

The regular meeting of the San Anselmo Planning Commission was called to order at 8:00 p.m. on October 18, 1982, by Vice-Chairman Fred Peterson, in the Town Hall Council Chamber. L. Burglin of staff present.

1. ROLL CALL

Commissioners Present: Bergeson, Harle, Sharp, Signorelli, Peterson

Commissioners Absent: McPeak, Hayes

2. APPROVAL OF MINUTES

Minutes of September 13, 1982: Page 6, paragraph 2, lines 5 and 6, should be corrected to read...deannexation from *San Anselmo* and annexation into *Fairfax*...

Page 7. Commissioner Signorelli asked to have the minutes reflect his statement which will be inserted as an additional paragraph between paragraphs 9 and 10, as follows:

"To footnote at bottom of Page 10, of the EIR, after 2nd sentence, add another sentence: The recent amendment to the Land Use Element provides for 12 to 20 units per acre in the conservation zone and in areas that exceed 30% slope. (Refer to first paragraph @ Page 39 of Housing Element dated 12-1-81)."

Page 7. First paragraph should start with: *Phase 2, access through Fairfax*....

Page 7. Last paragraph should have an addition as follows:...Page 38 weaken *the document by discussion of large dogs*.....

Page 9. Regarding the Kagy letter: Commissioner Peterson said he did not like to set a precedent by incorporating individual letters into the minutes; however, since this particular letter was so detailed, and would be of benefit to both the Consultant and the Commission, it should be left in.

M/S Signorelli, Bergeson, minutes of September 13, 1982 be approved as amended. Passed unanimously.

Minutes of October 3, 1982. Commissioner Peterson's name should be added as a Commissioner present.

M/S Harle, Signorelli to approve the minutes as amended. Passed with 4 Aye votes and Commissioner Sharp abstained.

3. OLD BUSINESS

A. V-1034 Jerene Delaney and Karen Glikman 947 San Anselmo Avenue

Miss Glikman stated she had given their application thought as required by the Planning Commission at the last meeting, and she reiterated her position with regard to the installation of on-site parking. She reported none of her neighbors knew when the curb cut had been put in. She also said her neighbor, David Subke at 3 Hazel Avenue objected to having a car parked right below his bay window. It was pointed out that the distance from the fence to the house is only 22 feet and a parking space would essentially use the entire distance. Miss Glikman also feels ingress and egress are hazardous from that point because the stop sign is beyond where they would have to back out into oncoming traffic.

Commissioner Bergeson said he felt it was poor planning to put a parking space in the frontyard. He also pointed out Section 10-3.1803 of the Municipal Code allows for off-site parking within 150 feet from the property. Although the proposed parking is more than 150 feet distance from the application, he said the intent was clear that all parking did not have to be on-site.

Commissioner Harle said while he was sympathetic to the applicants, he did feel that the house planning was inadequate. He said we are in an era where large homes are being divided to accommodate more than one family and predicted that in this trend, parking will become more and more restricted. He said it was unfair to impose parking on the Town because of the small lot size.

Commissioner Peterson said two spaces could be required by Code. He stated that parking could be tastefully designed so as not to detract from the frontyard landscaping. He suggested aggregate concrete with redwood stringers, brick paving or similar. He is concerned with providing at least one parking space on site,

for present as well as future owners or tenants.

Several of the Commissioners mentioned that an on-site space could be required, but there was no way to enforce its use.

Miss Glikman said what she was hearing was that parking was more important than space for people.

Commissioner Bergeson moved as follows: To approve V-1034, application of Jerene Delaney and Karen Glikman, 947 San Anselmo Avenue, for a parking variance to allow no on-site parking on the condition that off-street parking be maintained in the present off-street parking location on San Anselmo Avenue; The special circumstances are that on-site parking would create a considerable hardship in planning on a tight, restricted site, granting of the variance will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the property involved and it will not be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood; granting of the variance is necessary for the preservation and enjoyment of substantial property rights.

Motion died for lack of a second.

M/S Signorelli, Sharp, that a variance be granted for Jerene Delaney and Karen Glikman, 947 San Anselmo Avenue for one parking space; that one of the two spaces will not be required on site; the special circumstances being size of the lot, placement of the structure on the lot and negative aesthetic impact from the neighbor's point of view; the one on-site space have an all-weather surface. Passed by the following vote:

AYES: Harle, Sharp, Signorelli, Peterson

Noes: Bergeson

P/C 10-18-82

The applicants were informed of their right to appeal the decision to the Town Council within ten days.

M/S Bergeson, Harle, to approve V-1034 application of Jerene Delaney and Karen Glikman, for a 2 foot east sideyard variance and a 4 foot west sideyard variance to construct an addition to make a room useable as a bedroom; special circumstances are existing structure is inadequate and the existing house is already on the setback lines asked for in the variance; further the granting of the variance will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the property involved and it will not be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood, granting of the variance is necessary for the preservation and enjoyment of substantial property rights.

Passed unanimously.

P/C 10-18-82

The applicants were informed of the ten-day appeal period.

B. U-581 George Martinis

112 Spaulding Street

When asked what type of music he had, Mr. Martinis said he had Greek Music and a belly dancer; there was no amplified music.

