

The regular meeting of the San Anselmo Planning Commission was called to order by Chairman John Sharp at 8:00 p.m. on August 5, 1985 in the Town Council Chamber. Lisa Wight of Staff present.

1. ROLL CALL:

COMMISSIONERS PRESENT: Bergeson, Harle, Hayes, Heubach, Sousa Sharp.

COMMISSIONERS ABSENT: Kroot.

2. APPROVAL OF MINUTES: July 1 and July 8, 1985

July 1. Page 1, item 3 C, paragraph 8. Replace . with , and add "if the small lot on the southeast was considered a buildable lot". Page 2, paragraph 3, changing combing to combining. Page 4, paragraph 7, change the word application to engineering. Page 4, paragraph 10, first sentence should be change to read: "Commissioner Hayes said he had difficulty with the project with having adequate information to make the finding that it was not a detriment to the neighborhood." Page 5. Paragraph 2 should read: Passed with 4 Aye votes; Commissioner Hayes voted No. Page 6. Paragraph 4 should read "quite clear if the access to open space is to be left as it is or improved." Paragraph 7 should be deleted in its entirety. Paragraph 10 line 2, replace the second "and" with "as". Page 8, delete paragraph 5 in its entirety.

M/S Heubach, Harle to accept minutes as amended. Passed by the following vote:

AYES: Commissioners Bergeson, Harle, Heubach.

ABSTAIN: Sousa, Sharp.

July 8, 1985: Page 6, paragraph 9, should be changed to read: "Commissioner Harle asked about the address on the garage and wanted to know if it was used a part of this property. Paragraph 9 delete the words "the need for" and replace with "any objection to the variance".

M/S Harle, Bergeson, to approve minutes of July 8, 1985 as amended. Passed by the following vote:

AYES; COMMISSIONERS: Bergeson, Harle, Sousa, Sharp.

ABSTAIN: Hayes, Heubach

3. PUBLIC HEARINGS

THE CHAIRMAN ANNOUNCED ITEM C- V-2076, application of Prudence and Jared Dreyfus had been withdrawn.

3 A. U-593 - All Night Media

Staff reported this was scheduled for review after receiving several parking complaints in the 100 block of Greenfield Avenue. Staff also advised the Captain of the Police Department reported they did not keep records of parking complaints received by the Police Department.

Mr. Jay Murphy, leasing agent for All Night Media, said they had no retail sales and parking was for employees only. When the situation came up, All Night Media monitored the situation and came up with the following: They have four spaces at the rear of their building and there are five in

the dirt strip between Greenfield Avenue and Red Hill Avenue which are directly in front of their store. They have no more than 9 vehicles per day for their employees.

Marilyn Freud of All Night Media pointed out there have been many changes on Greenfield Avenue since their store move there. There is a new store The Telephone Connection. They had complained to her about parking, and the two companies had worked it out by All Night Media agreeing to park within the frontage of their building in the dirt strip across the street. If there is any spillover, they will do it toward Matteucci's whose parking requirements are mostly at night.

There was no one else in the audience to comment.

Commissioner Heubach asked if there were 12 employees there. The applicant said yes, but there were never more than 9 cars. Commissioner Heubach said he had no problems with continuing the use permit; however he would like to see a solution to the Greenfield Avenue parking problem.

Commissioner Hayes asked where the complaints had come from and staff reported from the shops to the east.

Commissioner Harle said parking on Greenfield Avenue got hectic once the grocery store opened. He said it was probably spillover from that use.

Commissioner Bergeson asked if the owners saw any future increase in employee parking needs. Ms. Freund answered no.

Commissioner Sousa said parking on Greenfield is a problem, but the applicant has done something to alleviate it.

Commissioner Sharp said this applicant could not be expected to bear the entire burden of the parking problem on Greenfield Avenue.

