

The San Anselmo Planning Commission's Regular Meeting of November 8, 1976 was called to order by Chairman Duane Ragan at 8:00 p.m. in the Town Hall, Council Chambers. Representing Town Staff: T. J. Robbins, Associate Engineer/Planner

1. Roll Call

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

2. Approval of Minutes - October 18 and November 1, 1976. Held over

3. Public Hearings

A. Old Business

- 1. Proposed Code Amendment to allow delicatessens in C-1 districts with approved use permit.

No one was in the audience to comment on this item.

Commissioner Eisgrau stated she was a little unclear as to what a delicatessen really was. She was concerned about the hours of operation of a delicatessen.

Staff explained the hours of operation, and size of the operation, could be determined at the time a use permit was applied for.

M/S Bolles, Eisgrau that the Planning Commission recommend to the Town Council for their review, An Ordinance Amending Article 9 of Title 10 of the San Anselmo Municipal Code relating to delicatessens being an allowable use in C-1 zones, and to delete this reference in the Code under C-2.

Motion carried: Ayes: Bolles, Buckle, Hulpke, Ragan
Nays: Eisgrau

- 2. Proposed Code Amendment - Design Review Ordinance, Title 10, Chapter 4.

Chairman Ragan moved to continue the public hearing of the Proposed Code Amendment on Design Review Ordinance be continued until December 6.

- 3. U-463 - Merv Attell, 19 Tamalpais Ave., A/P 7-212-20, application for use permit to allow a commercial parking lot. This property provides nine (9) parking spaces.

Applicant was present. Applicant stated this parking lot had been used for a long time. The spaces were rented to the Auto Parts store and the Nutrition Shop.

No one was in the audience to comment on this application.

M/S Eisgrau, Hulpke to approve U-463, application for a commercial parking lot at 19 Tamalpais Avenue, A/P 7-212-20, on the basis that this use has been in existence without complaints, that it is not detrimental to the neighborhood, and is necessary to afford property rights as a reasonable use of the lot. Passed unanimously.

- 4. U-464 - West Coast Properties, 160 Sir Francis Drake Blvd., A/P 6-241-05, use permit to implement the Specific Planned Development previously approved by the Planning Commission and Town Council.

Held over until November 15, 1976.

- 5. VAR-697 - Wm. Scalapino, A/P 7-095-30, undeveloped parcel no. of 15 Allyn Ave., application for a 20' frontyard variance to permit required off-street parking.

Held over until November 15, 1976.

- 6. Z-157 - Herman Bauer, 590 Red Hill Ave., A/P 6-091-59, additional Specific Planned Development approval (lot lines).

Applicant was present.

Staff stated the lot lines had been left out of the previous approval by the Planning Commission. Since this development was intended for future condominium use, lot lines and lot design were required.

Commissioner Eisgrau questioned whether the Commission's approval meant the applicant would be able to have three dwellings on the property. This had been approved at the last meeting. Commissioner Eisgrau stated she was opposed to the entire concept.

M/S Hulpke, Buckle to recommend to the Town Council that Z-157, Herman Bauer applicant, 590 Red Hill Ave., A/P 6-091-59, be rezoned from PPD R-1 to SPD R-1 in accordance with the revised drawing dated October 28, 1976, including all of the amendments imposed by the Planning Commission at its meeting of Oct. 4, 1976. The Planning Commission finds that the proposed rezoning is in accordance with the Town General Plan for this area which shows a density of 4-6 units per acre, whereas the density proposed is 2.7 units per acre.

Motion carried: Ayes: Bolles, Buckle, Hulpke, Ragan
Nays: Eisgrau

- 7. VAR-695 - Antone Sousa, 4 Glen Rd., A/P 7-012-29, reconsideration of previously requested variance to permit the construction of a 20' x 20' carport and a living space addition to the dwelling.

Applicant and his architect, John Arnold, were present. (This application was heard after item #8 since the applicant arrived late.)

