

299 The regular meeting of the San Anselmo Planning Commission was called to order by Chairman Olive on July 16, 1979, at 8:00 p.m. in Room 6 of the Isabel Cook Community Center, 1000 Sir Francis Drake Boulevard. T. J. Robbins Assistant Director Public Works/Planning, present.

1. ROLL CALL

Commissioners Present: Buckle, Goltz, Harle, Hayes, Olive, Ollinger, Ragan

2. APPROVAL OF MINUTES - July 2, 1979

Item 3C, paragraph 7, change ". . . second floor as living quarters . . ." to ". . . second floor as one living unit . . ." - Buckle.

Item 3F, paragraph 7, insert "Based on the apparent discrepancy between the plan, contours, and building elevations, the Planning Commission wanted to have elevations for clarity." - Buckle.

Item 4B, add to motion: ". . . The granting of the application is necessary for the preservation and enjoyment of substantial property rights of the petitioner; and the granting of the application will not materially affect adversely the health or safety of persons residing or working in the neighborhood; and will not be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood." - Buckle.

M/S Buckle, Ragan, to approve the minutes, as corrected, of July 2, 1979.

Motion carried with six ayes; Commissioner Olive abstained.

3. OLD BUSINESS

- A. Z-177 - Dan Goltz, A/P 177-160-01 (End of Holstein Road), use permit and design review for the specific plan development for two lots.

Mr. Goltz excused himself from the Commissioner's table.

M/S Ragan, Ollinger, to approve Z-177 for Dan Goltz, A/P 177-160-01, (End of Holstein Road), application for a use permit for the specific plan development for two lots, on the basis that the granting of the application is necessary for the preservation and enjoyment of substantial property rights of the petitioner; and the granting of the application will not materially affect adversely the health or safety of persons residing or working in the neighborhood; and will not be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood. This use permit is approved for the southerly house only.

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

M/S Buckle, Ragan, to approve Z-177 for Dan Goltz, A/P 177-160-01, (End of Holstein Road), application for design review for the specific plan development for the southerly lot only as shown on the plan received by the Town on July 10, 1979.

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

- B. Z-179 - C. Paul Bettini, 18 Bank Street, A/P 6-253-02, application for the proposed rezoning from R-2 (Two Family Residential) to P (Professional Zone).

Mr. Bettini said he wished to change the zone to conform to the use which has existed at this location for the past 18 years. He said he did not know, nor did staff, when the property was zoned R-2.

Speaking against the rezoning were Ed Cunningham, 21 Lincoln Avenue, Randy Heubach, 61 Lincoln Avenue, Eric Swanson, 31 Lincoln Avenue, Ron Foster, 21 Lincoln Avenue, and Chris Heubach, 61 Lincoln Avenue. These neighboring property owners all agreed that Mr. Bettini had been an excellent neighbor and said they would have no objection to his continued use of the property as in the past; however, they were aware that Mr. Bettini planned to move his office, and they were all apprehensive of a higher traffic, more commercial type of use that could move into the area through Professional Zoning; they felt there was no need to increase the density above a residential use. A letter from Brian Wittenkeller expressing similar comments was read.

Staff stated the same or similar use could continue under the present zoning as long as the use was not abandoned for a period of six months or more, even if the property were sold.

M/S Goltz, Harle, that the Planning Commission recommend to the Town Council that Z-179 for C. Paul Bettini, 18 Bank Street, A/P 6-253-02, be approved on the basis that it will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood, nor will it materially affect adversely the health or safety of persons residing or working in the neighborhood; and is necessary for the enjoyment of substantial property rights. The Planning Commission finds it in conformity with the policies of the General Plan.

Motion carried: AYES: Buckle, Goltz, Harle, Hayes
NOES: Olive, Ollinger, Ragan

- C. V-837 - Barry Schenker, 86 Melville Avenue, A/P 7-263-32, application for frontyard and sideyard variances to construct a trellis, deck, stairs and master bedroom - CONTINUED 08/06/79.

4. NEW BUSINESS

- A. U-534 - Michael Brausen, 535 Oak Avenue, A/P 7-191-07, application for a use permit for the home occupation of a promotional catalog, 'Sports Calendar.'

Mr. Brausen stated that 95 percent of his business was conducted on the telephone; five percent of his time is traveling. Three people live at this address - Mr. Brausen, his silent partner and his active partner. They hire one secretary 25 hours per week. None of the accounts come to his home.

