

The regular meeting of the San Anselmo Planning Commission was called to order at 8:00 p.m. on June 1, 1987, by Commissioner Hayes. Staff present: Lisa Wight, Planning Technician, John Kottage, Director of Public Works/Planning, John Roberto, Consultant, and Barbara Chambers, Administrative Secretary.

**A. ROLL CALL**

Commissioners present: Sias, Manning, Zaharoff, Harle, Hayes, Kroot

Commissioners absent: Chairman McPeak

**B. APPROVAL OF MINUTES**

Continued until next meeting.

**C. PUBLIC HEARINGS**

1. GPA-2 - Town Planning Commission initiated General Plan Amendment of 1535 Sir Francis Drake Boulevard, A/P 5-153-01, to change the land use designation from Mixed Residential, Predominantly Single Family, 6 - 12 units per acre, to Neighborhood Commercial /Mixed Residential, Predominantly Single Family and review of the proposed Negative Declaration.

Z-243 - Town Planning Commission initiated Rezoning of 1535 Sir Francis Drake Boulevard, A/P 5-153-01, to change the zoning from C-1 (Neighborhood Business District) to PPD R (6 - 12 units per acre) /C (Neighborhood Compatible Single business with associated traffic impact approximately at level associated with the R (6 - 12 units per acre) designation and review of the Negative Declaration.

Attilio Segale and Gerald Segale, owners; present.

John Roberto stated that the documentation presented to the Commission was a draft Resolution to amend the land use to Combined Neighborhood Commercial/Mixed Residential Predominantly single Family. He also included a draft of the Ordinance recommended for the Town Council.

Commissioner Hayes stated that the intent of the action is to rezone to light commercial use or 6-12 units per acre. This parcel is 1/2 acre which means 3-6 units.

Commissioner Manning thought the last paragraph on page 3 of Staff Report dated May 21, 1987 was rather cumbersome.

M/S Zaharoff, Sias, to accept the Negative Declaration for GPA-2/Z-243 - 1535 Sir Francis Drake Blvd., A/P 5-153-01, General Plan amendment to change the land use designation from Mixed Residential, Predominantly Single Family, 6-12 units per acre, to Neighborhood Commercial/Mixed Residential, Predominantly Single Family; and Rezoning to change the zoning from C-1 (Neighborhood Commercial) to PPD R/C (Preliminary Planned Development with a presumptive use of Residential 6-12 units per acre/Commercial Neighborhood Compatible Single Business with associated traffic impact approximately at level associated with the residential 6-12 units per acre designation on the grounds that the negative declaration prepared for this parcel does not have significant impact on the environment.

Motion carried:

AYES: Harle, Hayes, Manning, Sias, Zaharoff  
ABSTAIN: Kroot

M/S Zaharoff, Sias to recommend to the Town Council the adoption of the General Plan amendment for GPA-2 of 1535 Sir Francis Drake Boulevard, A/P 5-153-01, to change the land use designation from Mixed Residential, Predominantly Single Family, 6 -12 units per acre, to Neighborhood Commercial/Mixed Residential, Predominantly Single Family as outlined on Page 2 of the staff report dated May 21, 1987 with amendments to Exhibit A, specifically under Land Use General Plan Map, change "Combined: Neighborhood Commercial/Mixed Residential, Predominantly Single Family to "Combined: Neighborhood Commercial/Mixed Residential, Predominantly Single Family 6-12 units per acre" in both paragraphs.

Motion carried:

AYES: Zaharoff, Hayes, Harle, Sias, Manning  
ABSTAIN: Kroot

M/S Zaharoff, Sias to recommend to the Town Council the adoption of the Ordinance attached to the staff report dated May 21, 1987 for Z-243, 1535 Sir Francis Drake Boulevard, A/P 5-153-01, to change the zoning from C-1 (neighborhood Business District) to PPD R (6 - 12 units per acre)/C (Neighborhood Compatible single Business with associated traffic impact approximately at level associated with the R (6 - 12 units per acre) designation.

Motion carried:

AYES: Hayes, Harle, Sias, Manning, Zaharoff  
ABSTAIN: Kroot

It was announced these items will be heard by the Town Council on June 23, 1987.

2. Town of San Anselmo initiated amendments to the zoning Ordinance - Title 10 of the Municipal Code - Hillside Density Districts (R-1H) - to establish a new application processing procedure and standards for developments proposed within the R-1 H District and review of the proposed Negative Declaration.

John Roberto stated that staff has amended the revised R1-h Zoning Ordinance as directed by the Planning commission. the major revisions which need to be considered by the Commission include the definition of height which can be found in Section 10-3.1206 (b). The summary of the review and decision making process has been added to Section 10-3.102 as shown in Staff Report dated May 21, 1987.

