

The Regular Meeting of the San Anselmo Planning Commission was called to order by Chairman Dan Goltz at 8:00 p.m. in the Town Hall on October 6, 1975. Representing Town Staff: T. J. Robbins, Associate Engineer/Planner.

1. ROLL CALL

Commissioners Present: Bolles, Eisgrau, Fairchild, Goltz, Greenfield, Ragan
Commissioners Absent: Ainsworth

2. APPROVAL OF MINUTES OF SEPTEMBER 8 AND 15, 1975.

M/S Ragan, Eisgrau the minutes of September 8 be approved as corrected. Passed unanimously.

Pg. 2, second para. from the bottom, second line from the bottom to read "...Land Use since this lot was now proposed for rezoning to..."

Pg. 6, motion under VAR-631, 6th line to read: "...due to the steepness of the lot, that no detriment..."

3. OLD BUSINESS

A. PUBLIC HEARING

- 1. Z-152 - Rezoning action initiated by Planning Commission to rezone undeveloped properties along the Scenic (Parkway) Highway.

Staff gave a brief explanation of what this rezoning meant.

Mr. David Strassman, 555 Sequoia stated that while this rezoning was for undeveloped lots, in order to retain some control over the scenic quality, he questioned what if a structure was destroyed would it then come under the same zoning? He felt this would be just as important, controlling rebuilding, as controlling new construction.

Mr. Robbins commented that any new commercial building would be subject to Design Review, and any Design Review would be subject to the General Plan goals.

Mr. Signorelli, a member of the Design Review Committee, stated they had sent a letter to the Planning Director suggesting that the Committee look at these properties.

There was no one present in the audience to comment on this rezoning.

M/S Ragan, Greenfield that the Planning Commission recommend to the Town Council the rezoning of the following parcels:

	<u>ZONED FROM R-1 TO PPD/R-1/F</u>			
6-042-01	5-151-01	7-012-02	7-015-16	7-043-17
6-042-02	5-151-02	7-015-08	7-051-03	7-051-30

ZONED FROM R-2 TO PPD/R-2/F
5-153-05

ZONED FROM C-1 TO PPD/C-1/F
7-015-14

ZONED FROM C-2 TO PPD/C-2/F
6-103-03

	<u>ZONED FROM C-3 TO PPD/C-3/F</u>			
6-083-02	6-091-35	6-171-06	6-191-37	6-251-08
6-091-34	6-092-05	6-171-12	6-241-05	

from their present zoning to the zoning indicated for the purpose of achieving consistency with the San Anselmo General Plan with properties along the Scenic Highways (Parkways)."

Motion carried: Ayes: Bolles, Eisgrau, Fairchild, Goltz, Greenfield, Ragan
Nays: None

B. USE PERMITS/VARIANCES/SUBDIVISIONS

1. U-360 - Lee Ann Torlakson, 31 Tomahawk, A/P 177-250-28, application to construct a single family dwelling.

Applicant was not present.

Mr. Carl Baumsteiger, 1 Monterey Terrace stated he was familiar with this lot and he could not see any reason why the Commission should deny this particular person the right to build on this lot.

M/S Fairchild, Ragan to approve U-360, application to construct a single family residence at 31 Tomahawk, A/P 177-250-28 on the basis that while there is probable conflict with the Open Space and Ridgetop Zone such conflict may be resolved by the submission of plans and elevations by the applicant to the Planning Commission, and while there may be possible conflict with the Conservation Zone such conflict may be resolved by submission of a soils and geologic report to the Department of Public Works.

Further, the applicant shall submit the proposed plans for review by the Design Review Committee.

Motion carried: Ayes: Fairchild, Goltz, Greenfield, Ragan
Nays: Bolles, Eisgrau

2. VAR-630/VAR-635 - R. J. Wickliffe and Marion Cain, 74 and 70 Monterey Ave., application to construct a double room over the existing double garage shared by residents.

Applicants were present.

Mr. Wickliffe presented a petition signed by the neighbors and a drawing of how the garage looked before and after proposed construction.

Mr. Wickliffe stated that the reason the Commission felt they would deny this application at the last meeting was on the basis of detriment to the neighborhood. He stated this was a quiet street and that the structure would eventually be screened by trees. The only person who could see the structure would be the residents directly across the street at 65 Monterey Ave.

