denoted on the signed statement identified as Exhibit A dated March 4, 1995. Stairway: 2. Due to the distance between the proposed stairway structure and neighboring homes, this structure should not have an adverse impact. Retaining Walls: Due to the low height of the walls and their location, the walls should not have an adverse impact. *Design Review: 1. Is functionally and aesthetically compatible with the existing improvements and the natural elements in the surrounding area;* The addition and deck will be functionally and aesthetically compatible with the existing improvements and the natural elements in the surrounding area. 2. *Provides for protection against noise, odors, and other factors which may make the environment less desirable;* The addition and deck will not make the environment less desirable; in fact, the new construction will be a visual improvement to the property. 3. *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;* See No. 2 above. 4. *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 The design of the addition and deck will not create unnecessary traffic hazards or affect access by emergency vehicles. 5. *Will not adversely affect the health or safety of persons using the improvement or endanger property located in the surrounding area.* The design of the addition and deck will not adversely affect the health or safety of persons.

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

3. V- 9507/U-9502 - Robert Swanson, 45 Austin Avenue, A/P 7-266-15, 1) a variance to construct a new parking deck 0' from the front property line (20' required) and 3' from the side property line (8' required); 2) a variance to create living space within an existing accessory structure 11' from the front property line (20' required) and 3' from the side property line (8' required); and 3) a use permit to establish a second unit, on property located within the R-1 Zoning District.

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The Harry Lefton, applicant and Robert Swanson, Architect, were present.

Mr. Swanson said the existing structure is not being expanded and the window is only for cross ventilation. He felt the request for paving is a little more than what is expected but the applicant will pave the front of his property.

George Covell, 48 Vineyard, said that he has lived at his house for 35 years and he is opposed to having it be anything else but a garage.

Mr. Lefton said the garage has always been used as storage and never as a garage. The second unit will be an addition to the neighborhood. He thought that being expected to pave 70 feet of pavement is excessive. He would be willing to pave the front of his property.

Mr. Covell said that Vineyard was paved by the neighbors in 1964.

Commissioner Julin supports the application but has reservations about the paving requirements. She is not sure she wants to make it a condition and should be acceptable and affordable to the applicant. She supports the window condition. This proposal is consistent with the objectives of the Second Unit Ordinance.

Commissioner Hayes asked about the adjustment to the neighbors at 49 and wondered if they were in agreement with this. Mr. Washington said that was the least she would approve. Mr. Lefton said he also spoke with her and said he would eliminate the windows and have a skylight. Mr. Washington said Mrs. Alvarado was happy to see the improvement in the neighborhood but did not want a second unit in the neighborhood because it is a single family residence. Commissioner Hayes supports the application with staff's suggestion about the windows.

Commissioner Harle supports the application with the restrictions on the windows.

Chairman Israel wanted to support this but the parking is in the setbacks. The unit already exists and therefore has no objection to those variances, but parking is being pushed out onto the street.

Commissioner Julin would like to see some documentation that applicants are forewarned about the additional expense for street improvements. She also wondered if this is done under the direction of the Town Council. The consensus of the Commission was that they get a better sense of what triggers off-site improvements.

Chairman Israel said that this parcel is also very close to the maximum Floor Area Ratio which is another reason for his denial.

M/S Julin/Hayes to approve V- 9507/U-9502 - Robert Swanson, 45 Austin Avenue, A/P 7-266-15, 1) a variance to construct a new parking deck 0' from the front property line (20' required) and 3' from the side property line (8' required); 2) a variance to create living space within an existing accessory structure 11' from the front property line (20' required) and 3' from the side property line (8' required); and 3) a use permit to establish a second unit, on property located within the R-1 Zoning District.

Use Permit:

1. Falls within the maximum number of second residential units authorized by resolution of the Council for the single family residential use area in which the unit is located. The establishment of a second unit at this location in this neighborhood will not exceed the allotted amount of second units for this district. 2. Is located on an Assessor's parcel or parcels on which the owner of record maintains his principal residence. The current applicants are residents in the primary house on this property. It is their intention to maintain this house as their primary place of residence. 3. Does not encroach upon required setbacks, or cover land in excess of the maximum lot coverage, or necessitate vehicular parking within required setbacks, unless a variance shall have been granted. The applicants have requested a variance for front and side yard setbacks for the parking stall and the existing structure that will be used to accommodate the second unit is presently located within the side and front setback. However, the building wall for this structure will not change further reducing its setback. All other improvements done on this unit will also be in conformity with the zoning standards for this district. 4. Meets all applicable Codes in effect at the time of the establishment of the unit. All permits issued by the Town of San Anselmo will require that all applicable Codes in effect at the time of the establishment of the unit are met. 5. Has been made the subject of a rent guarantee contract between the applicant and the Town. The applicant will enter into a rent guarantee contract with the Town, which will be recorded at the County. 6. Does not cause excessive noise, traffic, parking, or overloading of public facilities. The operation of a second unit on this property will not cause an increase in noise, traffic, or parking beyond the current levels in this neighborhood. 7. The granting of the use permit, under the circumstances of the particular case, will not

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be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the Town. The operation of a second unit will not cause any substantial or significant detrimental impacts on the neighborhood. As designed the second unit will not drastically alter the appearance on the street and the improvements made to the garage structure will upgrade the neighborhood.

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 the property of privileges enjoyed by other property in the vicinity and under an identical zoning classification, 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.

