

The special meeting of the San Anselmo Planning Commission was called to order by Chairman George Buckle at 8:00 p.m. on March 13, 1978, in Room 6 of the Isabel Cook Community Center. Representing Town Staff: Charles R. Leitzell, Director of Public Works/Planning, and T. J. Robbins, Associate Engineer/Planner.

1. ROLL CALL

Commissioners Present: Buckle, Goltz, Harle, Olive, Ollinger
Commissioners Absent: Kapranos, Ragan.

2. APPROVAL OF MINUTES

The minutes of March 6, 1978, were deferred to the next regular meeting.

3. OLD BUSINESS

A. V-767 - Carl Andersen, 978 San Anselmo Avenue, A/P 7-113-10, application for a 13 foot frontyard variance to allow a 7 foot frontyard setback, and an 8 foot sideyard variance to allow a 0 foot sideyard setback for the permission of two 10' x 20' parking spaces.

Carl Andersen, applicant, present.

T. J. Robbins, referring to a drawing submitted by the applicant, explained that Mr. Andersen had built a deck and covered a porch in 1975, and had asked for a 13 foot frontyard variance to park in the 27 foot front area. The Planning Commission, at the time, felt there was close to 60' in the rearyard where the applicant could park; therefore, a variance was not necessary.

Commissioner Olive asked the applicant why there is no entrance from Center Boulevard. Mr. Andersen said there is no entrance there for scenic, safety and traffic reasons. (Center Boulevard is a limited access road by action of the Town Council).

Mr. Andersen said the frontyard parking has always been there. He pointed out to the Commissioners how difficult it is to bring cars to the rear of the property and turn them around. He said he has a hardship because the parking exists.

Commissioner Olive asked if the one parking space in front was always there and if the applicant had permission to park there.

Mr. Robbins said that when the applicant bought the house, the parking was in the front and he could park there without a variance until Mr. Andersen applied for a building permit.

Mr. Andersen said he can fit his Pinto, small Pontiac and a 23 foot motor home there, but all he wants to do is park his two cars there.

Commissioner Ollinger felt a little hesitant in approving this variance because he does not want to see the applicant or a possible new owner of the home come in and ask to put a carport there in the future because there is a concrete slab there.

Mr. Andersen assured the Commission he has no plans to do this.

C. R. Leitzell said the Planning Commission will have to hear such an application for a variance if it should come up in the future.

There was no one in the audience to comment.

M/S Ollinger, Olive, to approve V-767, an application for a 13 foot frontyard variance to allow a 7 foot frontyard setback, and an 8 foot sideyard variance to allow a 0 foot sideyard setback, for 978 San Anselmo Avenue, to provide two parking spaces on the basis that the plot plan and the location of the house on the site constitute a condition of the building which does not generally apply to buildings in the surrounding area; and the granting of the application is necessary for the preservation and enjoyment of substantial property rights; and the granting of the variance will not be detrimental to the neighborhood because the applicant is providing off-street parking. This variance is for an uncovered parking slab only and would be in accordance with the drawing submitted to the Town of San Anselmo, dated February 15, 1978.

Motion carried: AYES: Buckle, Ollinger
NOES: Olive
ABSTAIN: Goltz

Commissioner Harle did not vote because he was not present at the time

DDC425

4. DISCUSSION ITEM

A. Discussion of Parking Requirements When Adding to a Residential Structure

Mr. Leitzell said there were three suggestions made at the joint meeting of the Planning Commission and Town Council on January 31, 1978. These suggestions were to base the criteria for requiring a parking variance on one of the following: (1) the percentage of additions to the structure; (2) the square footage of additions to the structure; and (3) the type of room added to the structure.

The first suggestion, in his opinion, would not be fair to owners of small houses. If property owners could only make additions of 10 percent to 20 percent of the total square footage of the existing house without needing a parking variance, a large home could add a lot of space, whereas a smaller home could not add much before needing a parking variance.

