

50 The regular meeting of the San Anselmo Planning Commission was called to order by Chairman Olive at 8:00 p.m. in Room 6 of the Isabel Cook Community Center, 1000 Sir Francis Drake Boulevard, on September 17, 1979.
T. J. Robbins, Assistant Director Public Works/Planning, present.

1. ROLL CALL

Commissioners Present: Buckle, Harle, McPeak, Olive, Ollinger, Ragan
Commissioners Absent: Hayes

2. APPROVAL OF MINUTES - August 20, 1979

M/S Ragan, Harle, to approve the minutes of August 20, 1979, as written.

Motion carried; Commissioners McPeak, Olive, and Ollinger abstained.

3. OLD BUSINESS

- A. Z-168 - Richard Moore, 450 Redwood Road, A/P 7-191-03, use permit and design review consideration under specific plan development.

Richard Moore, applicant, present.

Mr. Robbins told the Commission that the drainage will be reviewed more thoroughly during the building permit process.

M/S Harle, Ragan, to approve the use permit and design review for Richard Moore, 450 Redwood Road, A/P 7-191-03, according to the drawings dated August 15, 1979, on the basis that this use is not detrimental to the neighborhood; it is necessary for the enjoyment of substantial property rights; and it is consistent with the General Plan.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

- B. Z-182 - Charles F. Kurtz, 5 Santa Barbara Avenue, A/P 5-211-30, use permit and design review consideration under specific plan development.

Charles Kurtz, applicant, present.

Mr. Kurtz said Chief Mollenkopf of the Fire Department has asked that a 30 foot greenbelt be around the proposed house and there be no continuous canopy of trees over the house. Mr. Kurtz said the roof will be fiberglass, which is practically fire proof. The exterior of the house will be a beige stucco with dark brown wood trim.

Mr. Ollinger suggested that the proposed wood paneling above the garage be changed to stucco, as the wood seems to draw attention to the garage doors, rather than complementing the rest of the house. Mr. Kurtz agreed to this suggestion.

M/S Harle, Ragan, to approve the use permit and design review for Charles F. Kurtz, 5 Santa Barbara Avenue, A/P 5-211-30, on the basis that the use is not detrimental to the neighborhood; it permits the enjoyment of substantial property rights; and that it is in conformity with the General Plan; and furthermore, that the owner give consideration to using stucco throughout on the facades so that it is more uniform.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

4. NEW BUSINESS

- A. EU-24 - Daniel A. Passini, 19/21 Allyn Avenue, A/P Nos. 7-095-16 and 7-095-17, use permit to allow an existing second unit to remain on change in ownership.

Daniel Passini, applicant, was not present.

Mr. Robbins said there have been no complaints about the unit

in the past and, therefore, suggested the application be heard even though the applicant was not present.

Commissioner McPeak said he was not yet familiar with the allowable densities in the neighborhoods for second units and did not feel he should vote on this application.

M/S Buckle, Ragan, to approve EU-24 for Daniel A. Passini, 19/21 Allyn Avenue, A/P Nos. 7-095-16 and 7-095-17, use permit to allow an existing second unit to remain on change in ownership, on the basis that this will not be detrimental to the neighborhood as there is sufficient parking available on the lot; and that it is necessary for the preservation and enjoyment of substantial property rights, with the condition that the smoke detector shall remain in the second unit and be operable.

Motion carried: AYES: Buckle, Harle, Olive, Ollinger, Ragan
ABSTAIN: McPeak

The audience was advised of the ten day appeal period.

- B. V-849 - Walter Del Tredici, 329 Laurel Avenue, A/P 7-172-02, a 12 foot rearward variance to construct a living addition within eight feet of the rear property line; and a parking variance.

Walter Del Tredici, applicant, present.

Mr. Robbins said there is only one useable parking space on the lot; however, there is room to supply more parking. He suggested a condition of the parking variance be that if more than one car is domiciled on the property, then the owner supply another parking space.

M/S Buckle, Ragan, to approve V-849 for Walter Del Tredici, 329 Laurel Avenue, A/P 7-172-02, a 12 foot rearward variance to construct a living addition within eight feet of the rear property line; and a parking variance, on the basis that there is a hardship of the land in that the existing creek would not allow an addition to be built within the setback lines; regarding the one car parking variance - the use of the addition would not require additional parking; however, additional parking will be required if more cars are domiciled at the property; that it is necessary for substantial property rights; and that it will not be detrimental to the neighborhood.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

- C. NU-13 - Carol E. Throop, 63 Magnolia Avenue, A/P 7-213-55, use permit for a second unit - CONTINUED 10/01/79.
- D. V-850 - Robert C. Martin, C.E., S & M Construction, Greenfield Avenue, A/P Nos. 6-123-03 and 6-123-05, frontyard and sideyard variances for a driveway structure - CONTINUED 10/01/79.
- E. V-851 - Richard Heglund, 60 Crest Road, A/P 6-221-23, an 18 foot, a five foot, and an 11 foot frontyard variance to construct a kitchen addition, open deck and stairs within two feet, nine feet, and three feet of the front property line, respectively; and a four foot sideyard (northerly) variance to construct an open deck within two feet of the side (northerly) property line.