Mr. Arnold stated that since the last meeting he had restudied the application and had come up with three alternatives to the original plan. He and his client were still requesting approval of Scheme D..

Mr. Arnold felt that while Scheme D (access and egress near Glen Rd. and Forest Ave. intersection) was dangerous, the danger could be solved by backing into the carport.

Applicant requested many variances, but also felt they were justified due to the small size of the lot and the steep downslope. The house addition, if required to adhere to the setback requirements would cause a circulation problem within the home.

Commissioner Eisgrau stated she had been to the site around 5:30 pm and had counted 20 cars on Forest Ave. She felt the applicant should examine the possibility of a horseshow-type turn around for only one car.

Commissioner Buckle felt the architect had made a lot of effort to design a suitable parking arrangement. While there is no law against backing into a street from a driveway, he felt it was definitely a hazards.

Commissioner Buckle stated his initial reaction was to approve the variance (preferring Scheme C). However, as the Commission had just denied a previous application for a 1'3" variance, he could not agree with the continued 4' sideyard variance.

Commissioner Hulpke stated she could not see a hardship. She felt the parking structure was huge, unattractive, and a detriment to the neighborhood. She stated she would be more in favor of Scheme A. Scheme's C and D she considered detrimental, even if only a parking deck.

Commissioner Bolles stated he would not support either the rearyard or sideyard variance for the house.

Chairman Ragan moved that the Commission refer this application back to the applicant for review, per discussion.

DDB863

- 8. VAR-700 - George Kokalis, 20 Timothy Ave., A/P 5-251-18, application for a 20' frontyard variance to build a ramp to a carport 0' from the front property line.

Mr. Kokalis was present. He stated the variance was necessary to be able to park the cars off the street.

Applicant stated a soils report and a seismic test had been done. There was bedrock between 3-15 feet down.

Commissioner Buckle stated there seemed to have been some settlement in the roadway.

Staff stated there had been a "gravity structure" placed in the roadway to correct any slippage.

Commissioner Buckle felt that if Staff was confident that site was stable, the Commission should be satisfied.

Commission felt the house should be reviewed by the Design Review Committee. Commissioner Bolles stated he would like to see the house closer to the road in order to cut down some of the height.

John Stores, 15 Timothy stated he had received notice on Saturday regarding this application. He questioned what the purpose of the variance was.

Mr. John Lewis, 28 Timothy stated nothing would make him happier than to see a structurally sound house built on Timothy.

M/S Bolles, Hulpke to approve VAR-700, to construct a carport 0' from the front property line at 20 Timothy Ave., A/P 5-251-18, 20' frontyard variance for George Kokalis on the basis that there is hardship due to the steep slope and approval of this application will afford reasonable development of property. Further application will be forwarded to Design Review Committee for their comments as there may be some adverse effects to the neighborhood by construction of the roof structure of the carport. Passed unanimously, Commissioner Eisgrau abstaining.

- 9. VAR-701 - Stephen Whitelaw, 2 Foothill Rd., A/P 7-033-02, application for a variance from the fence height requirement to permit a 10' high fence on the Humboldt Rd. frontage.

This item was heard after items 10 and 7 on the agenda.

Applicant was present. He stated he had originally proposed an 8' high fence, but had been told by Staff it would interfere with the traffic's line of sight on Humboldt if constructed right on the property line.

Applicant stated the fence was necessary for privacy and to prevent the foot traffic and garbage being thrown in his lot.

Staff stated the recommended 10' high fence would be constructed 6' inside the street.

M/S Hulpke, Bolles to approve a 4' height variance to allow construction of a 10' high fence on the Humboldt frontage for 2 Foothill Rd., A/P 7-033-02 for Stephen Whitelaw, on the basis that there is a site hardship due to the steep downslope, in a lack of privacy for the dwelling's bedroom and back yard, that this fence will not be a detriment to the neighborhood, and it is necessary to afford owner property rights. Passed unanimously.