Mr. J. Chavez, 65 Monterey Ave. was present to comment on his neighbors structure. He felt that the structure proposed would be much better than what he looked at now and he felt it would enhance rather than be a detriment to the neighborhood.

Mr. Carl Baumsteiger, 1 Monterey Terrace stated he lived right above the Wickliffe's and he felt they were really trying to improve the property and he was in favor of this application.

Commissioner Bolles stated he could see that there was a real site hardship here, and as far as this variance request being necessary for the preservation of the applicant's property rights, he felt that since the neighborhood was in agreement this application would enhance the neighborhood, this variance request was justified.

M/S Bolles, Ragan to approve VAR-630 and VAR-635 applications for a 7' frontyard and 8' sideyard variance to allow construction of a second floor addition of an existing common garage at 70 and 74 Monterey Avenue, A/P's 6-013-30 and 6-013-29, on the basis that

1. A hardship is apparent for the reason that there are exceptional and extraordinary circumstances applying to the land, namely, slope of the rear yard.
2. Granting of the application is necessary for the preservation and enjoyment of substantial property rights, specifically, one of the applicants is currently using her residence for storage of materials necessary to her livelihood.

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3. Granting of the application will not under circumstances of the particular case materially affect adversely the health or safety of persons residing or working in the neighborhood and in fact, petitioner's neighbors support the application, and that it will improve the appearance of the neighborhood.

Further recommend that the applicant appear before the Design Review Committee prior to construction.

The basis for the motion is on drawings dated September 25, 1975 submitted by R. J. Wickliffe and amended by drawings dated October 6th by Wagstaff & McDonald, Architects.

Motion carried: Ayes: Bolles, Eisgrau, Fairchild, Goltz,
Greenfield, Ragan
Nays: None

3. SS-189 - Stuart Mercereau/Charles English, 33 and 31 Skyline Rd., application for lot line revision.

Application was continued until November 3rd at applicant's request.

4. NEW BUSINESS

A. USE PERMITS

1. U-426 - Barbara Shere, 91 Redwood Rd., A/P 7-083-35, application for home occupation (teaching astrology).

Applicant was present.

Mr. Harris, 20 Savannah stated he had problems with traffic on Redwood Rd. daily.

Mr. D. Houck, 100 Redwood Rd. stated he was concerned about the parking and the ability of the Fire Dept. to drive up Redwood Rd. However, he would agree to let Ms. Shere have the chance if her students agreed to leave their car and walk up Redwood Rd.

M/S Ragan, Eisgrau to deny U-426, application for home occupation to teach astrology on the basis that any additional on-street parking requirements in this area would be detrimental to the safety and general welfare of persons residing in the neighborhood due to the extremely narrow street width and curving alignment and, further, that to permit additional on-street parking would be hazardous for the proper conduct of fire fighting by the San Anselmo Fire Dept.

Motion carried: Ayes: Bolles, Eisgrau, Fairchild, Goltz,
Greenfield, Ragan
Nays: None

2. U-427 - Arthur Madsen, Jr. 40 Caletta Ave., A/P 5-042-19, application to permit a photography studio as a home occupation.

Applicant was not present.

M/S Ragan, Fairchild to approve U-427, application for a home occupation use permit to operate a photographic studio for Mr. Arthur C. Madsen, Jr. at 40 Caletta Ave., A/P 5-042-19, on the basis that this application will not be detrimental to either people or property in the neighborhood as there is sufficient parking available for the small amount of traffic involved and that approval is necessary for preservation of property rights in allowing this legal use in this particular case.

Motion carried: Ayes: Bolles, Eisgrau, Fairchild, Goltz,
Greenfield, Ragan
Nays: None

- 3. U-428 - Red Hill Gourmet, 864 and 866 Sir Francis Drake Blvd., A/P 6-061-23, application to permit the on-sale business of selling beer and wine.

Applicant, Arthur M. Blum, was present.

M/S Bolles, Ragan to approve U-428, application for the on-sale business of selling beer and wine at 864 and 866 Sir Francis Drake Blvd., The Red Hill Gourmet, for Mr. Arthur M. Blum, on the basis that this will not be detrimental to people or property in the neighborhood as this will not generate a significant increase in parking requirements, will be compatible with existing uses in the retail center, and such use is necessary to enjoy property rights, including this reasonable expansion of the applicant's business.