There was no one in the audience to comment on the application.

M/S Harle, Signorelli to approve U-581, application of George Martinis, 112 Spaulding Street for a use permit for entertainment in a commercial zone in the form of live music and a belly dancer, with the stipulation that there be no amplified music; granting of the use permit will not be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood, or be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the Town, and that the granting of the application is necessary for the preservation and enjoyment of substantial property rights of the petitioner.

Passed unanimously.

P/C 10-18-82

SR-331 George Martinis,

112 Spaulding Street

Mr. Martinis said he needed the blinking red lights to attract customers to his business. Since he had the lights up, his business had increased by more than 50%. Because of the hillside location of the restaurant, it is difficult for people to find the access.

Lucille Dandélet introduced herself saying that she represented the now disbanded Design Review Committee. She felt the large sign with the blue background should go on the building. The Committee, she said, had originally thought the idea of blinking lights would be a fine idea, something was needed to attract attention to the business. She said the restaurant owner is a taxpayer and the Town should help him. She said she was speaking for the 5 people of the Design Review Committee.

Commissioner Signorelli said the type of print on the sign is very hard to read and suggested some plain "good old American print".

Commissioner Bergeson said no one wanted to do anything to suppress a business however, he was concerned about setting a precedent for "action/illuminated" signs.

Commissioner Sharp was apprehensive about starting a signing competition among businesses.

Commissioner Harle said he recognized the difficult site; however, he felt the ordinance intent was to avoid sign wars, and he preferred the applicant to find some other distinctive sign to attract the needed attention.

Commissioner Peterson said he liked the way the signs are lit, and it was not offensive. They are positioned so as not to bother a residence; all the restaurants that have been in that location have failed, probably because people cannot figure out how to get up there. He felt this is a unique situation with unusual circumstances, and did not see this as precedent-setting because of the location.

M/S Signorelli, Harle to approve a sign variance for George Martinis at 112 Spaulding Avenue to allow the existing signs to have blinking lights as they now exist based on the history of the inability to survive at that location for which the signing is a contributing factor, also that the traffic moves at quite a high rate of speed through the intersection when the signals change, and there is a great deal of confusion, and it is difficult to read the sign; on that basis, there is justification for approval. It would not be detrimental to the community, the location of the building requires special signing; it is necessary for the survival of this business, and based on the information regarding the wishes of the Design Review Committee by Ms. Dandélet, the granting of the variance will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the property involved, and it will not be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood, granting of the variance is necessary for the preservation and enjoyment of substantial property rights.

Passed unanimously.

P/C 10-18-82

4. NEW BUSINESS

A. U-580 James Howey 619, 621 and 623 San Anselmo Avenue

James Howey, applicant, said he proposed mini storage, available to anyone that wished to rent it. He said there would probably be in the area of 70 spaces. Signing would be for identification only. He proposes a white stucco building with stained wood trim to match his existing buildings.

There was no one in the audience to comment.

M/S Harle, Sharp to approve U-580, application for a use permit for James Howey, A/P 7-212-27, 619, 621 and 623 San Anselmo Avenue to allow a proposed

addition which will be used for storage space for rental to downtown merchants as shown on site plan received by the Town on 10-11-82, with modifications as may be necessary in order to meet the requirements of the Code. Granting of the Use Permit will not be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood, or be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the Town, and that the granting of the application is necessary for the preservation and enjoyment of substantial property rights of the petitioner.

Passed unanimously

P.C. 10-18-82

Applicant was notified of the 10 day appeal period.

C-189 James Howey

Design Review, 619, 621 and 623 San Anselmo

M/S Harle, Bergeson to approve C-189, application of James Howey for a commercial addition as described on drawing received by the Town on 10-11-82.

Passed unanimously.

P.C. 10-18-82

Applicant was notified of the 10 day appeal period.

B. V-1035 Roy and Mattelina Rice

33 Agatha Court

Staff reported no problem with this application and stated it is a replacement of a garage which was lost in the flood.

There was no one in the audience to comment on the application.

M/S Harle, Signorelli to approve V-1035, application of Roy and Mattelina Rice, 33 Agatha Court, A/P 6-043-22, for a 7 foot west sideyard variance to construct a garage to within one foot of the west side property line on the basis that it would allow enjoyment of substantial property rights and that there is no other location for the garage placement on the site, and it is merely a replacement of a previous building. Granting of the variance will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the property involved and it will not be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood and is necessary for the preservation and enjoyment of substantial property rights.

Passed unanimously.

P.C. 10-18-82

Applicant was notified of the 10 day appeal period.

C. Z-190 Town of San Anselmo, lands off Cordone Drive and Mountain View Avenue A/P 5-212-05,06,07, 5-222-26,31, 32, 25 and 36, environmental review and proposed rezoning from PPD R-1 (Preliminary Planned Development with a Presumptive use of Single Family Residential) to either: R-1 (Single Family Residential) with use permit/design review provisions; or SPD (Specific Planned Development), for four single family dwellings (rezoning to SPD previously approved in 1980; however, the use permit/design review was not obtained within the required two-year period so the rezoning action expired, and zoning of the property reverted to PPD R-1. This is a Town-initiated rezoning application - proposal conforms to that previously approved).