Norman Ginsberg, 170 Oak Avenue, expressed concern that Oak Avenue would start to open up with second units and home occupations.

M/S Harle, Ragan, to approve U-534 for Michael Brausen, 535 Oak Avenue, A/P 7-191-07, application for a use permit for the home occupation of a promotional catalog, 'Sports Calendar' on the basis that it will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood; and will not materially affect adversely the health or safety of persons residing or working in the neighborhood; and is necessary for the enjoyment of substantial property rights of the petitioner.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

- B. U-535 - Tim O'Shea, 1437 Sir Francis Drake Boulevard, A/P 5-192-02, application for a use permit for the home occupation of a real estate and ecology information center.

Mr. O'Shea stated there are three on-street parking spaces in front of his property. He said he has a part-time person who does the books. He felt there would only be one or two cars at the most at one time and only for short periods of time in front of his property. People would stop by to pick up ecological pamphlets or brochures. He would go outside the home for any real estate transactions. He said the ecology information center would have one meeting at night per week consisting of no more than 15 people. There are two cars in the household, parking for which is on San Anselmo Avenue. He said he would have a redwood burl sign. There was no one in the audience to comment on the application.

M/S Goltz, Harle, to approve U-535 for Tim O'Shea, 1437 Sir Francis Drake Boulevard, A/P 5-192-02, for a use permit for the home occupation of conducting a real estate business and an ecology information center on the basis that the granting of this use permit is necessary for the preservation and enjoyment

of substantial property rights of the petitioner; the granting of the application will not materially affect adversely the health or safety of persons residing or working in the neighborhood and will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood, with the following stipulations:

1. That the hours be 9:00 a.m. to 4:30 p.m. five days per week, Monday through Friday;
2. that the Planning Commission review the use in four months.

Motion carried: AYES: Goltz, Harle, Hayes, Olive, Ollinger, Ragan
NOES: Buckle

- C. NU-13 - Olga Wartensleben, 25 Valley Road, A/P 5-081-18, application for a new second unit.

Mike Convis was present representing Mrs. Wartensleben. There was no one in the audience to comment on the application.

M/S Buckle, Ragan, to approve NU-13 for Olga Wartensleben, 25 Valley Road, A/P 5-081-18, application for a new second unit on the basis that it will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood; and will not materially affect adversely the health or safety of persons residing or working in the neighborhood, with the following stipulations:

1. That a smoke detector be installed in the second unit;
2. that the owner enter into a Rental Agreement with the Town within sixty days.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

- D. V-839 - Pedro Arroyo, 150 Oak Avenue, A/P 7-273-21, application for a three foot sideyard variance to construct a living addition within five feet of the side property line.

Mr. Michael Stassen was present for Pedro Arroyo. Commissioner Goltz said he planned to abstain from voting on this application and left the Chamber briefly.

Alice Hein, former owner of the property, stated there was not sufficient yard area to add the living room addition as proposed by Mr. Arroyo. Mr. Stassen said he intended to ask for an extension of time to establish property lines in the event he would need an additional variance for the rearyard, he would like to combine it all in one application.

M/S Ragan, Hayes, that V-839 for Pedro Arroyo, 150 Oak Avenue, A/P 7-273-21, application for a three foot sideyard variance to construct a living addition within five feet of the side property line, be referred back to the applicant for further study and verification of the rearyard setback; application continued to the meeting of August 6, 1979.

Motion passed unanimously.

- E. V-840 - Richard Allen, 18 Island Drive, A/P 6-201-03, application for a ten foot frontyard variance to construct a covered deck and garage within ten feet of the front property line; and
- F. V-841 - Richard Allen, 22 Island Drive, A/P 6-201-03, application for a 12 foot frontyard variance, an 18 foot frontyard variance and a seven foot frontyard variance to construct an open deck, garage and dwelling within two feet, and 13 feet of the front property line, respectively.

It was decided to hear both applications at the same time. There was no one in the audience to comment on the applications.

Richard Allen, applicant, present.