M/S Harle, Bergeson to extend U-593, Use Permit for manufacturing rubber stamps, on the basis that the use has so far generated no significant complaints and that it the use 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 of the general welfare of the Town, and granting of the application is necessary for the preservation and enjoyment of substantial property rights. Passed unanimously. P/C 8-05-85

B. V-2074 - Richard F. Evans

Dr. Evans said the last time he appeared before the Planning Commission they were concerned about removal of redwood trees. He said he brought his Engineer and Builder with him this time to discuss any problems the Commission might have with the application. He said the reason there was not a new plan was because the site had been studied intensively before presenting the first plan by his Consultants. They had determined it was not possible to position the garage any other place, they had tried 3 different access points. He said if the house is rotated they would lose a large clump of redwood trees. Dr. Evans proposed replacing, with 15 gallon size cans, the redwoods that must be removed. He he he had learned that moving away from the trees only 3 - 4 feet would not be enough to save the trees. They would have to maintain a distance of 7 to 8 feet.

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

Commissioner Sousa asked if there was a spring on the property. The Engineer said the topo made note of a small spring in the middle of the look. Commissioner Sousa also asked if the clump of redwoods on the north side were going to be saved, and the Engineer said they were.

Commissioner Bergeson noted a lot of Engineering had been done, and he could see why the applicant was reluctant to change the plan.

Commissioner Harle said he did not see any real alternative.

Commissioner Hayes said originally he thought with a little moving they might be able to save some trees, and he wished there was some way to save some of those beautiful redwoods.

Dr. Evans said he would be happy to have replacement as a condition of approval.

Commissioner Heubach said although it is a shame the trees are going to have to go, he would not wish to make replacement a condition of granting of the application. He said he was glad Dr. Evans had brought his Engineer and other Consultants because he did not realize the planning that had originally gone into this application.

Commissioner Sharp said he agreed with the others that it was a shame to lose the redwood trees.

Commissioner Hayes said four or five of the trees looked as if they were heritage trees, and he asked if a permit would be needed to cut them. Staff said it was an administrative procedure, but a permit would be needed.

M/S Sousa, Harle to approve V-2074, application of Richard F. Evans, 208 Spring Grove Avenue, A/P 6-221-29, for a 19 foot frontyard variance to construct a dwelling with a two foot overhang within one foot of the front property line; and a 14 foot frontyard variance to construct an open deck within zero feet of the front property line on the basis that granting of the variance is necessary for the preservation and enjoyment of substantial property rights; will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the property involved and will not be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood; variance is necessitated by the configuration of the lot and topography of the site. Variance granted in accordance with drawings received by the Town and dated July 19, 1985. Passed unanimously. Applicant notified of the 10-day appeal period.

P/C 8-05-85

D. V-2066 Lewis and Evelyn Champion

Staff reported Ms. Rita James, property owner to the rear, had been in the office late this afternoon and said she would go along with the application if the tool shed was moved so as not to be directly behind her property. She said she did not care if the building were lowered or not under that circumstance.

Mr. Champion said he had gone to visit Ms. James and her mother and they arrived at a solution to the problem which

included moving the tool shed six feet over so it cleared Ms. James' property line. Caroline Rey, 176 Tunstead Avenue, said she supports the application. The shed is right next door to her, and it will not bother her in the least. She said Lew has cleaned up the property and made such improvements in it that she is grateful he is a neighbor. Commissioner Heubach said he still had a problem and asked how long Mr. Champion intended to keep the shed there. Mr. Champion said it would be nice to have it there as a permanent storage shed. He said if the Commissioners looked at it now, they would see a big difference. He said if he could keep it three or four years, maybe he would no longer need it. Commissioner Heubach said he didn't think the lot accommodates the building. He said he was reluctant to grant a permanent variance because of possible future that it was not detrimental to the neighborhood. Commissioner Hayes confirmed with the applicant that he intended to move the building over six feet and to lower it nine inches. He said he was principally concerned with the neighbor to the rear, and she now seemed to be agreeable. Commissioner Harle said shifting did make a significant improvement in the small patio area of the apartment to the rear. Commissioner Bergeson said the applicant has not done anything yet. He said the solution seemed to be moving the building laterally, just shifting it to some one else's property. He said he was concerned with future owners, but the application did seem to have the support of the present owners. Commissioner Sousa that the present height is 8'9" and there is no proposed new height. Commissioner Harle said when he spoke to the gentleman who occupies the rear apartment he was more concerned with the large eucalyptus tree in Mrs. Doyle's yard which really cut into his light. Commissioner Heubach said he had listened to his fellow Commissioners, and he was really not persuaded to approve. He said the absence of opposition is not necessarily support. Mr. Champion said he has tried to do what he could to improve the property and he thinks it looks significantly better than when he took the property over. He said the Commission was welcome to come to view the property when he was finished. M/S Harle, Sousa to approve V-2066, application of Lewis and Evelyn Champion, 172-174 Tunstead Avenue, A/P 7-213-44, for an 18 foot rearward variance and a two foot west side yard variance for a tool shed to be within two feet of the rear property line and six feet of the west side property line on the basis that granting of the variance is necessary for the preservation and enjoyment of substantial property rights; persons residing or working in the neighborhood of the property involved and will not be materially detrimental to