Staff reported the Negative Declaration had been accepted subject to mitigation measures and recommended to the Town Council to rezone to SPD for four single family dwellings in May of 1980. A parcel split of 4 lots was also approved. Ordinance allows 2 years for the applicant to apply for use permit/design review on approved lots. That period lapsed in June of 1982, therefore it was necessary to again rezone the property to SPD. The proposed rezoning by the Town is the same proposal as that previously approved.

Mrs. DeMartini, 5 Brookside Drive asked if this would mean there were 8 lots. She then questioned the current grading being done by Ghilotti Brothers behind 6 Brookside Drive. She said they did not do a good enough job. She said they had created a shelf there and that the hill was going to slam into 6 Brookside Drive, and it was going to bring Indian Rock down on all of their homes.

Jeff Kroot, architect, said the landslide behind 6 Brookside Drive was not relevant to the site he was applying for rezoning on (59 Cordone Drive).

M/S Harle, Bergeson to reaffirm acceptance of the negative declaration as prepared by staff on April 25, 1980, for A/P 5-212-05,-6,-7, 5-222-26, 31, 32, 25 and 36, with the noted change that in the environmental checklist, Item D should be marked as No. 2, rather than No. 1.

Passed unanimously.

P/C 10-18-82

M/S Harle, Signorelli, to recommend to the Town Council, approval of Z-190 to rezone the property from PPD R-1 with the provisions for use permit and design review for four single family dwellings, subject to the mitigations listed on the Negative Declaration, specifically Item 3 b and 16 e to be based on the lot lines as shown on the final map recorded by the County of Marin on July 20, 1981; on the basis that this is consistent with the General Plan.

Passed unanimously.

P/C 10-18-82

Commissioner Bergeson said regardless of what the Commission did tonight, he recommends that staff review the soils study.

Z-190 Louis and Anne Olds

59 Cordone Drive

Jeff Kroot, Architect, said this is a 10,000 s.f. lot with a house of approximately 2,500 s.f. The soils report done by Herzog indicated it would be possible to build either a house with drilled piers or spread footing.

No one from the audience wished to comment on the application.

Commissioner Signorelli is concerned over the drain pipe and said he hoped the contractor would be very careful.

Commissioner Bergeson said it was desirable to have access around the entire pool as a safety factor.

M/S Bergeson, Harle, that a Use Permit and Design Review for Louis and Anne Olds, 59 Cordone Drive, A/P 5-222-32 be approved as shown on drawings received by the Town of San Anselmo dated 10-01-82, sheets 1 - 8, prepared by Jeff Kroot, on the basis that it is in conformance with the General Plan; granting of the Use Permit will not be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood, or be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the Town, and that the granting of the application is necessary for the preservation and enjoyment of substantial property rights of the petitioner.

Passed unanimously

P/C 10-18-82

V-1036 Louis and Anne Olds

59 Cordone Drive

M/S Bergeson, Harle, to approve application of Louis and Anne Olds, 59 Cordone Drive for frontyard variances of 7 - 14 feet to construct open decks and stairs within 7 to zero feet of the front property line, and a 13 foot frontyard variance to construct a swimming pool within 7 feet of the front property line; the special circumstances being the configuration of the site in terms of the most advantageous development of the property. Setbacks are described on Sheet 1 of 8 of drawing prepared by Jeff Kroot; received by the Town 10-01-82. Granting of the variance will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the property involved and it will not be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood, and is necessary for the preservation and enjoyment of substantial property rights.

Passed unanimously.

P.C. 10-18-82

V-1037 James L. Hallberg

120 Floribel Avenue

Mr. and Mrs. Hallberg had received a variance for the roof of this building at the Planning Commission meeting of July 19, 1982; however, they became dissatisfied with that design and now wish to add a roofline that will be 7-1/2 feet above the existing roofline at the property line.

Nanci Walton Greer and Charles Greer, neighbors immediately next door to the proposed addition said they objected to the new variance application because it is right on the property line and because it will obscure their view from their deck. They said they plan to put in a patio area in their frontyard. This roof will tower over their yard.

There followed lengthy discussions over the types of roofing material that could be used and the various means by which the drainage could be handled through sloping the roof at different angles.

M/S Bergeson, Signorelli, to approve V-1037, application of James L. Hallberg, 120 Floribel Avenue, A/P 7-092-02 for a 20 foot frontyard variance and an eight foot sideyard variance, as shown on drawing received by the Town on September 27, sheet 2 of 2 as "Alternate B"; that the special circumstances are the applicant is trying to solve the drainage problems which the previous plan did not allow, that the granting of this variance is necessary for the preservation and enjoyment of substantial property rights; granting of this variance will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the property involved and it will not be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood.

Motion passed by the following vote:

AYES: Bergeson, Signorelli, Peterson

NOES: Harle, Sharp

The applicant as well as members of the audience were informed of the 10 day appeal period. P/C 10-18-82

The meeting adjourned at 11:25 p.m. to the special meeting on the density ordinance of October 25, 1982.

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