

The regular meeting of the San Anselmo Planning Commission was called to order by Chairman David Ainsworth at 8:00 p.m. on February 2, 1976 in the Town Hall. Representing Town Staff: T. J. Robbins

1. ROLL CALL

Commissiners Present: Bolles, Eisgrau, Goltz, Greenfield, Ragan Ainsworth

Commissioners Absent: Fairchild

2. APPROVAL OF MINUTES

The minutes of the January 19, 1976 meeting were held over inasmuch as they had not been distributed to members.

Chairman Ainsworth stated the Town Council has referred the Rezoning on Health and Safety back to the Planning Commission and staff has been directed to make a proposal with respect to density standards. They have asked for a response by February 24th. Discussion ensued as to whether a Public Hearing should be set and developed parcels in the same area considered concurrently. It was felt that a Public Hearing was already set by the Planning Commission to consider developed parcels in the same vein, and the Commission should consider only the undeveloped parcels at the next regular meeting which was then set for February 17th, inasmuch as the 16th which would be the regular meeting date is a Town holiday.

3. PUBLIC HEARINGS

A. Proposed Heritage Tree Ordinance

Carson Floyd, Park Foreman for the Town of San Anselmo spoke on the proposed ordinance; he said the location of trees and species which might be a heritage tree should be criteria carrying more weight than the size. He said there should be a subcommittee to study existing trees and to designate specific growth. He felt a good place to begin would be trees on public property. He said the Town had an excellent resource in the Tree Report by Woodbridge Metcalf.

Asking questions from the audience were A. Signorelli, 90 Ridge Rd., about a permit required to trim trees; Don Pontius, 182 Floribel Ave., asking if anyone would go out and look at the trees; August Chemotti, 180 Floribel Ave., stating it was a good proposal.

Commission discussion covered pruning of trees, the fact that the existing ordinance does not address itself to developed property; concern over definition. The Chairman suggested a combination of the new and old ordinance which he subsequently gave to the Secretary to retype.

The public hearing was continued to the next regular meeting at which time all Commissioners would have the new draft.

B. Proposed Amendment to Section 10-3.424. Home Occupation; an addition of a section covering garage sales in Article 4. Definitions of Title 10, Chapter 3; and an additional section under Section 10-3.503 which would provide for garage sales to be conducted in residential zones with certain limitations.

The Chairman was the only member of the Commission that had a copy of the Town Attorney's response (received 1/30/76) to the proposed amendment, and therefore, the public hearing was continued to the next regular meeting at which time the Commission will have been able to study the Attorney's reply.

There was no one in the audience to comment on the proposed amendment.

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## 4. OLD BUSINESS

- A. SS-191 - SUSSER LAND DIVISION, 168 Hilldale Dr., A/P 6-144-56, application for a parcel split with an exception from a 40' lot frontage requirement, an exception to allow a common driveway to two lots, from water meter requirement, and a slope policy waiver.

Mrs. Susser was present with her architect, David Gately. There was no one in the audience to comment on the application.

Commissioner Ragan objected to the common driveway and said his primary concern was the geology and terrain, springs, etc.

Commissioner Goltz felt the house was feasible; a good soils report would be needed, drainage for the retaining wall, and he was concerned over the narrow terminus of the driveway. He would like to see an improvement plan for the driveway.

Staff reported the Fire Dept. had no objection to the subdivision with a driveway width of 12'.

Chairman Ainsworth questioned conformance with the lot slope policy.

M/S Goltz, Greenfield to recommend approval to the Town Council and recommend it resolve the following exceptions for SS-191, application for a parcel split of A/P 6-144-56 (168 Hilldale):

1. An exception for the 40 foot lot frontage requirement to allow a common driveway to two lots for the reason that the lot is of unusual shape, very steep terrain, and because the final lots are of such a large size;
2. An exception from the water meter requirements because the lack of a water meter is based upon a moratorium instituted by another jurisdiction other than the Town of San Anselmo;
3. A waiver from the lot slope policy because the purpose of the slope policy will not be undermined by this subdivision since the density in the neighborhood will be increased very slightly; that the people living and residing in the area would not be affected; that these exceptions are necessary for the applicant to exercise his property rights.

