

The Regular Meeting of the San Anselmo Planning Commission was called to order by Chairman Duane Ragan at 8:10 p.m. in the Town Hall on November 15, 1976. Representing Town Staff: T. J. Robbins, Associate Engineer/Planner.

1. ROLL CALL

Commissioners Present: Bolles, Goltz, Hulpke, Ragan
Commissioners Absent: Buckle, Eisgrau, Greenfield

2. APPROVAL OF MINUTES - October 18, November 1 and November 8, 1976.

Minutes of October 18, 1976

Pg. 1, last para., last sentence should read: "...the applicant did not have to stay on the existing footings."

Pg. 3, para. 5, motion to be deleted and the following substituted:

M/S Goltz, Eisgrau that VAR-699 for Wm. Jordan, 35 Blackhawk, A/P 177-262-05, application for variance from the definition of Section 10-3.428, regarding corner lots, be approved for the reason that the site is extremely steep and that the Blackhawk Dr., which is the side street by Code, in reality is the front street for this particular lot and Miwok Dr. is actually a deadend street. Granting of this application is necessary for the applicant to enjoy property rights and granting will not be detrimental to those living and residing in the neighborhood. The granting of this variance would make a better planned project.
Page 5, para. 1, last sentence. Change "Lansdale" to "Yolansdale School".

Minutes of November 1, 1976

Pg. 4, para. 7, sentence 1 should read: "...stated she was troubled that a foundation.."

Pg. 4, para. 13, sentence 5, delete "my feeling" and substitute: "...it is felt that a detriment..."

Minutes of November 8, 1976

Item 2. Proposed Condominium Conversion Ordinance: Leave para. 1 as it was written. Para. 2 leave first sentence only. Delete para.'s 3, 4, 5 and 6 in their entirety. Para. 7 becomes para. 3. Para. 4 to read: Changes are noted in the revised draft, #3, dated November 1, 1976. Balance of minutes to remain the same.

M/S Bolles, Hulpke the minutes be approved as written with the exceptions noted above. Passed 3 aye votes, Commissioner Goltz abstaining.

Chairman Ragan announced Item 4, Condominium Conversion Ordinance, was to be held over until the December 6th meeting. He also announced two changes in the scheduling on the agenda, placing Item B(4) as #1 on the agenda, it falling into the "old business" category, and Item A(1) being moved down on the agenda until at least 10:00 p.m. since the applicant teaches a class and would not be present until approximately 10:00 pm.

3. PUBLIC HEARINGS

A. OLD BUSINESS

1. U-464 - West Coast Properties, 160 Sir Francis Drake Blvd.,

Commissioner Goltz stated he would abstain from a vote since he was the architect for this project. The Chairman consulted with Robert's Rules of Order to ascertain that the three remaining Commissioners could be considered a quorum. He stated a vote was required only of the majority of members present; hence the Commission would be able to act on the application.

Present was Mel Dagovitz of West Coast Properties, 1336 Polk St., San Francisco. Applicant stated the submittal had been approved previously by the Planning Commission, Town Council and Design Review Committee, and was before the Commission for SPD final approval. He stated there was no change in the plan. He had met all requirements of the Code.

Commissioner Bolles asked about a trash area and delivery area. Dan Goltz said this would depend on the tenants of the building which, at the moment, are unknown quantities.

The question was then raised of the planters in the middle of the parking lot and possible loss of space for parking spaces. Mr. Goltz explained that the tree pockets are 3' x 3' and are brick with sand

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fill. He said cars have access over the bricked area and the space is still the same. He stated the tree trunk is about the same size as the striping so actually there is no loss of space. He said the same arrangement has worked in Creek Park and it has worked very well there.

Commissioner Bolles asked if there were wheel bumpers proposed and some protection for the stairway. Mr. Goltz said these items were included in the plan.

M/S Bolles, Hulpke to approve SPD, U-464, for construction of an office building at 160 Sir Francis Drake Blvd., on A/P 6-241-05, application by West Coast Properties approval is based on previous approval of these drawings at an earlier submittal of an SPD. These plans are the same as those previously approved on August 2, 1976, drawings prepared by D. H. Goltz and dated 11/12/76. This use is found to be in conformance with the General Plan. Unanimously approved.

