

Commissioner Goltz stated he wanted the following items listed on the next agenda for discussion:

1. Discussion of possible public hearing on rezoning of the Yolansdale School property.
2. Discuss revising General Plan to make this segment of land the Town feels should be acquired.

*
ADJOURN - 9:45 p.m.

*Chairman Ragan also announced to the Commissioners that they must advise the secretary, no later than 3 pm on the Monday of the meeting, if they could not be present.

Catherine Carpenter
Catherine Carpenter, Secretary

The Regular Meeting of the San Anselmo Planning Commission was called to order by Chairman Duane Ragan at 8:05 p.m., February 7, 1977, in the Town Hall Council Chambers. Representing Town Staff: T. J. Robbins, Associate Engineer/Planner.

1. ROLL CALL

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

Commissioner Eisgrau resigned effective February 7, 1977.

2. PUBLIC HEARINGS

A. OLD BUSINESS

1. U-398 - Stop 'N Go Market, 807 San Anselmo Ave., A/P 7-162-17, permit review.

Staff had no further comments regarding this item other than those covered in the 12/20/76 Staff Memo.

Commissioner Buckle stated he would like to see the landscape plan submitted to Design Review when approved. Also, he hoped the Design Review would require only drought resistant plantings.

Condition #3 of the 12/20/76 motion was changed to read: "That private policing of the outdoor areas be provided Friday, Saturday and Sunday nights to prevent disturbances to the neighborhood resulting from the late hour operations."

M/S Greenfield, Buckle that U-398, National Convenience Stores, Stop 'N Go Market, be permitted to continue their business at 807 San Anselmo Avenue, with the revised conditions outlined in the 12/20/76 minutes still in effect, with the addition that the private policing of the outdoor areas be provided Friday, Saturday and Sunday nights to prevent disturbances to the neighborhood resulting from the late hour operations. Further move to review this use permit on July 11, 1977 to insure that the conditions stipulated on 12/20/76 and 2/7/77 are still being followed. Passed unanimously.

2. EU-2 - S. A. & A. L. Seaholm, 261 Brookside Dr., A/P 5-111-15, use permit to allow existing second unit to remain.

Applicant S. A. Seaholm was present. Mr. Seaholm stated there were a few corrections to be made as indicated by the Building Inspector. A retired person now lives in the second unit. There were no additional automobiles involved with the second unit.

There was no one present in the audience from the neighborhood to comment on this application.

M/S Goltz, Greenfield to approve Eu-2 for S. A. and A. L. Seaholm, 261 Brookside Drive, A/P 5-111-15, use permit to allow an existing second living unit at this address to remain. Approval is based on the finding that this use will not be detrimental to the

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general welfare of persons residing in the neighborhood, or injurious to property and improvements in the neighborhood, and that the requirements of the second unit ordinance have been fulfilled.

Further move to approve a 5' frontyard variance (15' frontyard setback); 15' rearyard variance for parking (5' rearyard setback); a 5' rearyard variance for the second unit dwelling (15' setback); and a 5' east sideyard variance (3' east sideyard setback) for parking, based on the fact that these are existing conditions of the building, the variance preserves the property rights of the owner by allowing the granting of a newly enforced use permit procedure for second units; and, the variance will not materially affect adversely the health or safety of persons in the neighborhood and will not be materially detrimental to the public welfare.

This use permit is subject to the following conditions:

1. Corrections to the second unit as follows:
 - a. Install smoke detector in the hall to bathroom;
 - b. Correct hazards as required by the previous dwelling inspection.
2. Subject to a rent guarantee contract between the Town of San Anselmo and S. A. and A. L. Seaholm to be made within 30 days. If agreement is not made within that time, Staff will set a revocation hearing for March 21, 1977.

Passed unanimously.

3. EU-9 - Rev. Karel Botermans, 45 Fernwood, A/P 7-121-22, use permit to allow existing second unit to remain.

Rev. Botermans was present with one of the tenants of his second unit. He stated Mr. Leitzell had determined he had a second unit since there were two separate independent living quarters, even though his kitchen was only a hot plate.

Rev. Botermans stated he would like to see Resolution 1660 changed eliminating water as an utility to be included in the maximum rent allowed per month. Rev. Botermans stated he was not against the rent control, but due to the drought, and because he could not control the amount of water used by a tenant, he felt that utility should not be a part of the monthly rent.

Chairman Ragan stated the Commission was sympathetic to Rev. Botermans cause. This matter should be brought up with the Planning Staff at the time the rent guarantee contract is drawn up.

There was no one present in the audience from the neighborhood to comment on this application.