to the public welfare or injurious to property or improvements in said neighborhood; variance granted on the condition that the building be lowered by 9 inches; special circumstances being that placement along the rear fence is necessitated by the configuration of the rest of the property.

Passed by the following vote:

AYES: Commissioners: Bergeson, Harle, Hayes, Sousa, Sharp

NOES: Commissioner: Heubach

Commissioner Bergeson explained his "Aye" vote by stating that he feels a tool shed is not the same as a structure that could probably be more permanent such as a house or garage and not as detrimental to the future property owner.

E. V-2077 Ronald Jolliffe and Colleen Runyen

Mr. Jolliffe said the 0 foot setback was quite misleading. He said he was having a survey because of a possible discrepancy between maps; however, his structure would be built within 18 feet of the curb line. The actual feet of variance needed will have to be determined through survey. He said he had talked with 4 or 5 of his neighbors and showed them his proposed plan. The old garage building encroaches onto the street, and is virtually impossible to use. He proposes to remove it and replace with a small second unit less than 400 sq. ft. He stated he has an aging mother and will rent it either to her or a single student. While he lives there, it will produce no greater increase in the number of people occupying the property since his daughter is college age and will be going away to school.

Dr. Langford, 13 Encina Place said he would be all for getting rid of the totally useless structure as well as a chunk of concrete which sticks out into the street.

Bill Albright, 190 Oak Avenue said he had been swerving around the same little piece of concrete for 14 years, and is in favor of the application and getting rid of the concrete.

Commissioner Sousa said parking was a real problem, and he would support the new structure if the garage is removed and if there is going to be parking down below also.

Ron Jolliffe said there was a nice slab there, and he would hope to widen it and pave another one. He would like to continue the landscaping. He also said he planned to construct a parking deck in the upper area.

Commissioner Bergeson said he was confused about the 18 or 20 foot variance and there may be need for a variance in the future. He said he had questions about the abandonment of roadway. He was not quite sure of the need for a variance for the second unit. He questioned the fulfillment of the spirit of the second unit ordinance.

Commissioner Harle said the second unit ordinance was aimed at two things; one to provide legal means of making available low cost housing in the Town and second to get rid

of the illegal second units that were burgeoning.

Commissioner Harle said he felt this application entirely appropriate; it is a large property with adequate off-street parking. He said, however, he was concerned over location of the property line and felt using as a reference a zero setback was chancy.

Commissioner Hayes agreed with Commissioner Harle and said taking advantage of the existing pad will minimize additional cutting into the hill.

Commissioner Heubach said he did not disagree with any of the other commissioners. He said he had ambivalent feelings about leaving a parking space on the street. He wondered if the parking should all be from above and landscaping at street level.

Commissioner Sharp said he had swerved around the jutting curb also, and he felt that some point of reference is needed for a variance.

Anne Ostrouski, 11 Encina Place said she lives right next door, and her only concern is parking.