Motion carried: Ayes: Bolles, Eisgrau, Fairchild, Goltz, Greenfield, Ragan
Nays: None

B. VARIANCES

- 1. VAR-636 - Roy S. Katscher, Applicant; David Childers, Owner 74 Berkeley Ave., A/P 5-165-17, application for a sideyard variance of 5' (3' sideyard setback) to construct a carport and family room.

At the request of the property owner, David Childers, this application was withdrawn from the agenda.

- 2. VAR-637 and U-429 - John Slattery, 50 Ash Ave., A/P 5-194-42, application for a use permit to construct a new duplex consisting of two 2-bedroom units under the GPC Ordinance (further development) and a 4'6" sideyard variance to allow full size parking spaces.

Applicant was present.

Staff reported that Mrs. Riney of 44-A Ash Ave., and Mr. Robert Adams of 1355 Sir Francis Drake Blvd. were both in favor of this application.

Applicant drew a picture of the duplex on the blackboard depicting a three story structure. Commission explained to applicant that if this was a three story structure, applicant would have to request a variance for that as well. As this was not shown on the drawing submitted, the Commission could not vote on subject application at this meeting. Action could be taken on the GPC Use Permit, however.

M/S Ragan, Bolles that U-429, application for a use permit to construct a new duplex consisting of two 2-bedroom units under the GPC Ordinance at 50 Ash Avenue, A/P 5-194-42, be approved for the reason that there is no apparent conflict with the General Plan.

Motion carried: Ayes: Bolles, Eisgrau, Fairchild, Goltz, Greenfield, Ragan
Nays: None

M/S Ragan, Bolles that VAR-637, for John Slattery, 50 Ash Ave., A/P 5-194-42, be referred back to the applicant for resubmission with drawings indicating plan sections and elevations and also indicating whether or not there will be the requirement for a variance in the height limit.

Motion carried: Ayes: Bolles, Eisgrau, Fairchild, Goltz, Greenfield, Ragan
Nays: None

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3. VAR-638 - T.M. & L.E. Looper, 169 Oak Ave., A/P 7-271-03, application for an 11'6" frontyard variance to allow a pool and elevated deck to be constructed within 8'6" of the front property line.

Mrs. Looper, owner/applicant and Mr. Robert Pepper, representing the applicant, were present.

Mr. Pepper stated that the drawings the Commission had before them were based on the engineer's, Mr. Ken Frost, recommendation.

Mr. Pepper stated that Mr. Frost felt, based on his 30 years of experience, that it would be impossible to move the pool back up the hill as recommended by Staff, in view of the nature of the soil.

Mr. Pepper stated there were three routes in which he and the applicant could take in order to build the swimming pool/deck as applicant had requested. First was to apply for a variance. Second would be to apply to the Town Council for a revision of the property line in order to obtain the unimproved portion of the right-of-way (thereby creating the necessary 20' frontyard setback). The third route, if all others failed was by an estoppel.

Commissioner Eisgrau questioned the difference between supporting the pool further up the hill and the supporting of a presumed "guest house" located further up the hill. (Although this is evidently in poor condition and was not mentioned by applicant as being improved, Commissioner Eisgrau was just questioning the possibility of its future use.)

Commissioner Greenfield questioned the drainage of this lot. Natural drainage appeared to start at the upper right hand corner of the pool (looking at the pool plan view) and diagonally cut through the location of the pool down the hill.

Commissioner Ragan asked Mr. Pepper whether he was trying to blackmail the Commission when he stated applicant would take legal action in order to build the pool if the variance was not granted. Mr. Pepper stated that was not his intention.

Commissioner Greenfield stated that from the street there would be a bank and cement wall of 13'. He felt something should be done about that. Mr. Pepper commented that the cement wall would be treated with a hedge screening or whatever was necessary to hide it.

Commissioner Eisgrau stated she could not see the site hardship. She felt it could be moved back, and in any event, she could never approve of this application unless a soils and geologic test were taken. She was also opposed to having a 9'6" wall even though there would be a hedge.

Commissioner Fairchild was concerned about the ability of the site to bear this type of structure. She would feel better about voting on this application after an engineer spoke on it. She was also concerned about the water flow.

Staff stated it would not serve any purpose to have the engineer at the meeting unless he had taken sample borings. The borings would confirm whether or not the applicant needs a variance.

Mr. Pepper stated that it was the engineer's opinion that he would like to wait until excavation before taking any borings.

