

The San Anselmo Planning Commission's Regular Meeting of October 18, 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, Ragan, Goltz (late)
Commissioners Absent: Greenfield

2. APPROVAL OF MINUTES - October 4, 1976. Held over due to lack of quorum at the time minutes were considered.

3. NEW BUSINESS - PUBLIC HEARINGS

- A. U-462 - M.T. Blume, 115 San Anselmo Ave., A/P 7-301-19, application to allow the continued serving of beer and wine in connection with Senior Alfredo's restaurant.

Applicant was present. He stated that everything would remain the same as the previous operation. There was no one in the audience to comment on this application.

M/S Eisgrau, Buckle to approve U-462, application for M.T. Blume, 115 San Anselmo Ave., A/P 7-301-19, to continue the on-sale and service of beer and wine at the above location, based on the fact that this is a continued use and is not detrimental to the welfare of persons residing or working in the neighborhood, and that this approval allows the applicant enjoyment of his property rights. Passed unanimously.

Applicant was advised of the 10-day appeal period.

- B. VAR-697 - Dr. Wm. Scalapino, A/P 7-095-30, lot north of 15 Allyn Ave., application for a 20' frontyard variance to construct two parking spaces 0' from the Allyn/Floribel frontage.

Continued to the November 8th meeting.

- C. VAR-698 - Peter Fraser, 60 Hillside Avenue, A/P 7-121-47, application for a 20' frontyard variance to allow rehabilitation of an existing garage with a new room over, 8' from the front property line, a 10' frontyard variance (eave overhang line - building line +1'6"), and a 3'10" sideyard variance (roof overhang dimension - building line +1'6") to construct a single family dwelling on an existing foundation 4'2" (roof overhang) from the north property line, and a variance for access over an easement.

Applicant was present. He stated the soils engineer had agreed the best location to build was where the existing foundation was located. This would create the least disturbance to the land.

Applicant stated that since the plans had been drawn he had moved the small room on top of the garage farther away from the street. He had also reduced the number of stories and had obtained an easement from the property next door. This easement would give him a place to put equipment and store materials.

Commissioner Buckle questioned whether the recorded easement stated there would be a retaining wall. He felt it should be spelled out in the recorded easement.

Commissioner Buckle stated the house was basically the same, the difference being the driveway and garage which he could not see as a problem. He noted that the street right-of-way line was about 5' away, so visually the house seemed further away.

Commissioner Goltz stated that when a simple variance was requested, the applicant did not need to present technical plans. However, this application was not simple, and there should have been a fairly well drawn presentation. As presented he could not really be sure what was going on.

Commissioner Goltz felt that the soils report presented to the Commission did not say that the existing foundation was the best spot for the new construction. He felt the soils engineer had not made any scientific statement to that effect, and for that reason he felt the applicant could build outside of the setback areas.

Commissioner Goltz stated he could not see a hardship for either building or site. The street is narrow and most of the houses have been pulled back away from the street with the exception of the house next door. He felt that unless there was no other place for him to build, the house should be built farther up the hill. He felt there was no reason to grant a variance for the structure over the garage. Variances had been granted before, but that was because it was an existing building. It was now a new building and it should meet the setbacks required.

Commissioner Eisgrau stated she felt the second story cantilevered over the first story was extremely imposing. She stated she would prefer to see the second story overhang in back.

Commissioner Eisgrau also felt the garage was extremely large and imposing on such a small street.

Commissioner Buckle clarified that the existing house was 900 S.F. and the proposed house was 1900 S.F. plus 280 S.F. for the garage.

Commissioner Bolles felt the variance was difficult to understand. He felt the application should be referred back as there were no specifics, with either the soils report or the house. Commissioner Bolles stated at this point, he would be against voting for the variance.

Commissioner Goltz noted there is a 72" tree on the easement.

Chairman Ragan stated he agreed with Commissioner's Goltz and Bolles. He was not persuaded that the house could not be built outside of the setback area.