Richard Heglund, applicant, present.

Commissioner Buckle suggested cutting the proposed deck back so that a sideyard variance is not necessary. He felt that being only two feet from the side property line is too close. The other Commissioners agreed.

M/S Ollinger, Ragan, to approve V-851 for Richard Heglund, 60 Crest Road, A/P 6-221-23, an 18 foot, a five foot, and an

11 foot frontyard variances to construct a kitchen addition, open deck and stairs within two feet, nine feet, and three feet of the front property line, respectively, on the grounds that this application will not be detrimental to those living in the area; it is necessary for the enjoyment of substantial property rights; that there is a hardship with the steepness of the lot and the placement of the existing house in relation to the property lines.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

- F. V-852 - Patricia Frisch Karan, 37 Cordone Drive, A/P 5-223-09, a six foot and a five foot sideyard (north) variance to construct an open deck and hot tub within zero feet and three feet of the side (north) property line, respectively; a 17 foot a 14 foot, and a 5'10" rearyard variance to construct a hot tub, open deck and tub equipment within three feet, zero feet, and 14'2" of the rear property line, respectively.

Patricia Karan, applicant, present.

Barbara J. Gamba, 45 Cordone Drive, wrote a letter of protest along with some pictures of the proposed construction in relation to her house. Ms. Gamba's attorney, Peter E. Mitchell, Jr., also wrote a letter of protest to the Commission.

Commissioner Harle agreed with Ms. Gamba that the proposed deck and hot tub would look right over the fence to Ms. Gamba's patio and there would be no privacy.

Ms. Karan said she will move the proposed hot tub further southwest on the proposed deck so that the tub will not have a view of Ms. Gamba's backyard.

The Commissioners suggested that Ms. Karan consider developing her patio rather than building a deck on top of an existing deck.

M/S Ragan, Harle, to refer V-852 for Patricia Frisch Karan back to the applicant for restudy; to be continued to the meeting of October 15, 1979.

Motion passed unanimously.

- G. Z-183 - E. Keith Franc, Summit Road, A/P Nos. 7-031-23 and 7-031-24, proposed rezoning from PPD R-1 (Preliminary Plan Development with a presumptive use of single family residential) to SPD (Specific Plan Development) for two single family dwellings.

E. Keith Franc, applicant, present.

Mr. Franc said that George Larsen wants to build a dwelling for himself and another for his sister-in-law. There will be two 1,500 gallon water tanks for supplemental domestic supply only. A fire hydrant will be installed which can serve neighboring properties as well. Mr. Franc and Mr. Larsen said the houses will be amongst the oak trees and will not be above the trees; therefore, the houses will not be seen from the valley.

Jonathon Braun, 479 Scenic Avenue, said he opposes any development on the hill; he suggested that the historical use of the fire road by hikers be continued; that drainage be engineered; that the upper unit's swimming pool be on the north side, as the EIR identified that part of the land where the pool is proposed to be unstable. He also suggested that design review be conducted by a large citizen's group.

Gay Kagy, 280 Redwood Road, said the Ridgelands Committee believes the houses will be visible from the valley. Howard Blair, 50 Summit Road, said he is not opposed to the two dwelling development; however, he is concerned about breaking the silhouette of the ridge.

Mr. Larsen said the swimming pool would not be good in the north

as there would be little sun exposure.

Mr. Franc said the road will be paved to the end of the private drive. Mr. Robbins said all roads in a subdivision are required to be paved unless waived; this could be requested at the use permit hearing, but would have to be justified and approved.

The Commission felt this is not in violation of the General Plan; the density is fine and the design is sensitive to the land.

M/S Ragan, Ollinger, to recommend to the Town Council that Z-183 for E. Keith Franc, Summit Road, A/P Nos. 7-031-23 and 7-031-24, proposed rezoning from PPD R-1 (Preliminary Plan Development with a presumptive use of single family residential) to SPD (Specific Plan Development) for two single family dwellings, be approved on the basis that it is in keeping with the goals of the General Plan; to include that the owner provide a pedestrian and equestrian access easement only to be provided from Summit Road to the westerly boundary of this property; that the owner may lock the road to prevent private vehicle access.

Motion passed unanimously.

Mr. Robbins announced that this will be heard by the Town Council on September 25, 1979.

- H. V-853 - Sherry L. Bracken, 125 Oak Knoll Avenue, A/P 5-152-02, a two foot sideyard (south) variance and a 16 foot rear yard variance to construct a carport within six feet of the side property line (south) and four feet of the rear property line.

Sherry Bracken, applicant, present.

Adell Hansen, 15 Ramona Way, said the roof of the carport would be on the same plane as her kitchen window and she will not have a view any longer.