M/S Buckle, Goltz, to approve EU-9, application for a second unit use permit for Rev. Karel F. Botermans at 45 Fernwood, A/P's 7-121-20 and 22, on the basis that this will not be detrimental to the neighborhood as it has been in use for over 3 years without apparent problems and the additional traffic will not affect safety conditions of Redwood Rd. and is necessary for property rights in allowing a compatible use with the following conditions:

1. Install smoke detector;
2. Subject to rent agreement contract between the Town of San Anselmo and Rev. Botermans.

Passed unanimously.

4. EU-10 - Betty Kaplun, 19 Carolina, A/P 6-152-20, use permit to allow existing second unit to remain. HELD OVER UNTIL AFTER APRIL 5, 1977.
5. VAR-707/U-467 - Jose Pons, El Greco Restaurant, 85 Red Hill Ave. HELD OVER UNTIL 2/28/77.
6. SS-200 - Juergen Kokot, 25 Rancho Dr., HELD OVER UNTIL 2/28/77.
7. VAR-711 - Jim Reed, 2 Indian Rock Ct., HELD OVER UNTIL 2/28/77.

8. U-465/VAR-712 - Claudine Sumoy, 3 Ray Ct., A/P 5-102-32, use permit for sleeping quarters and an 11' frontyard variance for a 9' frontyard setback.

Applicant and Steve Dunn, Civil Engineer from San Mateo, were present.

Mr. Dunn stated the applicant wanted to build within the setback lines rather than interrupt the nice patio she had. Plans for a separate kitchen were deleted from the plans.

Mrs. Pauline McConnel, 1 Ray Ct. questioned whether there would be a separate entrance into the accessory building. Mr. Dunn stated the existing entrance would be used.

Mrs. McConnel stated that Mrs. Sumoy had stated to the neighbors she intended to rent the accessory building out.

Commissioner Goltz stated he had no problems with the accessory building being used as a bedroom/bathroom - no kitchen. He did not feel there were conditions to the land or site that would require a variance to be given.

Commissioner Goltz stated this application did not come under the second unit ordinance. If a kitchen was being thought of, he advised Mrs. Sumoy to follow the proper procedures.

Commissioner Buckle felt this project was an overbuilding of the area. He felt it would increase the density in an already sensitive area; fire hazards; etc. He felt a redesign of the bathroom was necessary.

Commissioner Greenfield stated for the record that the application being heard was not for a second unit. It was just a use permit to use the accessory building as sleeping quarters. Commissioner Greenfield stated he agreed with the use permit, but not the variance.

Chairman Ragan stated putting a second unit in would be a violation of the Code. Chairman Ragan also agreed to approval of a use permit to use the accessory building as sleeping quarters, but not the variance.

M/S Goltz, Buckle to approve U-465 for Claudine Sumoy, 3 Ray Ct., A/P 5-102-32, to allow sleeping quarters with bathroom facilities only (no cooking facilities) for a live-in baby sitter, on the basis that this use will not be detrimental to the neighborhood as no additional parking or traffic features are involved and the approval is necessary to provide property rights for a reasonable use. This use permit will be reviewed in 6 months.

Further move to deny VAR-712, application for an 11' variance to construct a bathroom addition to the above accessory building 9' from the front property line as there is no condition to the land or building to justify this variance and space is available without requiring a variance. Passed unanimously.

B. NEW BUSINESS

1. U-469 - San Anselmo Food Service, 888 Sir Francis Drake Blvd., application to permit the on-sale business of serving beer and wine.

Mr. Joseph Alber was present. He currently owned and operated La Petite Restaurant in Mill Valley. The same business would be operated at the above address.

M/S Buckle, Greenfield to approve U-469, A/P 6-061-23, application for the on-sale business of serving beer and wine at 888 Sir Francis Drake Blvd., on the basis that this is not a detriment to the area as it is a continuation of a similar use without any problems and is necessary to afford property rights in allowing a reasonable use at this location.

Motion carried: Ayes: Buckle, Greenfield, Ragan
 Nays: None
 Abstain: Goltz

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2. Proposed Amendments to Code - Procedural Changes. HELD OVER UNTIL 2/28/77
3. Proposed Changes to Uses in the Commercial Districts - HELD OVER UNTIL 2/14/77.

3. MATTERS FOR CONSIDERATION

A. Discussion of possible public hearing on rezoning of the Yolansdale School property.

M/S Goltz, Greenfield that the Planning Commission set March 21, 1977 for a public hearing to hear the public for a rezoning of Yolansdale property, A/P 7-052-49, from R-1 to R-1/PPD. Passed unanimously.

B. Discuss revising General Plan to indicate segments of land the Town feels should be acquired.

Commissioner Goltz stated that residents and the Commissioners had felt the Yolansdale property would be a good place for a mini-park. He felt the General Plan should show a section of the property for public acquisition on the General Plan Land Use Map. This would alert a potential developer to the fact that the Town would like a portion of the property for a park.