Mr. Fraser stated that there had been extensive excavation done for a drain line behind the old wall in back of the existing foundation. He stated that when the toe of the hill was cut, as it was, slide conditions were created. Mr. Fraser stated he did have a hardship in the fact that there is the extreme possibility of a slide. He stated he could not obtain any insurance on the property as he couldn't do any work. Mr. Fraser explained he had to have some kind of affirmative statement from the Commission that he could do some site work.

M/S Goltz, Eisgrau that the Planning Commission refer application VAR-698 for Peter Fraser, 60 Hillside Ave., A/P 7-121-47, back to the applicant for restudy. Passed unanimously.

- D. VAR-699 - Wm. Jordan, 35 Blackhawk Drive, A/P 177-262-05, application for 5' frontyard variance to construct a single family dwelling with the roof structure 13' from the property line.

Applicant Bill Jordan was present. Mr. Robbins stated the foundation permit had been issued, but the trees had been cut without permission.

Gerald Anderson, 1166 Nogallas, Lafayette, architect for Mr. Jordan was present. Mr. Anderson stated they were present tonight because of the word in the Municipal Code which stated the shortest street was considered the front yard. It had always been his understanding that it was discretionary regarding which side (on a corner lot) was to be the front and which the side.

Mr. Anderson stated the house had been very carefully designed. They had made every effort to design an attractive, unobtrusive house. He stated they wanted to keep the house away from the cut on Blackhawk.

Mr. Anderson felt that the hardship was the fact that it would be extremely difficult to get vehicle access from any other location. The house could be moved back, but that would require retaining walls. Mr. Anderson felt the variance was legitimate and appropriate.

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Commissioner Goltz stated he was upset over the fact that the trees had been cut. Mr. Anderson stated it had not been their intention to break the law.

Commissioner Buckle stated many of the cities and the County did let the applicant decide which side he wanted to call the front. He felt there was no problem with the request.

Commissioner Bolles stated he was inclined to support the application. He felt the variance should be granted on the basis that the site is a nightmare and the request was a good solution.

Commission was concerned that if Miwok was called the frontyard; someone could build 12' from the property line fronting Blackhawk.

M/S Goltz, Eisgrau that VAR-699 for Wm. Jordan, 35 Blackhawk, A/P 177-262-05, application to permit construction of a single family dwelling 13' from the side property line, a variance of 7' be approved for the reason that the site is extremely steep, the granting of this application is necessary for the applicant to enjoy property rights and for the reason that this variance will not be detrimental to those living and residing in the neighborhood. The granting of this variance will create a better planned project.

Motion carried: Ayes: Bolles, Buckle, Eisgrau, Goltz, Ragan
 Nays: None

- E. SS-200 - Juergen Kokot, A/P 5-062-93, 25 Rancho Dr., application for a 3-lot parcel split, and request for approval to move an existing building to another lot.

Applicant was present. Mr. Robbins explained to the Commission that there had been two previous subdivisions. One in 1966 and one in 1972. Both of these applications requested a 4-lot subdivision; both were referred back to the applicant.

Mr. Kokot stated he would like to clean up the lot. He felt the neighborhood was very nice and he wanted to bring the present structures in to conformance with the existing neighborhood. Mr. Kokot stated he would either move the rear cottage on the creek to another lot (to clear the non-conforming use) or would tear it down.

Commissioner Eisgrau questioned the drainage problem. Mr. Kokot stated that since his ownership he had not experienced the problem.

Ms. Barbara Rivara, 2 Rancho Dr. stated she had been one of previous owners of this lot. Her application had been turned down and had been told to have the cottage torn down.

Ms. Rivara stated the drainage problem was bad. She felt the problem was the houses above.

Mr. Laurence Nelson, 3 Rancho Drive also stated the drainage problem was bad. The water under his house had rotted all of the living room floor.

Lee Merrill, 20 Rancho Drive stated he had seen the drainage problem. He felt the houses should all be torn down rather than up-dated.