Motion carried: Ayes: Commissioners Bolles, Goltz, Greenfield, Ainsworth

Nays: Commissioners Eisgrau, Ragan

## 5. NEW BUSINESS

- A. VAR-650 - DR. WM. SCALAPINO, A/P 7-095-30, application for variance to use easement for access between 248 and 250 Redwood Rd

Dr. Scalapino said he wished to build a single family residence on slightly less than 1/2 acre.

Mr. Robbins said if the application were approved it would be necessary for Dr. Scalapino to enter into an encroachment agreement with the Town to cross footpaths.

Dr. Scalapino said his easement of 26.6 feet was duly recorded.

Commissioner Goltz asked if it were not routine with a variance application to require drawings of proposed construction.

Gene DePrado, said he is the owner of the property over which Dr. Scalapino has an easement and he does object to the proposal. He said he did not think the Town had ever approved the easement; the area is congested, the easement goes to the corner of his bedroom window; he felt access would be steeper than Staff anticipated it would force him to park further away from his home and it would reduce the value and use of his home.

Michael Lewis, 178 Floribel Ave. said there had been a slide problem over the past 5 years in the area, and he understood

that the structure would be above the slide area. He said existing vegetation is a natural prevention to soil erosion and felt if a building were constructed this would be removed.

Mr. Donald Pontius, 182 Floribel Ave. asked if a soils study would be required. He said erosion would affect his property.

Mr. August Chemotti, 184 Floribel Ave. said if a home were constructed on this lot he would have no privacy; also that there were heritage Laurel trees on the lot.

Dr. Scalapino said he had shared the expense of removing an encroachment with Mr. DePrado; that he had offered support of Mr. DePrado's application when Mr. DePrado constructed his home. He said now Mr. DePrado was asking for an exclusive right to the easement. He said he intended to fulfill the same requirements for soils reports as everyone else, he was asking no special consideration, he only wanted approval of an easement which he held and which had been recorded.

Mr. DePrado said he tried twice to get Dr. Scalapino to participate in construction of a concrete driveway approach, and Dr. Scalapino had never answered.

Dr. Scalapino replied that this was not true. He said Morris Finnisy was Mr. DePrado's architect, and he would bear Dr. Scalapino out in this. Dr. Scalapino asked to have the record reflect the above interchange.

Commission Goltz said his drawing was not the same as the one Staff had, and he had been unable to locate the buildings and easement from the drawing he had. He said he would like to look at the site again with the staff drawing; he wanted to see the scope of what we are doing.

M/S Goltz, Ragan that the Planning Commission put the question of VAR-650, application of Dr. Wm. Scalapino for a variance to use an easement for access on A/P 7-095-30, over to the next scheduled meeting and further that the Staff be directed to clarify the last sentence in the Municipal Code Section 10-3.1906(a), and also that a clearer map be supplied to the Commission. Passed unanimously.

B. VAR-651 - SAN ANSELMO CO-OP NURSERY SCHOOL, 24 Myrtle Lane, A/P 7-161-21, application to allow a roof addition over an existing deck 1' from the side property line.

Mrs. Emily Woodward, President of the Nursery School explained that a variance had been granted for a deck over which they had a plexiglass cover; however, the cover did not do the job it was supposed to do, as when it rained water came in and the children got wet.

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

Commissioner Goltz abstained from comment and from voting.

M/S Ragan, Eisgrau to approve VAR-651, application of San Anselmo Coop Nursery School at 24 Myrtle Lane to allow a roof addition over an existing deck 1' from the side property line, based on the drawing for the porch addition dated July 11, 1975 on the basis that a building hardship exists in locating this covered area in any other location for its use, that the roof would not be detrimental to the neighborhood in that no obstruction to light and air or objectionable appearance would result and that the roof shall afford property rights as reasonable development of the lot.

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

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- C. VAR-652 - MRS. GLORIA RODIGOU, 78 Berkeley Ave., A/P 5-165-07, application for a 0' frontyard setback for parking and to allow a converted garage to remain as part of living area.

Mrs. Rodigou and her attorney Tod Hedin were present. Mr. Hedin asked several questions of the staff report. He said the problems that exists is because the house is old. It was built for a different standard of living. He said the basis of the application was a hardship consisting of the nature of the property -- there is no room to expand the house.

There was no one in the audience to comment.

Mrs. Rodigou said the garage had never been used as a garage since she bought it.

The Chairman told the applicant that "after the fact" applications were considered by the Commission the same as new applications.

Commissioner Eisgrau said she could not condone converting a garage into living area if legal on-site parking could not be provided.

