

The Regular Meeting of the San Anselmo Planning Commission was called to order by Vice Chairman George Buckle at 8:00 p.m. on August 8, 1977 in the Town Hall. Representing Town Staff: T. J. Robbins, Associate Engineer/Planner; Lynn McGovern, Planning Technician.

1. ROLL CALL

Commissioners Present: Goltz, Greenberg, Ollinger, Buckle
Commissioners Absent Olive, Ragan
Unfilled position: One

2. OLD BUSINESS

A. Open Space Lands - For Discussion

Mr. Brian Wittenkeller, Chief Open Space & Park Planner at the County of Marin was introduced to the Planning Commission. He stated that the meeting was to update the Commission regarding Open Space and to develop priorities.

Mr. Wittenkeller stated that the County's policy is to purchase and/or preserve those lands that are identified on Open Space Elements. The County will contribute up to 50% for open space land purchase. At this time the only areas the county is particularly concerned with are the ridgetops. Definite parcels had not been established in order to prevent property owners from becoming alarmed.

Commissioner Goltz stated he was interested in preserving/purchasing the ridge at the end of Scenic which led to "Baldy". That portion of land was out of San Anselmo's jurisdiction, and the Town of Fairfax was out of money.

Mr. Wittenkeller suggested that the Town of San Anselmo and Town of Fairfax get together and have the Open Space District re-evaluate the importance of this ridge. Unless there is some kind of movement from the local cities, nothing would happen.

B. VAR-732 - David Gidley, 48 Durham Rd., A/P 5-202-46, variance for building addition and shed.

Mr. Gidley was present. There was no one in the audience to comment adversely to this application.

Commissioner Ollinger stated it was difficult to define the hardship in order to grant the variance requested for the building addition. There isn't much slope, and the applicant had room to build and stay within the requirements of the Code.

Commissioner Goltz' first comment was regarding the applicant's drawings. He felt that drawings that were so hard to read shouldn't be accepted by Staff.

Commissioner Goltz agreed to the parking variance, but agreed with Commissioner Ollinger that there was no justification for granting the sideyard variance for the building addition.

Vice Chairman Buckle stated that he would be inclined to build the addition the same as proposed by the applicant. As far as the variance, he had no objections to either parking or the potting shed.

Commissioner Goltz questioned Vice-Chairman Buckle's thinking regarding not following the setback line. Vice-Chairman Buckle stated that if this had been a new plan then he would say the setbacks should be adhered to rigidly. However, provided he didn't go out any further into the setbacks he didn't think there were any real problems.

Commissioner Greenberg stated the Commission had come up against this problem many times. He felt it was unrealistic to alter the lines of the house to conform to the setbacks that were not required when the house was built.

Commissioner Goltz stated that while it was not the Commission's job to design the applicant's plans, he felt there was another way to do it and perhaps he would not need a variance at all.

Commissioner Goltz suggested the applicant resubmit new drawings. Applicant agreed.

M/S Goltz, Greenberg to refer VAR-732, David Gidley, back to the applicant for restudy of possibly eliminating the sideyard variances required for bedroom addition. Application to be reheard August 22, 1977. Passed unanimously.

M/S Greenberg, Ollinger to approve that portion of VAR-732 for David Gidley, 48 Durham Rd., A/P 5-202-46, for a 5' rearyard setback to allow and existing potting shed to remain (15' variance) as shown on the drawings received by the City of San Anselmo June 30, 1977, on the grounds that there is a hardship in that this was a rebuilding of an existing structure that is necessary for use of property rights and will not be detrimental to the neighborhood. Passed unanimously.

Applicant was advised of the 10-day appeal period.

3. NEW BUSINESS

- A. U-488 - Richard & Martha Upjohn, 33 Park Way, A/P 6-162-07, application for use permit to allow renting of a room.

Don Pruitt, tenant representing the property owners, was present. There was no one in the audience to comment adversely on this application.

After a brief discussion, M/S Goltz, Ollinger to approve U-488 for Richard & Martha Upjohn, 33 Park Way, A/P 6-162-07, rental room under the first floor of a duplex unit in an R-2 zone be approved on the basis that it will not be detrimental to those living and residing in the neighborhood and is necessary for appreciation of property rights. Passed unanimously.