The second suggestion of setting a standard maximum square footage of space in additions without needing a parking variance would not be that good either because the addition of a kitchen or dining area does not necessarily make more sleeping space; thus, that many more cars would not necessarily be present.

Commissioner Goltz pointed out that the parking discussion was not put on the agenda to discuss the present zoning ordinance. He said he saw all the problems encumbered on what the Planning Commission was doing: (1) we were not really following the requirements of the Code by requiring this parking variance in the first place, so the Commission has been put in a position of jeopardy and incredibility; and (2) the variance cost rose from \$25.00 to \$100.00, which meant people were paying for something pretty questionable. He cited a case where a man was building a mansard roof over his present roof and had to get a variance for parking.

Commissioner Goltz said if we amend the Zoning Ordinance, it could take months before it is completed and the Planning Commission would be put in a bad position. Until 1976, parking variances were never required when adding to a home. He suggested the Planning Commission recommend to the Town Council to direct staff to not apply the policies as enumerated in Hadden Roth's letter of June 25, 1976, until a firm ordinance is drafted and approved. He said there is no question of equity here because for many years the Town did not require a parking variance, and then the law was interpreted differently so that it was required.

Mr. Leitzell said there is a question of equity because the law has been applied to people between 1976 and the present.

Commissioner Goltz said he had another precedent for wanting the moratorium, and that is that the Town Council did this for second units before that ordinance was passed. The principal here is the same.

Commissioner Buckle suggested that rather than have a moratorium, the Town tell the people that we are working on an amendment to the ordinance and ask if they can wait a few months to avoid paying for a variance application.

Mr. Leitzell said there is no need to wait a few months. It can go before the Town Council as an urgency ordinance and can be applied right away.

Commissioner Ollinger said the interpretation of the ordinance on the books is confusing. Commissioner Goltz said a former Commissioner had interpreted it this way because someone wanted to add to a duplex without the required parking. Commissioner Goltz said the ordinance should have been changed, rather than have a new interpretation of the same ordinance.

Commissioner Ollinger said we need to see something on the order that if an addition adds more than a certain number of bedrooms or certain square footage of living space, a variance will be required

if there is not adequate parking, i.e., in commercial zones there is a relationship between the number of square feet in a building and the number of parking spaces.

Mr. Leitzell said the Code could be amended to say that parking is not a use. Commissioner Goltz said it should not be considered a use, and also said the Commission should not change the ordinance. They should leave it the way it is, and interpret it the way they did before 1976.

Commissioner Goltz said that parking is under Section 10-3.504 of the Municipal Code titled, "Height, Bulk and Space Requirements;" it is separated from uses.

Commissioner Ollinger suggested we do not touch on "use", rather just define the sleeping areas, and that can determine the number of parking spaces required.

Mr. Leitzell said the Commission should specify what requires a variance, rather than what does not. If one wants to add a bedroom and does not have the required parking for his present house, he should add the parking to come up to Code. If there is no way to build parking, then he should apply for a variance.

Mr. Robbins asked the Commission what they would do if someone built a workshop in a backyard (and, therefore, would not require additional parking), but actually have people sleeping there.

Commissioner Goltz said they would not need a parking variance if they said they were building a workshop.

Mr. Leitzell said it is usually obvious whether a room will be used for sleeping or not; i.e., if it is close to a kitchen and is a common access to other rooms, it probably is not a sleeping area.

There was no one in the audience to comment.

M/S Goltz, Olive, to set a public hearing for April 3, 1978, to decide what to do about residential parking required when additions are made to houses.

Motion passed unanimously.

5. NEW BUSINESS - PUBLIC HEARING

A. Possible Amendments to the Conservation Element of the General Plan

Mr. Leitzell, referring to his memo to the Commission dated March 10, 1978, explained that the Zoning Ordinance must be consistent with the General Plan. The idea of the State law is if the Town has a General Plan, it should be implemented through the Zoning Ordinance. If the Commission does not like what the General Plan says and does not want to change the Zoning Ordinance, then the General Plan should be changed. There is no sense in having goals no one likes.