Commissioner Goltz said building covers approximately 22% of the lot, indicating the lot is not overbuilt; the hardship demonstrated is the steepness of the lot.

M/S Goltz, Ragan that VAR-652, application of Mrs. Gloria Rodigou for a variance to allow a 0' frontyard and a 6' sideyard setback be approved for the reason that over half of the lot is completely unbuildable because of the steepness and that the applicant in no way could expand her small home to accommodate her property needs and that granting of this application is necessary for the applicant to exercise her property rights and that it will not be detrimental to people living and residing in the neighborhood.

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

Commissioner Ragan left the meeting at this time, 12:25 a.m.

- D. SS-193 - ROBIN W. SKEWES-COX, 43 San Rafael Ave., A/P 7-211-05, application for a parcel split with exceptions.

Mr. and Mrs. Skewes-cox were present.

Mr. Leonard Thoelecke, 30 San Rafael Ave. said he was against the application; he did not see a hardship demonstrated for a variance from the subdivision ordinance.

Susan Nelson said her property backs up on the Skewes-cox property and she had no objection to a subdivision of the property, but she does not understand why it has to be chopped up in this manner since it is a large level lot, and there is adequate space to divide the lot in a more conventional manner.

The Chairman pointed out that the small cottage could be moved onto the lot without subdivision, if the Commission approved the application to move the cottage; however, in order for the applicant to rent the cottage, he would have to have an approved subdivision, or when the second unit ordinance is passed, he could apply for a use permit for a second unit.

It was pointed out that if permission was granted to move the cottage, Mr. Skewes-cox could allow a friend to live in the cottage as long as he did not rent it and there was no kitchen in the cottage. Mr. Robbins said there could be only 1 dwelling per lot.

Commissioner Bolles pointed out that the applicant could build an imposing two-story structure to be used as a pool house that would be far more offensive than a small cottage.

M/S Bolles, Greenfield to approve application to move an existing dwelling at 7 San Rafael Ave. from its current location to A/P 7-211-45, 43 San Rafael Avenue. The structure involved in the move is a cottage and worthy of preservation. Passed unanimously.

M/S Bolles, Greenfield to continue SS-193, application for subdivision at the applicant's request. Passed unanimously.

Applicant was informed that he had 90 days in which to reactivate the subdivision application without presenting additional materials.

E. SS-194 - WM. G. WILLITTS/R. O. JENNINGS, 23 Cherne Lane and lot to west, A/P's 5-300-06 and 5-300-07, lot line revision to provide legal sideyard setback.

Mr. Willitts said he was a salesman, and he decided he needed an addition to his home, so he hired an architect and he himself did the construction over the Christmas holiday. He said that he had a survey once, but apparently it went astray. Unfortunately, he constructed his addition without a building permit, and he placed it over the property line. He was now applying for a lot line revision to give his addition proper setbacks in accordance with the ordinance.

M/S Goltz, Bolles to approve SS-194, application for a lot line revision to provide legal sideyard setback between 23 Cherne Lane and the lot to the west, A/P's 5-300-06 and 5-300-07, in accordance with the tentative map dated January 1976, titled "Proposed lot line revision of A/P 5-300-06 & 07" as prepared by Peter J. Joos on the basis that this application conforms to Section 10-2.707 of the San Anselmo Municipal Code. Passed unanimously.

#### 6. MATTERS FOR CONSIDERATION

A. The Housing Ordinance is ready for the Commission. Copies shall be distributed to every commissioner.

B. Staff is directed to review public hearings which were set by the Planning Commission early in the year and include a schedule in the next packet.

C. Commissioner Eisgrau asked to have an item placed on a subsequent agenda wherein the Commission would discuss variance follow-through.

D. Chairman Ainsworth asked to have public art as an item on a subsequent agenda.

E. Mr. Robbins stated Dr. Beeman had asked for an extension of time to have his gun business removed from his home on Jordan Avenue since his new location was not quite ready.

M/S Goltz, Eisgrau that staff be directed to take whatever steps are necessary to grant an adequate extension of time for Dr. Beeman.

#### 7. ADJOURN - Meeting adjourned 1:15 a.m.

DAVID AINSWORTH, CHAIRMAN  
SAN ANSELMO PLANNING COMMISSION

By Thelma Foster  
THELMA FOSTER  
SECRETARY

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