- B. U-489 - Hap Phillips, 11-17 Madrone Avenue, A/P 6-083-01, application for use permit to allow repair, reconditioning and parking of automobiles.

Applicant was present.

Staff stated the Fire Dept. had examined this use and recommended its denial based on the fact that they felt it was inaccessible.

Mr. Phillips stated he had reviewed the Fire Dept.'s comments. He stated their comments were based on the existing structure and conditions. The new application changed this completely.

Vice-Chairman Buckle read a letter submitted by Mr. M. Artam objecting to the application.

Mr. Phillips stated he had occupied the building since 1971 as a private workshop.

Mr. Phillips stated he realized the area was an eyesore, and the need to eliminate parking outdoors. A 4-hour fire wall around the entire structure was now proposed, including steel doors to make it as safe as possible.

Mr. Phillips stated he purchased the laundromat business, and then with the water shortage closed the business and pursued the business of working on air-cooled machinery (Covairs, etc.). Applicant stated he presently employed two mechanics and a part-time bookkeeper. When asked if the business could expand, Mr. Phillips stated it was possible.

Residents at the following addresses spoke against the application: 58, 25, 19, 36 and 16 Madrone Avenue. Basic objections were that it was an eyesore, excessive parking and noise.

Mr. Phillips stated the remodelling would be in keeping with the neighborhood, and part of the parking problem was due to commuter parking.

DDC425

Commissioner Goltz didn't feel the Commission could make the finding that the use would not be detrimental to those living and residing in the neighborhood.

Commissioner Ollinger agreed the neighbors concerns should be considered, however, this was a commercial zone and the applicant was trying to respond to keeping it neat and ~~responsible~~ ^{respectable}.

Commissioner Greenberg stated he would be reluctant to grant a rearward variance next to a residential area. He was concerned about possible fire danger and noise.

Vice-Chairman Buckle stated he had mixed emotions. He felt the neighbors carried a lot of weight, but he also felt this was an opportunity to upgrade the property.

Commissioner Goltz felt the noise problem would be mitigated by the construction of 4-hour fire walls, the unsightliness of the property would be mitigated by Design Review, but was unsure of the cause of the parking problem. He stated he would vote against this application tonight, but felt the application should be referred back to find out about the parking situation.

Mr. Sylvan King, located at the Mohawk Station, stated part of the parking problem was due to the fact that there was a red curb in front of Madrone until the sidewalk was replaced. Another reason for the problem was due to people who worked downtown parked in the area.

M/S Goltz, Ollinger we continue U-489, Hap Phillips, 11-17 Madrone Ave., A/P 6-162-07, application for use permit to allow repair, reconditioning and parking of automobiles be continued until August 22, 1977.

Motion withdrawn.

Moved by Commissioner Greenberg to deny application U-489, use permit to allow repair, reconditioning and parking of automobiles for Hap Phillips, 11-17 Madrone Ave., A/P 6-162-07, on the basis that this is detrimental to the neighborhood.

No second.

M/S Goltz, Ollinger we continue U-489, Hap Phillips, 11-17 Madrone Ave., A/P 6-162-07, application for use permit to allow repair, reconditioning and parking of automobiles be continued until August 22, 1977. Passed unanimously.

- C. U-490 - Sylvan King, 781 Sir Francis Drake Blvd., A/P 6-083-01, application for use permit to allow repair, reconditioning and parking of automobiles.

M/S Goltz, Ollinger we continue U-489, Hap Phillips, 11-17 Madrone Ave., A/P 6-162-07, application for use permit to allow repair, reconditioning and parking of automobiles be continued until August 22, 1977. Passed unanimously.

- D. VAR-734 - Craig Valente, application; Mr. and Mrs. Wm. Wright, owners, 39 Karl Ave., A/P 6-051-17, application for a variance to permit a two bedroom, one bath addition over an existing garage within the setbacks.

Applicant and owners were present. Applicant stated the proposal was the most logical.

Commissioners agreed options were pretty much restricted.