The Commission suggested a shed roof, rather than a gabled roof, or that the applicant move the carport further from Ms. Hansen's property line.

M/S Buckle, Ollinger, to continue V-853 for Sherry L. Bracken, 125 Oak Knoll Avenue, A/P 5-152-02, to the meeting of October 1, 1979.

Motion passed unanimously.

- I. V-854 - Michael B. Adams, 36 Foothill Road, A/P 7-033-08, a 2'6" and a 20 foot front yard variance to construct an open deck and car deck and stairs within 11'6" and zero feet of the front property line, respectively.

Michael Adams, applicant, present.

M/S Ollinger, Ragan to approve V-854 for Michael B. Adams, 36 Foothill Road, A/P 7-033-08, a 2'6" and a 20 foot front yard variance to construct an open deck and car deck/stairs within 11'6" and zero feet of the front property line, respectively, on the basis that it will not be detrimental to those living in the area; it is necessary for substantial property rights; and the hardship is with the steepness of the lot and the position of the existing property lines; that the approach ramp be "winged" on the south side to provide a larger turning radius onto Humboldt Avenue.

Motion carried: AYES: Harle, McPeak, Olive, Ollinger, Ragan
ABSTAIN: Buckle

Commissioner Buckle abstained because he had not seen the lot.

Applicant was advised of the ten day appeal period.

- J. NU-17 - Paul Shibata, 2 Sierra Avenue, A/P 5-191-11, use permit to allow a second unit.
- K. V-855 - Paul Shibata, 2 Sierra Avenue, A/P 5-191-11, parking setback variances in considering second unit use permit.

Paul Shibata, applicant, present.

M/S Buckle, Ragan, to approve NU-14 for Paul Shibata, 2 Sierra Avenue, A/P 5-191-11, use permit to allow a second unit, on the basis that this will not be detrimental to the neighborhood as sufficient parking is available; that it is necessary for the preservation and enjoyment of substantial property rights; with the following conditions:

1. that a smoke detector be installed in the second unit and inspected by the Town; and
2. that a total of three off-street parking spaces be provided.

Motion carried: AYES: Buckle, Harle, McPeak, Ollinger, Ragan
NOES: Olive

Applicant was advised of the ten day appeal period.

M/S Buckle, Ragan, to approve V-855 for Paul Shibata, 2 Sierra Avenue, A/P 5-191-11, for parking variances as follows:

1. The southerly parking area to the rear shall have a 17 foot rearward variance to park within three feet of the rear property line;
2. the easterly sideyard shall have a 13 foot variance to accomodate two unobstructed parking stalls;
3. to allow for the northerly parking area connecting Sir Francis Drake Boulevard, a 20 foot frontyard variance within zero feet of the front property line;

on the basis that it is not detrimental as additional parking is needed in the area; the lot is small and narrow; and the application is necessary for substantial property rights.

Motion carried: AYES: Buckle, Harle, McPeak, Ollinger, Ragan
NOES: Olive

Commissioner Olive voted against both applications because she felt there was too much parking area on the lot.

- L. V-856 - Ron Ashley and Bob Bertram, 69 Center Boulevard, A/P 6-102-21, parking variance to enlarge a non-conforming use - AFTER THE FACT.
- M. C-166 - Ron Ashley and Bob Bertram, 69 Center Boulevard, A/P 6-102-21, design review of arbor extension - AFTER THE FACT.

Ron Ashley and Bob Bertram, applicants, present.

Mr. Ashley said he did not realize a parking variance was necessary as he is not increasing the seating capacity. He also did not think he needed a building permit for the arbor as it was not "structural" work.

M/S Buckle, Ragan to approve V-856 for Ron Ashley and Bob Bertram, 69 Center Boulevard, A/P 6-102-21, parking variance to enlarge a non-conforming use, on the basis that the nature of the business encourages walk-in and business patrons (non-vehicular patrons) and its' close proximity to Creek Park, which has additional parking; with the hardship that there is no feasible way that additional parking can be provided; that it is necessary for substantial property rights; and will not be detrimental to the community.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

The applicant had not turned in a color scheme or elevations of the arbor so the Commission felt it should be held over.

M/S Ragan, Ollinger, to continue C-166 for Ron Ashley and Bob Bertram, 69 Center Boulevard, A/P 6-102-21, to the meeting of October 1, 1979.

Motion passed unanimously.

5. DISCUSSION

A. Set Date For Resuming Downtown Rezoning

Mr. Robbins told the Commission he has had two separate requests regarding zoning on Tunstead Avenue and Belle Avenue. He requested that the Commission consider these two streets at a workshop meeting on October 1, 1979.

6. ADJOURNMENT

The regular meeting of the San Anselmo Planning Commission was adjourned at 12:29 p.m. to the next regular meeting on October 1, 1979, in the Town Hall Council Chamber, 525 San Anselmo Avenue, San Anselmo.

Lisa Burglin

LISA BURGLIN
PLANNING ASSISTANT