M/S Buckle, Harle, to approve V-841 for Richard Allen, 22 Island Drive, A/P 6-201-03, for a 12 foot frontyard variance, an 18 foot frontyard variance and a seven foot frontyard variance to construct an open deck, garage and dwelling within two feet, and 13 feet of the front property line on the basis that the steepness of the land and soils condition require this variance and that the granting of the variance is necessary for the preservation and enjoyment of substantial property rights of the petitioner; the granting of the variance will not materially affect adversely the health or safety of persons residing or working in the neighborhood; and will not be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood; furthermore, we require additional two car off-street guest parking and further approve a 20 foot frontyard variance for the additional two guest parking deck based on the drawings dated June 28, 1979.

Motion carried: AYES: Buckle, Harle, Olive, Ragan
NOES: Goltz, Hayes, Ollinger

Commissioner Goltz pointed out there were other considerations in granting a variance. He thought with the size of the lots it was architecturally possible to place the building further back from the street.

Applicant was advised of the ten day appeal period.

M/S Buckle, Harle, to approve V-840 for Richard Allen, 18 Island Drive, A/P 6-201-03, for a ten foot frontyard variance to construct a covered deck and garage within ten feet of the front property line on the basis that the steepness of the land and soils condition require this variance and that the granting of the variance is necessary for the preservation and enjoyment of substantial property rights of the petitioner; the granting of the variance will not materially affect adversely the health or safety of persons residing or working in the neighborhood; and will not be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood; and furthermore, we require additional two car off-street guest parking and further approve a 20 foot frontyard variance for additional two guest parking deck, based on the drawings dated June 28, 1979.

Motion carried: AYES: Buckle, Harle, Hayes, Olive, Ragan
NOES: Goltz, Ollinger

Commissioner Goltz voted no for the reason given in V-841 above.

- G. Z-180 - Bjork and Powers, 99 Holstein Road, A/P 177-160-04, application for the proposed rezoning from PPD R-1 (Preliminary Plan Development with a presumptive use of Single Family Residential) to SPD (Specific Plan Development) and use permit consideration for a single family dwelling, and review of Negative Declaration.

Mr. Richard Bjork and Mr. Charles Powers, applicants, present.

Mr. Don Mansell, 100 Holstein Road, was present.

M/S Buckle, Ragan, to accept the Negative Declaration for Z-180 for Bjork and Powers, 99 Holstein Road, A/P 177-160-04, for a rezoning from PPD R-1 B-87 (Preliminary Plan Development with a presumptive use of Single Family Residential) to SPD (Specific Plan Development) for a single family dwelling, as prepared by Town staff.

Motion passed unanimously.

The hearing on the rezoning continued. Commissioner Buckle said the street should be paved and a cul-de-sac (turnaround) required.

Commissioner Hayes said he felt the house was not located on the lot as shown on the drawings.

M/S Goltz, Ragan, to recommend to the Town Council approval of Z-180 for Bjork and Powers, 99 Holstein Road, A/P 177-160-04, application for the rezoning from PPD R-1 B-87 (Preliminary Plan Development with a presumptive use of Single Family Residential)

to SPD (Specific Plan Development) for a single family dwelling, on the basis that it is in conformity with the General Plan; to be based on the drawing dated July 13, 1979, with the change that the culvert that is shown under the house be rerouted around the house to the east.

Motion passed unanimously.

The recommendation will be forwarded to the Town Council who will hold a public hearing on July 24, 1979.

The hearing on the use permit continued. Commissioner Goltz questioned the construction of the deck. He said from the road you will look up under a large expansion of deck and it would appear very ugly.

No landscaping plan had accompanied the application.

M/S Goltz, Hayes, that use permit and design review consideration for Z-180 for Bjork and Powers be put over to the meeting of August 6, 1979, and that the applicant furnish a landscape plan that will screen the underneath of the southerly deck and a landscape plan for the rest of the site be shown.

Motion carried: AYES: Goltz, Harle, Hayes, Ollinger, Ragan
NOES: Buckle, Olive

Commissioners Buckle and Olive voted no based on the feeling that the use permit and design review consideration could have been completed at this meeting.

5. DISCUSSION

M/S Buckle, Hayes, to recommend to the Town Council that Town rezoning fees be waived for this application based on the error in the building permit staff of the County, and also it is felt that it is unjust to require this for a one-house development.

Motion carried: AYES: Buckle, Harle, Hayes, Olive, Ollinger, Ragan
NOES: Goltz

6. ADJOURNMENT

The San Anselmo Planning Commission adjourned at 11:55 p.m. to the next regular meeting of August 6, 1979.

Thelma Foster
THELMA FOSTER
ADMINISTRATIVE ASSISTANT

TF:lab