M/S Hayes, Heubach, to approve V-2077, application of Ronald Jolliffe and Colleen Runyen, 177 Oak Avenue, for a frontyard variance in such an amount as to result in an 18 foot wide strip back from the front curb, and with the configuration as shown in plans submitted to the Town; final specific property lines subject to a survey by the applicant; granting of the variance is necessary for the preservation and enjoyment of substantial property rights; will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the property involved and will not be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood; variance necessitated by the configuration of the site and location of structures upon it. Passed unanimously. P/C 8-05-85

M/S Hayes, Bergeson, to approve NU-47, application of Ronald Jolliffe and Colleen Runyen, 177 Oak Avenue, A/P 7-271-02, for a new second living unit on the grounds that it falls within the maximum number of second residential units authorized by the Council for the single-family residential use area in which the unit is located; is located on an Assessor's Parcel on which the owners of record maintain their principal residence; does not cover land in excess of the coverage specified and does not necessitate vehicular parking within setbacks, conditional upon being made the subject of a rent guarantee contract between the applicant and the Town and will not cause excessive noise, traffic, parking or overloading of public facilities. Passed unanimously. P/C 8-05-85

In each instance, applicant was informed of the 10-day appeal period.

7. V-2078 Jack and Toni Dalpino

Mr. Dalpino said this carport has been designed so as there will be no conflict with neighbors; it is an expensive carport and not a piece of junk as it could be.

Mario LaMorte, 45 Entrata, said he was basically in support of the application; he wanted to encourage them to make it a little smaller to provide a little bit larger green belt.

Mr. Dalpino said there is a huge oak tree and two huge pine trees; and they recently planted three new trees in the green strip. He said the stairs are not pleasing and he is considering putting in a spiral staircase.

M/S Heubach, Hayes to grant V-2078, application of Jack and Tony Dalpino, 41 Entrata Avenue, A/P 6-241-43, for a 13 foot rearyard variance to construct stairs within one foot of the rear property line; and an 18 foot rearyard variance to construct a carport within two feet of the rear property line on the grounds that it is necessary for the preservation and enjoyment of substantial property rights; will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the property involved and will not be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood and is necessitated by the configuration of the lot; the existing parking being inconvenient, and provides insufficient convenient access to the residence. Passed unanimously. Applicants notified of the 10 day appeal period.

P/C 8-05-85

G. V-2079 Ruth Truett

Ms. Truett said her sister needed a home to live in and she could find no low-cost housing; therefore the need for the addition.

Dean Jones, architect, said this was a small, 4000 s.f. lot which presented a difficult building site. The new addition will be 18 or 19 feet in height which is only 1 foot higher than the existing ridge of the house.

Commissioner Bergeson, said the only persons affected by this application would be the person to the rear, and apparently that property owner has no objections since he is not in attendance.

Mr. Jones said this application had been discussed with the rear neighborhood who had no objections.

It was pointed out that the actual footprint of the building is being reduced.

M/S Hayes, Bergeson to approve V-2079, application of Ruth Truett, 28 Laurel Avenue, A/P 7-111-10, for a five foot northwest sideyard variance and a 13 foot rearyard variance to construct first and second floor additions (garage and master bedroom) within three feet of the northwest side property line and 7 feet of the rear property line; and a 16 foot rearyard variance to construct a patio cover within four feet of the rear property line, on the grounds that it is necessary for the preservation and enjoyment of substantial property rights, will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the property involved and will not be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood. Variance is necessitated by the small size of the existing lot and the impact is mitigated by the fact that they are constructing within the existing footprint of the garage. Passed unanimously. Applicant informed of the ten-day appeal period.

P/C 8-05-85

Staff reported that Bubba's application had been continued since there was a chance the Fire Department would not be able to approve it.

A Commissioner reported a pipe at the rear of Bubba's emitting grease and a bad smell. Note was taken.

The address of Bubba's on the plans was different from that on the Agenda and this was explained in that the deck will be behind the Miscellaneous Building.

Commissioner Hayes said he was concerned because the Planning Commission often did not see the minutes before they are forwarded to the Council. He said they do not really state the Commission's position well. The Commission discussed sending a representative to the Council Meetings in the case where a Planning Application is being appealed. It was the consensus of the Commission that all Planning Commissioners should receive Council Agendas, and each would like to know when an item is being appealed.

Commissioner Hayes said he was surprised to see a grocery store go in on Greenfield Avenue without a parking variance. Commissioner Harle agreed that Living Foods was definitely a grocery store and definitely needed a parking variance.

4. ADJOURN

At 10:00 p.m. the meeting adjourned to the next regular meeting of August 19, 1985.

Thelma Foster