Commissioner Sias is concerned about the 22 foot height limit stating that this limit would create low flat structures and would limit other type of homes.

Commissioner Kroot wanted to know why the height limit was lowered from 24 feet to 22 feet. He felt it would be too low to design gabled roofs and it looked like it would be impossible to build more than a one story house. He also felt that there are specific limitations in R-1 areas and they would allow flexibility.

John Kottage stated that the 24 feet height was based on a 40 foot home and the 22 feet emerged from the 35 foot home.

John Roberto stated if the Planning Commission is having difficulty incorporating the height limit into the Ordinance, perhaps the Resolution can be presented to the Town Council and if any changes are necessary it would be easier to change the Resolution rather than an Ordinance.

Commissioner's Manning, Sias would like to see the wording changed in number 7. Section 10-3.1206(b) Height Limitations and felt that the Town Council should get a complete package.

Commissioner Harle stated he didn't want to see flexible limits and is still in favor of staying within the numbers and design criteria.

Commissioner Zaharoff is in favor of having the ordinance passed and feels that if it is done without numbers it would be too subjective.

Commissioner Hayes agreed with Commissioner Zaharoff stating that the Ordinance needs to be more objective.

John Kottage asked if Commissioner Kroot would consult with staff in working on examples of what would be permissible under the present guidelines.

Doug Anawalt, 202 Saunders, feels centroid is abstract and that all we will get are homes with flat roofs.

Doug Elliot, developer, feels that a creative envelope can be created without centroid.

The movement of the Commission was to continue this item until the next regular meeting of June 15th with some guidelines to staff regarding the following:

1. Revise the fixed height limit.
2. Show examples of what would be permissible within certain formulations and numbers.
3. Provide alternate language for the Resolution.
4. Change the wording in Section 10-3.1206(b). Height Limitations of Staff Report May 21, 1987 number 7, from "to further reduce these height limits in order to achieve the original intent of these limits" to "amend these height limits so long as the design is in compliance with the original intent of these limits".

M/S Kroot/Manning move to continue this item to the meeting on June 15, 1987.

Motion passed unanimously

3. AR-7 - Terry Schenk, Cherne Lane (above Lillian Court), A/P 5-300-28, architectural review of a single family dwelling in an R-1 H zone.

Terry Schenk, applicant, was present.

The application was continued from the meeting of May 18 to get clarification of drainage and see color samples. Lisa Wight stated that Rabi Elias, Assistant Director of Public Works and Planning will require the following at the building permit stage: 1) the site has several shallow slides referred to as slipouts. The owner shall hire a soils engineer who will make his recommendations to stabilize these slipouts. One slipout is at the northwest corner of the lot and rest are a string of slipouts abutting Lillian Court. 2) The existing ditch along Lillian Court is to be repaired and lined with A.C. 3) A transition from above ditch to the existing curb gutter at Woodside Drive is to be provided in order to direct the water into the existing catch basin. 4) surface runoff water and water from roof spouts in addition to water from the subdrains that will not drain onto Cherne Lane shall be collected and carried into a closed system to the A.C. ditch at Lillian Court. 5) the driveway and the street are to be graded and paved so that water will be collected at the existing catch basin. 6) Provide a concrete lined ditch at the toe of the cut slope above the pool area to intercept surface runoff water from the hill. This concentrated water is to be disposed of as recommended by the soils engineer.

The applicant brought samples of the cedar siding and black trim.

Commissioner Zaharoff wanted to know how many trees would be situated on the property because of staff's concern about effective screening. Ms. Wight said that 17 15-gallon drought tolerant native trees, typically oak and bay, are to be planted along the Lillian Court frontage and south property line. Mr. Schenk stated that he wanted to allow for yard area and said that there will be 50% coverage of trees within 5 years. Commissioner Zaharoff wanted to know if it would be possible to plant 2 or 3 trees closed to the house to accomplish the screening. Mr. Schenk had no problem with this.

M/S Zaharoff, Harle to approve AR-7 for Terry Schenk, Cherne Lane, A/P 5-300-28, architectural review of a single family dwelling in an R1 H zone, on the grounds that 1. The plan is functionally and aesthetically compatible with the existing improvements and the natural elements in the surrounding area, specifically that the structure conforms with the natural elements in the surrounding area; 2. The plan provides for protection against noise, odors, and other factors which may make the environment less desirable, specifically, the placement of the structures and provisions that have been included by staff; 3. The plan will not tend to cause the surrounding area to depreciate materially in appearance or value or otherwise discourage occupancy, investment, or orderly development in such area, specifically that the plan conforms with the structures of the area; 4. The plan will not create unnecessary traffic hazards due to congestion, distraction of motorists, or other factors and provides for satisfactory access by emergency vehicles and personnel, specifically because of placement of structures and confirmation of existing roadway; 5. The plan will not adversely affect the health or safety of persons using the improvement or endanger property located in the surrounding area, specifically that it conforms to standards set in the area; 6. The plan conforms to the approved preliminary plans dated May 1984; 7. The proposed screening is adequate, provided with landscaping to be overseen by staff and recommendations of staff are to be followed, particularly the placement of at least three trees in closer proximity to the house than those shown on the plan; 8. The selected architectural features will enable the structure to blend with its environment; based on plans dated April 6, 1987.