2. VAR-698 - Peter Fraser, 60 Hillside Ave., A/P 7-121-47

Mr. Fraser made a presentation outlining the revisions to his application in order to correct situations voiced in the Planning Commissions former objections. He also submitted a report from a letter from E. W. Peterson, Registered Civil Engineer 6843, urging approval of the application because of the need for immediate attention to the site.

Mr. Fraser stated he had shown the revised drawings to all of the immediate neighbors, and there were no objections voiced concerning the plan.

Commissioner Goltz asked the approximate projection of the bays, and Mr. Fraser answered 5 inches beyond the building line.

It was pointed out that the deck on the south side will require a sideyard variance.

There was no one in the audience to comment on the application.

Commissioner Goltz asked about the applicant's intention of a cut along the rear easement for an access road. He stated a variance would be required if the applicant intended to use this as access to the parcel.

The applicant said since he was eager to get the dwelling started he wanted to keep the application as simple as possible at this moment, he had held that portion of the application in abeyance and was trying to get approval for the dwelling only at this time. It was the Staff's opinion that a variance was not required for an access road for construction purposes only.

The applicant said he intended to make a cut in the hill, and if a subsequent application for a variance was denied, he would replace the hill and slope to its original condition, planting native plants and trees.

There is apparently a bay tree in the path of what would be an access road that may or may not be considered a heritage tree.

Concern was expressed over the neighboring property were an access road to be cut over the easement.

M/S Bolles, Hulpke (amended by Goltz), to approve VAR-698 for Peter Fraser, 60 Hillside Ave., A/P 7-121-47, for a 3'9" frontyard variance to allow construction of a single family residence with a building wall 16'3" from front property line and a sideyard variance of 2'1" to allow construction of a dwelling 6' from the north property line, and to allow a 2'1" roof overhang; further to allow the construction of a deck on the south property line, granting a frontyard variance from requirement of 20' to 6'11". These variances for the construction of the dwelling and deck are granted on the basis that a steep slope of the property is a particular site hardship; that the north property line borders a

10' easement unusual in this particular piece of property and that proposed construction takes advantage of the previous foundation; the construction will not be detrimental to the neighborhood and it is necessary to provide property rights and reasonable development of a legal lot: Drawings dated 11/4/76, prepared by John G. Kelley. Granting of this variance in no way grants the applicant use of the easement to the south for access to the property; further that if any construction is required in that easement, including grading, that the Planning Commission review such development before it takes place and authorizes the waiving of the \$100.00 fee for said review. Passed unanimously.

3. VAR-704 - John Slattery, 50 Ash Ave., A/P 5-194-42

John Slattery, 64 Barber Ave., owner/applicant said he had been granted the same variance a year ago; however, it was never built because of interior problems. He said he now has a much more creative and imaginative plan. The overall height of which is 26 feet.

Mrs. Inez Riney, 44 Ash Ave. stated she owns the duplex across the street and up on the slope. She was concerned that the third story was going to obstruct her view.

Applicant stated he did not think this would happen. The building was pushed back somewhat, and it is the same height as the previous application.

There was no one else in the audience to comment on the application.

M/S Hulpke, Bolles to approve VAR-704 for a 1'6" east sideyard variance to construct a duplex 6'6" from the property line, a 1' variance from the 10' width for each of 4 parking spaces and a variance to allow a third story at 50 Ash Ave., on A/P 5-194-42, on the basis that a site hardship exists in the smallness and unusual shape of the lot; that it will not be detrimental to the neighborhood and sufficient distance remains between the proposed structure and surrounding structures and it is necessary to afford property rights and allow reasonable development of this property. Passed with three aye votes, Commissioner Goltz voting no.

A. OLD BUSINESS

1. VAR-697 - Wm. Scalapino, A/P 7-095-30

Dr. Scalapino read his response to the Planning Commission's previous denials of his applications and his reasons for the present variance application on Allyn Avenue.

Mr. Robbins confirmed that a petition had been received from neighboring property owners protesting the application.

Mr. Paul Brand, 130 Allyn Ave. presented a detailed protest to the application which was submitted and becomes a permanent part of the file for the application. He urged the Planning Commission to deny the application.

Mr. Gene DePrado, owner of the adjacent property on the Redwood Rd. frontage said while the Allyn Ave. application does not affect him directly, he felt the cut required would affect the stability of the hill.