Mr. Kokot stated he felt for the residents and was willing to make corrections to the drainage. However, the problem was not really with his property but the property above.

Mr. Kokot stated that while the two houses may be ugly, they are structurally sound. The third unit (cottage) shouldn't be salvaged.

Ramona Croce, 11 Rancho Drive stated that one of the tenants in Mr. Kokot's dwelling had put a board up on the fence and piled soil up against it. She felt this should be removed or else the fence could be knocked down when it rains.

Commissioner Goltz stated that Lot #1 as proposed by the applicant should not be allowed. Lot #2 should be parallel to the Water District's easement.

Commissioner Goltz felt any flooding problems could be corrected before the subdivision. He felt the drainage should come down Carlson and be picked up by a drain on the Kokot's property line. Commissioner Goltz felt a drainage plan should be presented, separate from the Tentative Map.

Mr. Nelson, 3 Rancho Drive felt the problem with the drainage was a regional and not a local problem.

Commissioner Goltz also felt the applicant should move the second house/

Commissioner Buckle felt it was kind of severe to require the applicant to move the second house. He felt some adjustment to the frontage would be adequate.

Commissioner Buckle felt there should be an engineering report made on the drainage problem. He agreed with Commissioner Goltz that the lot lines should be rearranged.

Commissioner Bolles agreed with moving the lot lines but did not think the applicant should be required to move the second house. Commissioner Bolles stated he could not even comment on the drainage. He felt the applicant was being asked to solve a problem which he can't do.

Chairman Ragan agreed with the Commissioners. He also felt the Commission shouldn't require the applicant to move the second house.

Chairman Ragan stated the drainage on Rancho Drive has really become a serious problem. He felt it was up to the applicant to make sure his property had an adequate drainage system.

Commissioner Goltz felt the Commission was taking the matter of moving the second house too lightly. He felt the applicant should at least find out how much it would cost to move the second house compared to the cottage.

M/S Bolles, Buckle to refer application SS-200, Juergen Kokot, A/P 5-062-93, application for 2-lot split, 25 Rancho Drive, be referred back to the applicant for review and revisions. Passed unanimously.

- F. Proposed Amendment to the San Anselmo Municipal Code adding subsection (6) under Section 10-3.902(g) to read: "Delicatessen, with food to be consumed on the premises as a secondary use."

M/S Goltz, Eisgrau that the public hearing for the proposed amendment to the San Anselmo Municipal Code, Section 10-3.902(g) regarding use permits for C-1 be continued until the meeting of November 8. Passed unanimously.

- G. Amendments and additions to Chapter 4 (Design Review) of Title 10 of the San Anselmo Municipal Code.

M/S Goltz, Buckle that the public hearing regarding amendments to the Design Review Ordinance of Chapter 4, Title 10 of the San Anselmo Municipal Code be continued until the meeting of November 8. Passed unanimously.

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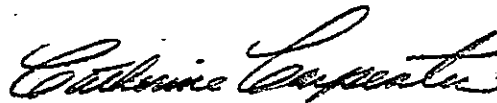
Commissioner Goltz stated he was at a School Board meeting. Judy Valles had expressed their desire to cooperate with the Planning Commission. Commissioner Goltz explained to her that the Planning Commission had been talking about setting up a workshop meeting with the School Board regarding the Lansdale School.

Commissioner Bolles stated he would like to see people come prepared. Participants who know the financial set up of the property; technically involved people knowledgeable in property values, traffic problems.

November 29th was set for the meeting date with the School Board. Staff was instructed to invite the School Board.

Commissioner Goltz stated he had talked to Paul Brand. He had been quite upset over the manner in which applications were processed and property owners notified. Commissioner Goltz requested this matter be an item for discussion at a future meeting.

M/S Buckle, Goltz the minutes of October 4th, 1976 be approved.
Passed unanimously, Commissioner Eisgrau abstaining.


Catherine Carpenter
Secretary