Motion passed unanimously.

Applicant was advised about the 10 day appeal period.

4. SR-344 - William Hendrickson, 520 San Anselmo Avenue, A/P 6-102-10, variance review of a sign to be placed on Town right-of-way directing customers to specific businesses located on the bridge.

Bill Bandy, 730 San Anselmo Avenue, representing applicant.

John Kottage said that staff feels the granting of this variance will help mitigate hardships associated with businesses that are in a unique location and are out of the sight of street vehicles and pedestrian traffic. The application for the sign appears to be a reasonable one, both from the stand point of design and location. Staff does not believe granting this variance and design approval would be setting an adverse precedent for the Town.

Mr. Bandy thought it should have been a staff decision to grant approval of sign so that it wouldn't have taken so long.

Mark Kirkham, Businessman, has wanted the sign up since March and is anxious to see the downtown businesses alive again.

M/S Kroot, Sias to approve S. R - 344 William Hendrickson, 522 San Anselmo Avenue, A/P 6-102-10, variance and review of a sign to be placed on Town of San Anselmo right-of-way to direct customers to businesses located on the bridge on the grounds that the strict application of the provisions of this chapter would result in unreasonable practical difficulties or in unnecessary hardships for the applicant, which difficulties or hardships are unique to the particular applicant and his use and are not present generally, or that the strict application of the provisions of this chapter would bring about results inconsistent with the purposes and intent of this chapter in that the businesses served by this sign are off SAN Anselmo Avenue and therefore suffer from hardships and that the granting of such application would not adversely affect the public health, safety, or welfare or be detrimental to or endanger or depreciate the property located in the surrounding area based on the drawings dated March 27, 1987.

Motion passed unanimously.

Audience advised of the 10 day appeal period.

5. S-99 - Sohner Court Partnership 35 and 37 Ross Avenue and 36 and 38 Mariposa Avenue, A/P Nos. 7-284-27, 7-284-37, 7-284-41, 7-284-42 and 7-284-47, tentative map for subdivision of 22 unit residential condominium development.

Bill Wallace, Roland Mayes, applicants, present.

John Kottage presented staff report dated May 29, 1987 stating that on March 24, 1987 the Town Council approved a General Plan amendment for this property changing the land use designation to Mixed Residential, Predominantly Multiple Family Residential, 12-20 units per acre. On April 20, 1987 the Planning Commission approved the conditional use permit, designed review and environmental review for this project. Staff wanted to note that the vesting tentative map process guarantees more rights to the applicant than the normal tentative map process. Because of the granting of these additional rights, the Town has additional rights to make requirements of the applicant. Staff recommends that the tentative map be approved with the following conditions; 1. that the storm drain facilities on Ross Avenue shall be constructed by the developer as required by the Town Engineer, 2. that the common interior walls of adjoining units shall be lined up to comply with the Uniform Building code fire separation requirements or that they be constructed to provide 2 hour rated fire separation 3. that the northern boundary of outdoor area RC-8 be added to the Tentative Map and the Final Map 4. that prior to approval of the Final map, that all conditions of the General Plan Amendment, use permit, and Design Review be fulfilled.

Bill Wallace said they understood the storm drain was to be 12 inches and the northern boundary of outdoor area RC-8 is to be added to the Tentative Map.

M/S Zaharoff, Manning to approve S-99 - sohner Court Partnership 35 and 37 Ross Avenue and 36 and 38 Mariposa Avenue, A/P Nos. 7-284-27, 7-284-37, 7-284,41, 7-284-42 and 7-284-47, tentative map for subdivision of 22 unit residential condominium development on the basis that it is consistent with the General Plan based on the plan dated May 19, 1987 with the following amendments:

1. The 12" storm drain facilities on Ross Avenue shall be designed and constructed by the developer as required by the Town Engineer. 2. That the common interior walls of adjoining units shall be lined up to comply with the Uniform Building code fire separation requirements or be constructed to provide 2 hour fire separation. 3. That the northern boundary of the outdoor area RC-8 be added to the Tentative map and the Final Map. 4. That prior to approval of the final Map, that all conditions of the General Plan amendment, use permit, and Design Review be fulfilled.

Motion passed unanimously.

Audience advised of the 10 day appeal period.

6. C-214 - Guasco Market, 100 Center Boulevard, A/P 6-101-04, design review of a permanent storage container on the west end of the property - CONTINUED TO 6-15-87.