Commissioner Bolles felt the soils report should be the first thing done, and the variance request second. He would not consider this application unless he knew there was a site hardship and this must be determined by the engineer.

Chairman Goltz felt he could agree with the fact that the engineer had stated the pool should be in the location shown. For that reason there would be a site hardship. However, Chairman Goltz felt the pool could be manipulated and put in such a location so as to save the trees and to avoid having to request for a variance. Also, if the variance was granted, he felt the structure would have to be so designed as not to be detrimental to the people in the neighborhood.

Applicant agreed to take this application back, consult with the engineer, and to have some sample borings.

M/S Ragan, Greenfield that VAR-638, T.M. & L.E. Looper, 169 Oak Ave., A/P 7-271-03, be continued to the next regular meeting of November 3rd, 1975.

Motion carried: Ayes: Bolles, Eisgrau, Fairchild, Goltz, Greenfield, Ragan
Nays: None

C. OTHER

- 1. Bicycle Paths - Recommendation to Town Council that marked bicycle lanes be provided on Butterfield Rd. between Meadowcroft Dr. and the San Anselmo Town Limits.

M/S Eisgrau, Bolles to recommend to the Town Council that marked bicycle lanes be provided on Butterfield Rd. between Meadowcroft Dr. and the San Anselmo Town Limits and that appropriate signs and pavement markings be placed as the first step in adequately marked bicycle paths. Further, that on-street parking be prohibited between the hours of 6 a.m. and 6 p.m. The Town Council is requested to appropriately notify property owners on Butterfield Rd., between Meadowcroft and the San Anselmo Town limits, prior to establishing prohibited hours of parking. Passed unanimously.

- 2. Referral of General Plan Revisions from Town Council (specifically wording additions and changes to the Housing Element)

M/S Greenfield, Ragan that the Planning Commission report to the Town Council that they wish to take under advisement and comment the referral of General Plan revisions, specifically wording additions and changes to the Housing Element, and that they request, because of the pressure of the next agenda of the Planning Commission, that the date for final comment be place beyond the 40 day deadline. (Would be heard at the November 3rd meeting.) Passed unanimously.

Chairman Goltz stated that Hadden Roth, Town Attorney, would like to work with a subcommittee of the Planning Commission when composing the Second Unit Ordinance. This subcommittee would consist of David Ainsworth (Chairman), Jan Fairchild and Stan Greenfield.

Staff was requested to inform the Town Attorney of the Sub-committee Chairman.

- 3. U-420 - Family Crisis Center, 1000 Sir Francis Drake Blvd., reconsideration of use permit to allow the Family Crisis Center to use the single family dwelling at 1024 Sir Francis Drake Blvd. for use as an administration office.

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M/S Ragan, Fairchild to approve the revision of U-420 to allow the Family Crisis Center to use 1024 Sir Francis Drake Blvd., as an administration office in conjunction with their private school activity in Isabel Cook School, on the basis that this will not be detrimental to the neighborhood as it is a continuation of a similar use without apparent problems.

Motion carried: Ayes: Bolles, Eisgrau, Fairchild, Goltz, Greenfield, Ragan.
Nays: None

Commissioner Greenfield questioned Staff regarding the new construction going on at D&D Stereo. Staff advised that a carport to cover a car while a stereo was being installed was being added. This would not decrease the number of parking spaces at the site.

Commission agreed that the landscaping was inadequate for this site, and they felt that the Use Permit which was granted stipulated that there be adequate landscaping.

Staff was requested to inform Design Review that before any further approvals were given for this building, the Commission wanted to consider the fact that they were unhappy with the outcome of this building.

Chairman Goltz commented that Commissioner Eisgrau had consented to represent the Planning Commission on the Design Review Committee.

M/S Ragan, Greenfield to recommend to the Town Council the appointment of Susan Eisgrau as a Planning Commission member of the Design Review Committee. Passed unanimously, Commissioner Eisgrau abstaining.

5. ADJOURN

Meeting adjourned at 12:10 a.m. to the Public Hearing on Oct. 20, 1975 to discuss the rezoning of undeveloped properties in the San Anselmo Planning Area.

DAN GOLTZ, CHAIRMAN
SAN ANSELMO PLANNING COMMISSION

By *Catherine Carpenter*
Catherine Carpenter
Planning Secretary