M/S Goltz, Hulpke, that VAR-697 for Wm. Scalapino, A/P 7-095-30, undeveloped property north of 15 Allyn Ave., application for 20' frontyard variance to permit off-street parking and a variance for a 9'6" setback to construct a residential dwelling be denied on the fact that construction of the parking structure and the variance would be detrimental to those living and residing in the neighborhood because of the high wall required and the excessive

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movement of the dirt and because of the traffic problem that, in the commission's opinion, would be caused on the narrow street fronting the property. Passed with three aye votes and Commissioner Bolles abstaining.

B. NEW BUSINESS

1. VAR-705 - Jeffrey Osborne, 35 Oak Knoll Ave.

The applicant had nothing to add to the application.

M/S Bolles, Hulpke to approve application for VAR-705, A/P 7-014-10, 35 Oak Knoll Rd. for a 3' sideyard variance to allow construction of a carport for two-car parking and a 1' variance from the requirement of 10' width for a car stall, a variance for the entrance arbor to this property shown on the drawings dated 10/28/76, variance from the 6' fence height to 7'10", or a variance of 1'10, in the basis that a hardship exists in that the existing structures on the lot and the existing driveway make it impossible to expand the use of the property, by the current owner, and poses a significant hardship in developing the property for reasonable use. Variance will not create a hardship on the neighborhood and will afford owner reasonable property rights. Passed unanimously.

2. SS-201 - Sisters of the Holy Family, 125 Prosopect Ave.

Mr. Joseph Burton, Engineer was present with 2 Sisters of the Holy Family. There was no one in the audience to comment on the application.

M/S Goltz, Bolles that the Planning Commission recommend to the Town Council SS-201 for Sisters of the Holy Family, 125 Proposect Ave., A/P 6-231-01 for a two-lot parcel split be approved on the basis that it meets the criteria of the subdivision ordinance with the exception of a water meter, and that this one exception be permitted by requiring that if any construction is done on the subject site, a water authorization of service be given by the Water District would be required before the building permit is issued. This proposed parcel split is in conformance with the Town General Plan. Passed unanimously.

3. SS-202 - Jim Reed/John Odell, 35 Miwok and 41 Elkhorn

Mr. Reed and Mr. Odell were present. There was no one in the audience to comment on the application.

M/S Bolles, Goltz to approve application SS-202 for Jim Reed and John Odell at 35 Miwok Dr., A/P 177-264-05, and 41 Elkhorn Dr., A/P 177-264-12, which is a lot line revision between 35 Miwok Dr. and 41 Elkhorn Dr. as shown on plot plan dated 10/26/76 and signed by Ken T. Bowen, Registered Civil Engineer, on the basis that this revised plan improves the layout of the lots. The lot line revision is in conformance with the General Plan. Passed unanimously.

4. MATTERS FOR CONSIDERATION

1. Questions from Town Attorney regarding preparation of ordinance regarding non-conforming uses/parking requirements.

Question: Is it the intention of the Planning Commission in proposing the amendment that enlargements, extensions, reconstructions or alterations of the use of a building on a lot zoned R-1 are completely exempt from the provisions in the Code, requiring a variance for the enlargement, extension, etc. of a non-conforming use no matter what the particular non-conforming use consists of?

Answer: Yes.

Question: Is it the intention of the Commission that the existing provisions in the Code relating to the expansion, alteration, etc. of a non-conforming use in either a R-2 or R-3 zone shall remain

or is it the intention of the Commission that a variance is only required where the enlargement, etc. itself results in less than the minimum parking requirements for the zones?

Answer: No.

Town Attorney is requested to prepare an ordinance for the Planning Commission's review.

- 2. Amendments and additions to Chapter 4 (Design Review of Title 10 of the San Anselmo Municipal Code.) Item continued to the meeting of December 6.
- 3. Set Public Hearing for December 6th for changes in uses permitted in C-1 zone. Public hearing set.
- 4. Proposed Condominium Conversion Ordinance. Public Hearing set for December 6.
- 5. Commissioner Goltz stated that a request had been made asking the Director of Public Works for a report on the results of the letter and advertising on second units.

ADJOURN

Meeting adjourned 12:05 a.m.

Thelma Foster

Thelma Foster, Secretary

TF/cc

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