- 10. VAR-702 - Vladimir & Vickie Presniakov, 20 Agatha Ct., A/P 6-043-17, application for a sideyard variance to permit dwelling addition, variance from parking requirements to allow tandem parking.

Applicant was present. Mr. Presniakov's intention was for the

continuation of main building for the addition, which required a sideyard variance. Without the variance the fireplace would be in front of the dining room doors.

Mr. Presniakov stated the neighbors on either side had 5' and 4' sideyard setbacks.

Mrs. Fraser, 14 Agatha Ct. stated she had not objections to the bulding being closer to her property. She was, however, concerned about water runoff and drainage. With additional yard being covered, where was the water to go?

Mr. Presniakov stated therewas a natural drainage away from the Fraser's house and also a pump system.

Commissioner Eisgrau stated she agreed to the variance to allow tandem parking. She felt the addition proposed would be detrimental to the Fraser's property. She could not see a hardship to permit granting a sideyard variance, and felt the applicant had enough room to the rear of his lot to accommodate what he wanted to do within the setbacks.

Commissioner Buckle felt continuing the existing wall, even though less than 8' was no problem. The house had been built when the 5' setbacks were allowed. If he had been expanding into the setback he would be against it.

Commissioner Hulpke stated she was troubled a foundation permit had been issued prior to the Planning Commission's approval.

Applicant stated he was aware of the risk, but had not counted on encountering as much trouble from the Commission.

Staff also explained the drawings submitted by the applicant had shown an 8' sideyard setback.

Commissioner Bolles stated he sympathized with the applicant, and while he felt it was a good design, the Code was explicit regarding the necessity of a hardship (not present) and he could not approve it.

Chairman Ragan agreed the application had merit, but he felt it was of too great a magnitude to approve building it closer to the side property line.

M/S Eisgrau, Buckle to approve that portion of VAR-702 at 20 Agatha Ct., A/P 6-043-17, which deals with tandem parking as there exists adequate space in the single car garage and existing driveway and no other space is available. This is not detrimental to the neighborhood and it is necessary to afford normal property rights in allowing provision for two cars. Passed unanimously.

M/S Eisgrau, Hulpke to deny that portion of VAR-702, 20 Agatha Ct., A/P 6-043-17, for a 2'9" variance to construct a projecting chimney to a dwelling addition, and a 1'3" variance for the construction of the dwelling addition, on the basis that no hardship exists to justify this variance and it is my feeling that a detriment to the neighborhood would result in obstructing light and air circulating to homes.

Motion carried: Ayes: Bolles, Eisgrau, Hulpke, Ragan
Nays: Buckle

Applicant was advised of the 10-day appeal period.

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11. VAR-703-Wm. Hoenes, 130 Scenic Ave., A/P 7-063-09, application for variance from the required rearward setback to permit the construction of an accessory building.

Mr. and Mrs. Hoenes were present. Applicant stated that after the foundation forms had been placed the Building Inspector was called to inspect. He found that one point of the construction was actually 17' from the rear property line rather than the 20' shown by the building designer on the plans.

Commissioner Bolles stated he found himself in the same position as earlier. While the project was well located, he could not find a hardship.

Chairman Ragan expressed his distaste at having the owner pay for an error made by the designer.

M/S Eisgrau, Hulpke to approve VAR-703 at 130 Scenic Ave., A/P 7-063-09, for a 4' rearward variance (which includes the roof overhang) to allow construction of an accessory building 16' from the property line on the basis that this will allow the accessory building to match the terrain and that it will not disrupt mature landscape plantings and existing walkways and terraced areas, and that because of its location, results in no detriment to the neighborhood, and will afford property rights for a reasonable development.

Motion carried: Ayes: Buckle, Eisgrau, Hulpke
Nays: Bolles, Ragan

B. MATTERS FOR CONSIDERATION

1. Consideration of revisions to allowable uses in C-1 zones.
Held over.

4. ADJOURN

Meeting adjourned at 12:00 midnight.

Catherine Carpenter, Secretary