M/S Ollinger, Goltz to approve VAR-734 for Mr. and Mrs. Wm. Wright, 39 Karl Ave., A/P 6-051-17, application to permit the addition of two bedrooms and one bath over the existing garage which will require a variance to allow a 6' sideyard setback, and a variance for one parking space within the garage of 3' or dimension of 9'6" x 17', in that the size of the lot and location of the house on the lot does not allow for expansion within the setbacks and

that it permits a reasonable use of property owner's rights and is not detrimental to the neighborhood.

Motion carried: Ayes: Goltz, Greenberg, Ollinger
Nays: Buckle

Applicant was advised of the 10-day appeal period.

- E. VAR-735 - Richard Barthelemy, 9 Oak Springs Drive, A/P 5-254-06, application for a retaining wall and low level deck in the side and rearyard setbacks.

Applicant was present. He gave a brief summary, as outlined in his addendum to the original application for variance.

Commissioner Goltz noted there was an utility easement in the location of the proposed deck. Commissioner Goltz felt that, in this case, the deck would be far worse if the owner constructed it according to the setback requirements rather than ask for a variance.

Vice-Chairman Buckle felt the deck should be moved back on the sides.

M/S Greenberg, Goltz to approve VAR-735 for a 6'6" rearyard variance and a 5' variance on the south sideyard and a 4' variance on the north side, to construct a retaining wall and deck, subject to resolution of utility easement, at 9 Oak Springs Drive, A/P 5-254-06, on the basis that there is a hardship due to the steep unstable slope of the lot, it will not be detrimental to the neighborhood because of its relatively low height and is necessary for property rights in allowing a reasonable use.

Motion carried: Ayes: Goltz, Greenberg, Ollinger
Nays: Buckle

- F. SS-206 - Tam View Knolls, A/P's 6-091-07 & 59, 6-121-07 & 09, application to subdivide above parcels into a total of 15 lots for 13 condominiums, one lot for a common area and one lot which accommodates Grant Perkin's house (75 Essex Ave.)

Applicant Max Holsinger and engineer Ed Beattie were present.

After a brief discussion,

M/S Ollinger, Greenberg to approve S-90, subdivision Tentative Map for Tam View Knolls condominiums, including A/P's 6-091-59 and 07, 6-121-07 and 09, per drawing Sheet 1, dated 7/19/77, as issued by Architecture Planning Associates, San Anselmo with the following conditions:

1. That lot lines are to be individual dwelling foundation lines.
2. The existing garage shown just north of Essex and encroaching into subdivision property lines is to be removed.
3. The required site drainage pipes on the south side of Essex Avenue and noted to discharge at curb is to be tied in underground to the area storm drain system.

Further move to recommend to the Town Council approval of an exception for two water meters out of the total of 13 required with the stipulation that no building permit be issued for these two units until water is available.

The above approval and recommendation is based on the subdivision being in accordance with the Town's current subdivision requirements, except as noted above, and has been found to be in accordance with the General Plan.

Motion carried: Ayes: Buckle, Greenberg, Ollinger
Nays: None
Abstain: Goltz

4. MATTERS FOR CONSIDERATION

A. Proposed Downtown Rezoning - Held over.

B. Proposed Ridgetop Ordinance - Held over.

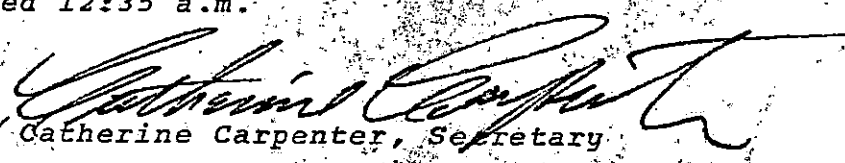
5. APPROVAL OF MINUTES - July 25, 1977

Amendments: Pg. 2, 2nd para., end of line one insert "Planning Commission" rather than "they".

Pg. 4, Item (3.)B., 2nd line to read: "...the Board of Supervisors had approved again a 10¢ tax rate for..."

M/S Goltz, Ollinger we approve the minutes as amended. Passed unanimously, Greenberg abstaining.

6. ADJOURN - Meeting adjourned 12:35 a.m.



Catherine Carpenter, Secretary