This item would be placed on the February 28th agenda for further discussion.

4. APPROVAL OF MINUTES - January 10, 17 and 24, 1977.

M/S Goltz, Buckle to approve the minutes of January 10, 1977. Passed unanimously.

M/S Buckle, Greenfield to approve the minutes of January 17, 1977 as amended. Passed unanimously.

Amendment: Delete "Eisgrau" under Roll Call - Commissioners Present

M/S Goltz, Buckle to approve minutes of January 24, 1977 as amended. Passed unanimously, Commissioner Greenfield abstaining.

Amendment: Pg. 2, 1st para. under B. New Business, correct spelling of present.

Chairman Ragan announced there was a class for Planning Commissioners at San Jose State on February 19th. Anyone interested in going would have to pay for the class.

Mr. Robbins stated the Town Attorney had ruled verbally, with reference to the Kokot subdivision, that the property could be subdivided with a second unit.

Mr. Robbins also questioned the Planning Commission regarding the Second Unit Ordinance. Section 10-6.102 defined a "residential second unit" as a "duplex" or "multi-family" use within a single family residential district. Mr. Robbins wondered whether this was the intent of the Commission as the word "multi" would allow more than two units. Any change in the ordinance would require a public hearing.

Commissioner Buckle had the following comments:

1. Would like to see a time estimation on the items on the agenda.
2. Would like to have business card and/or identification card.
3. Felt the Planning Commission should be considering some advance planning. Planning was now being done on a more responsive basis. Energy crisis is an on-going problem. Commissioner Buckle felt an Energy Element should be added to the General Plan -- regarding orientation of the house, mechanical parts, water saving devices, etc. Just to make people aware.

Commissioner Goltz felt this was a great idea. He felt there should

possibly be suncatching zones.

Commissioner Buckle also questioned whether it would be a good idea to set certain times during the year to have hearings to change the General Plan. A set time could be utilized by both developer and the Town.

Commissioner Goltz stated he would rather see the hearings on the General Plan throughout the year remain flexible.

Commissioners were advised to prepare anything they would like to discuss in terms of revising the General Plan at the next meeting.

5. ADJOURN

Meeting adjourned to the Special Meeting of February 14th. 10:20 p.m.

Catherine Carpenter
Catherine Carpenter, Secretary

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The Special Meeting of the San Anselmo Planning Commission was called to order by Chairman Duane Ragan at 8:10 p.m., February 14, 1977, in the Town Hall Council Chambers. Representing Town Staff: C. R. Leitzell, P.E., Director of Public Works/Planning

1. ROLL CALL

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

2. PROPOSED CHANGES TO USES AND HEIGHT, BULK AND PARKING REQUIREMENTS IN THE COMMERCIAL DISTRICTS: PUBLIC HEARING - RECOMMENDATION TO TOWN COUNCIL.

Mr. Leitzell explained to the Commission how the proposed changes came about. The owner of the newly constructed building at 1604 Sir Francis Drake Blvd. wanted to put in a delicatessen (presently not permitted in the C-1 zone). The owner of the building at 1201 San Anselmo Avenue, who is about to begin reconstruction of the building, wanted to have residential uses as a primary or equal use to commercial (Code presently requires residential use be secondary to commercial use in C zones. Height, bulk and space requirements were also presented for consideration.

Mr. Jim McDonald stated he didn't understand why residential uses had not been permitted. He felt low and moderate income housing and/or housing for senior citizens would be provided if residential uses were allowed in commercial zones.

Mr. A. Segale felt residential uses above commercial uses, such as restaurants, were dangerous. Mr. Segale felt that was one reason why they didn't allow people to live in commercial areas at this time. A restaurant type use could create fire conditions. Mr. Segale felt any residential use in the commercial areas should at least be restricted to the ground floor.

M/S Hulpke, Buckle we recommend to the Town Council "Drug stores and delicatessens, including food and soda fountain service" be put under Section 10-3.902(g). Passed unanimously.

in the Code. Concensus of the Commission regarding changes to the height, bulk and space requirements was that if there was a variance condition of the lot, applicant should apply for a variance rather than change existing setbacks. Section 10-3.903(f), however, was changed to read: Building height limit. The building height limit shall be 2 story(s) but shall not exceed 35 feet.

M/S Ragan, Goltz we recommend to the Town Council the adoption of the changes to Section 10-3.902, 10-3.903, 10-3.1002 and 10-3.1102 as amended by the Town Planning Commission on February 14, 1977. Passed unanimously.

Code sections listed above, amended as follow: