

The Regular Meeting of the San Anselmo Planning Commission was called to order by Chairman David Ainsworth in the Council Chambers at 8:00 p.m. on April 19, 1976. Representing Town Staff: C. R. Leitzell, Director of Public Works and Planning.

1. ROLL CALL

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

Commissioners Absent: Bolles

2. APPROVAL OF MINUTES - MARCH 26 AND APRIL 5, 1976

Amendments:

March 26th minutes: Pg. 1, 7th paragraph under 2A, 2nd line insert "Attorney" after "Town".

April 5th minutes: Pg. 2, 5th paragraph from bottom, last sentence second to last word to be "car" rather than "care".

Chairman moved for the adoption of the minutes of March 26 and April 5 as amended. Seconded by Commissioner Goltz. Commissioner Ragan abstained from voting on the March 26th minutes; Commissioners Greenfield and Eisgrau abstained from voting on the April 5th minutes.

OLD BUSINESS

A. PUBLIC HEARING

Proposed Amendment to Section 10-3.424. Home Occupation (Continued from March 1, 1976 meeting).

Staff explained that this addition to the Code would provide a way of controlling hobbies which had become similar to a "commercial home occupation" without having to prove that it was commercial. The type of use that would be subject to this provision would be that type of home use which was causing undue traffic, noise, etc.

Commissioner Fairchild felt this proposal did not protect the community or the citizens. She felt there were other ordinances which could handle problems of this sort.

Commissioner Fairchild felt that if something of this nature was passed by the Council then it should be very explicit. However, she would not vote for it as it was proposed.

Commissioner Eisgrau was also against the proposal and could not vote for it. If it was passed by the Council, however, she also felt it should be very specific. Commissioner Eisgrau was against regulating and requiring people to request a use permit for something of this nature. She also felt there were enough existing laws to regulate any problem-type hobbies.

M/S Goltz, Ragan we recommend to the Town Council that the definition of "Home Occupation", Section 10-3.424 be amended by adding the following wording as a new second paragraph:

"Home occupation" shall also include any non-commercial use that has the characteristics of a home occupation as herein described. A public hearing shall be held by the Planning Commission to determine whether an otherwise non-commercial home occupation shall be regulated as a "home occupation" when initiated by the Planning Director based upon the complaint of at least one person residing within 100' of the use in question.

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

B. VAR-657 - Roger Braun, 11 Waverly Rd., Application for a 3' variance to allow construction of a swimming pool 17' from the front property line.

Applicant was present and had received Staff Report.

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Commissioner Ragan felt that the applicant had made a reasonable request. Applicant had taken his application back, had it reviewed by a qualified engineer and was now asking for less of a variance. Due to the configuration of the property and the home, Commissioner Ragan felt it was the only place a pool could go.

Commissioner Goltz felt the applicant could have the pool closer to the house. He did not agree with Mr. Herzog's report, and he felt a variance was not justified.

M/S Ragan, Greenfield to approve VAR-657, application for a 3' variance to allow construction of a swimming pool 17' from the front property line at 11 Waverly Rd., A/P 7-264-06, on the basis that there is a site hardship due to the existing slope and there is no other location available without a variance, that this will not be a detriment to the community as it is well set back from the curb line and will be screened by both growth and the required 6' fence, and that the variance is necessary to provide property rights in allowing a reasonable development of the property.

This approval is based on the drawing submitted by the applicant and dated by the Commission this day, April 19, 1976.

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

Applicant was advised of the ten day appeal period.

4. NEW BUSINESS

A. USE PERMIT/VARIANCES/REZONINGS/SUBDIVISIONS

U-446 - ALBERTA FORDYCE, 2 Lincoln Ave., A/P 6-251-12, Application for use permit to allow applicant to alter ladies' clothing as a home occupation.

SS-197 - MILLIKEN/HOBBS, 19 and 21 Allyn Ave., A/P's 7-095-16 and 7-095-17. Application to subdivide into two parcels.

The above two applications were held over per the following motion:

M/S Goltz, Ragan that the Planning Commission continue U-446 and SS-197 until the next regular meeting of May 3, 1976. Passed unanimously.

VAR-663 - ANDROS CONSTRUCTION CO., 761 Sir Francis Drake Blvd., A/P 6-083-02, Variance from parking size requirement for two spaces, and a variance of two parking spaces to permit the construction of an office building.

Applicant was present and had received Staff Report.

Commission agreed unanimously that there was no justification for granting a variance. The parking problem was self imposed due to overdevelopment. Applicant was told that by eliminating the proposed workshop on the first floor he would not need a variance.

The Commission would not grant a variance of two parking spaces, but agreed they would consider a variance from the parking size requirement for two spaces if applicant prepared a drawing showing a solid parking arrangement.

M/S Goltz, Ragan that the Planning Commission refer VAR-663 for Andros Construction Co., 761 Sir Francis Drake Blvd., A/P 6-083-02, back to the applicant for further study. Passed unanimously.

5. MATTERS FOR CONSIDERATION

A. Marin Museum of Natural Science Proposal for Wildlife Rehabilitation Facility at Sorich Park

M/S Ragan, Eisgrau that we transmit to the Town Council the Commission's feeling that, in principle, the establishment of a wildlife rehabilitation facility under the sponsorship of the Marin Museum of Natural Science is a reasonable use of the land. Passed unanimously.

B. Proposed Ordinance Establishing & Regulating Second Units

Changes were made and incorporated into the draft ordinance for presentation of a public hearing.

A letter was drafted by the Chairman to the Council requesting a joint meeting to discuss this draft before the public hearing.

M/S Goltz, Greenfield we set a public hearing for May 17th on the revised draft ordinance on second units. Passed unanimously.

C. Proposed Condominium Conversion Ordinance

Held over.

D. Amendments to Subdivision Ordinance

Held over.

6. ADJOURN

Meeting adjourned at 11:50 p.m.


Catherine Carpenter, Secretary

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