This neighborhood has reduced setbacks because of the extreme topographical conditions that exist. Variances such as the one requested by this applicant cannot be considered special privileges granted to this property because of the extreme slope of this property (35%) in the footprint of the garage and parking deck. 2. *The granting of the variance, under the circumstances of the particular case, will not materially affect adversely the health or safety of person 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 variance request will not have any detrimental impacts on the neighborhood. It will provide an adequate off site parking space that should allow easier ingress and egress for the parking space than the current 90 degree configuration. The proposed deck will not protrude on the adjacent neighbors property in such a manner that it will overly impact light and air on that property.

Conditions of Approval: 1. The applicant shall develop the proposed second unit in accordance with the plans date stamped received January 27, 1995 and in accordance with the below listed changes. 2. The windows proposed on the west elevation of the second unit shall either be eliminated or changed to a skylight, or the base of any window on this side of the unit shall be at least 6'6" above the interior floor level. 3. That if this development which has received conditional discretionary approval and has not begun within one year from the date of final action, the permit shall become null and void. However, this discretionary action may be renewed by the Planning Director for a maximum period of one year provided the applicant places such request in writing to the Director showing good cause prior to the expiration of the discretionary action. 4. The owner shall enter into a rent guarantee contract with the Town of San Anselmo and such agreement shall be recorded. 5. The owners shall maintain this property as their principal residence.

Ayes: Harle, Hayes, Julin

Noes: Israel

Motion carried. Audience advised of the ten day appeal period.

4. DR-9504 - Alice Ann Klatt, 227 The Alameda, A/P 5-052-08, an appeal of an administrative design review request to construct a new two story single family residence on a recently approved lot split, on property located within the R-1 Zoning District.

The applicant was present.

Mr. Washington presented the staff report.

Alex Neal, 258 Butterfield Road, was concerned about the size of the house. He has a very small home, approximately 800 square feet. They are surrounded by structures. The second story will reduce their view and light. He would like to see the roof line reduced, the second story stepped back, and/or have it pushed closer to The Alameda.

Ms. Klatt said the house is not very large, the views are facing south and east, the bathroom windows will be opaque. She would be willing to do a vegetation screen for the ground floor windows. She walked the neighborhood and took photographs of the neighborhood and presented that to the Commission. It really is not out of character with the neighborhood. The house next to their building site is also a two story building site as well as other houses surrounding them. The house is restricted by the setbacks. The trees will protect the property.

Chairman Israel said that the house could be moved east without requiring variances.

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Steven and Joan Harrison, 254 Butterfield, have the same concerns as their neighbors at 258 Butterfield. The bathroom window would face their sitting room and it is a concern even though it is opaque. He would like to move the house further away from them and closer to The Alameda.

Keith Livingston, San Rafael, said that this is a modest undertaking in comparison to other houses in the neighborhood. Some of the neighbors only have a 14' setback whereas the applicant has a 20' setback.

Mark Mendleson, Designer, said they considered the possibility of avoiding variances as well as privacy to their neighbors. Any changes will necessitate variances. They would be willing to look at changing windows.

Commissioner Hayes wondered what it would be if the house was moved forward even though it would mean moving the gazebo and that would require a variance. Because of the shape of the lot he would be able to make the findings.

Commissioner Harle will support the application as presented.

Commissioner Julin will support the application. She felt it would be a hardship to require a single story if they were interested in a second story.

Commissioner Harle wanted to condition the bathroom window to have obscure windows. The applicant stated that it is already on the plans.

Chairman Israel said that this application is more of an impact issue. He said that moving the house forward will have a dramatic benefit to the neighbors. The hedge contributes considerably to the screening and any additional distance will be helpful. There are efforts on the front walls to step back the second story but the rear of the house is quite vertical and he would like to see it softened. If the roofs were hipped instead of gabled, it would help and be a benefit to the adjacent property. He does not support a single story house but wants some modification.

Commissioner Julin asked what the findings would be for the variance. Commissioner Hayes stated that the unusual shape of the lot. Commissioner Harle stated that the crowding is because of the neighbors on Butterfield not being able to meet the setbacks, not the applicant's property that will meet the setbacks.

Commissioner Hayes stated that the amount of space gained by moving the house forward may not really help because it does have a second story.

Chairman Israel said the upper level is pushed back on the second level; all the reduction of the mass is done to the front. Commissioners' Harle and Hayes agreed with Israel in that there should be more articulation to the rear. Commissioner Hayes would like to move the second floor forward rather than move the house forward.

Mr. Mendleson said that It would be difficult to move the house forward. because of ingress and egress.

Chairman Israel said he isn't sure it has to be moved to the property line. Mr. Washington said if the house was moved 6' it would create a minimum of 40' distance between this house and the house on Butterfield.

Commissioner Julin did not think she would be able to approve a variance using the 14' setback of the neighbor as a reason.

Commissioner Hayes thought that 2' to 3' is really non substantive. Commissioner Harle said that there is already a distance of 34' between the houses. Chairman Israel said that just adding a hip roof is a dramatic change.

M/S Hayes; Israel, to continue DR-9504 - Alice Ann Klatt, 227 The Alameda, A/P 5-052-08, an appeal of an administrative design review request to construct a new two story single family residence on a recently approved lot split, on property located within the R-1 Zoning District. This is continued to the meeting of April 3, 1995. All eyes.

5. V-9508- Richard and Adamarie Fernandez, 77 Scenic Avenue, A/P 7-081-08, a 3' east side yard variance to construct a first story addition within 5' of the west side property line (8' required), on property located within the R-1 Zoning District.

Ms. Wight stated that this item will be continued to the meeting of April 3, 1995.

E. REPORT OF UPCOMING APPEALS TO TOWN COUNCIL

F. ADJOURNMENT TO March 20, 1995

The regular meeting of the San Anselmo Planning Commission was adjourned at 11:40 p.m. to the next meeting on March 20, 1995.