Commissioner Olive said she did not like the proposed setbacks under the old Creek Ordinance, but wondered what other types of stream buffers there are (as mentioned in Section IV, A. 1(b) of the General Plan). ~~She suggested using Creek Park as an example for creek building; perhaps people could be encouraged to use it as a model.~~

Correction
See Pg 156

Commissioner Ollinger said that if the two words, "stream buffers" are taken out of the Implementation section of the General Plan, we are in a position to not pass an ordinance to protect the streams as we see fit.

Mr. Leitzell disagreed with Commissioner Ollinger, saying that the goals outlined under the Conservation Element preserve the natural character of the creek. An ordinance could be passed on this goal. Mr. Leitzell suggested the words, "stream protection", rather than stream buffers. The Commissioners agreed this was good.

DDC425

Commissioner Harle said the words, "stream buffers", are neutral, but acquired their meaning from what happened with the old Creek Ordinance. Streams shall be restored to their natural state implies an aesthetic principal that was someone's ideal; it has implications that can reach to allow ways to use the creek. Creek Park is not restoring the creek to what it was; it makes use of what is there now. Trying to impose what "stream buffers" meant in the ordinance will get into dictatorship type of values and we do not want that.

Commissioner Goltz said Section II D. of the Conservation Element was put in the General Plan because it was felt they could not say the goal is not to have a concrete ditch; this was inappropriate language for a document. There was no underhanded thought in putting in the words, buffer zone.

There was no one in the audience to comment.

M/S Ollinger, Harle, to recommend to the Town Council to delete the words, "stream buffer" from the Conservation Element of the General Plan, Section IV A. 1(b), and substitute for those words, "stream and bank protection."

Motion carried: AYES: Buckle, Goltz, Harle, Ollinger
ABSTAIN: Olive

Commissioner Olive abstained because of possible conflict of interest.

Commissioner Buckle mentioned that deleting the stream buffers is contrary to the idea of saving the creek in terms of the General Plan's goals.

Commissioner Ollinger said no, that is not the case; stream buffers just does not encompass enough.

Commissioner Buckle asked if perhaps it was premature to pursue this deletion if a citizens advisory committee was going to be appointed by the Town Council.

Commissioner Goltz explained there was an error in the motion sent to the Town Council. It was never intended to appoint a committee to implement revisions to the Conservation Element of the General Plan; his motion was to have the Council appoint a committee for the implementation of the General Plan.

Addition:
See Pg. 156

Commissioner Harle suggested that under Section IV, "Implementation", it should not read these ". . . are the means of implementing", but rather, these ". . . are some of the means of implementing."

Commissioner Buckle said changing the words, "stream buffer", to "stream and bank protection" will not make a bit of difference. The only difference will be when stream buffers are eliminated and not reworded.

M/S Olive, Goltz, to recommend to the Town Council that the first sentence of the Conservation Element, Section IV, titled, "Implementation" that now reads, "Outlined below are the means of implementing the recommendations of this element", be changed to read as follows: "Outlined below are some means of implementing the recommendations of this element."

Motion carried: AYES: Goltz, Harle, Olive, Ollinger
ABSTAIN: Buckle

Addition:
See Pg. 156

Commissioner Goltz suggested the Planning Commission consider setting up a process whereby once a year we have an overall look at the General Plan. Staff could monitor the Plan during the year and set up a workshop. Then the Planning Commission could set a public hearing date and heavily advertise it.

6. ADJOURNMENT

The special meeting of the San Anselmo Planning Commission was adjourned at 10:10 p.m. to the next regular meeting of March 20, 1978.

Lisa Burglin

Lisa Burglin
Planning Commission Secretary

DDC425