7. PP-8 - Jan A. Bolgla and Robert Wisner, 80 West Hillside Avenue, A/P 6-172-10, preliminary plan review of a single family dwelling in an R-1 H zone.

Robert Wisner, Jan Bolgla, applicants, present.

Lisa Wight read the staff report stating that the 1.5 acre parcel is located at the south end of West Hillside Avenue and is zoned R-1-H for one dwelling. The purpose of this hearing is to review the preliminary plan which sites the building envelope on the parcel. At the Architectural Review stage the Commission will have an opportunity to review height, design, colors, materials and landscape screening. The applicants have submitted all the information required for the Preliminary Plan Review. The Commission can require additional information if you feel it is necessary for the required findings to be made. Code requirements are as follows: The contour lines are spaced two feet apart and are drawn at a 1" = 16' scale. The access will be from West Hillside Avenue to an existing graded road which will be regraded to not exceed the 25 percent grade maximum and it will be paved. The building envelope conforms to the R-1 space requirements. The envelope is on the highest point of the knoll at an elevation of 284. This is not a ridgetop as defined in the General Plan. However, it is located at the highest area of this R-1 H designated lot. The applicant has chosen this location for construction of the home because the site is flat, will necessitate minimal removal of trees and will actually be less visible than other building sites on the slope due to the many large trees surrounding this site on the property. To place the dwelling to the east of the parcel near the graded road will prohibit use of that graded road. The applicant proposes to retain the graded road for use by the neighbors below who deliver material to their garden area via this graded road. Placing the dwelling toward the east will necessitate constructing the driveway and turnaround in a fill area. Moving the house toward the east may make the house less visible to persons on the hillsides to the west and more visible to persons on the hillsides to the north. At the proposed site, the cluster of oak trees to be removed are small and the larger trees surrounding the building site will remain. No formal public or private open space or access is proposed. Should the Commission desire this be formally required, it should be private open space rather than public open space. The preliminary plan conforms to the requirements of the General Plan. The General Plan Land Use Map designates this area as a public acquisition area. The Town is not in the position to purchase this property. The parcel is included in the count of potential units in unsubdivided parcels exceeding one acre in Table IIIa - Estimated Maximum Holding Capacity of Vacant single Family Parcels in San Anselmo - in the Land Use Element of the General Plan. The preliminary plan as prepared by the applicant, conforms to the requirements of the Hillside Density Ordinance. The health and safety of persons in the area will not be adversely affected as the building permit approval will be subject to off-site improvements and inspection of those off-site improvements as well as on-site improvements.

Scott Righthand, 6 West Hillside, said he is concerned about drainage and has not seen any soils report. He also wanted to see a hydrological engineer's study when/if one is done.

Bob Wisner said that a soils report was done and given to staff. The report does address the drainage questions. Also, 490 feet of road is to be improved. He wants to talk with the neighbors about paving part of the road and putting in another fire hydrant.

Commissioner Hayes stated that the soils and drainage will be addressed as part of the improvement plan by staff.

Commissioner Manning thought that the applicant had a well thought plan and favored approval.

Commissioner Kroot was concerned about the steepness of driveway.

Ms. Wight stated that it would be no more than 25% grade and the top of the driveway where the turnaround is proposed will be flat.

M/S Manning, Harle to approve PP-8 for Jan A. Bolgla and Robert Wisner, 80 West Hillside Avenue, A/P 6-172-10, preliminary plan review of a single family dwelling on the basis that 1. The preliminary plan conforms to the requirements of the General Plan 2. The preliminary plan conforms to the requirements of the Hillside Density Ordinance 3. The preliminary plan will not adversely affect the health or safety of persons in or adjacent to the area or endanger property located in the surrounding area. This approval is based on the plans dated April 20, 1987.

Motion passed unanimously.

Audience was advised of the 10 day appeal period.

8. V-2177 - Don Conard, 500 Sequoia Drive, A/P 118-19, 7'6" rear yard variances to construct an addition within 12'6" of the rear property line and an open deck within 6'6" of the rear property line.

Ms. Wight presented staff report stating that the applicant wants to construct a 500 square foot first floor addition with an open deck on the southeast side of the addition. Sequoia Drive wraps around two sides of the triangular shaped lot. Due to the configuration of the existing dwelling on this irregularly shaped lot, construction of an addition with the required setbacks would limit the size significantly. Granting of the variances should not be a granting of special privileges as the addition and deck will be on the first floor and placing this addition in the existing L-shape is a logical place to construct. Granting of the variances is necessary for the enjoyment of substantial property rights as similar variances were granted in 1985, but expired before permits were obtained. Homes below this dwelling should not notice the addition due to the screening provided by bushes and trees on the slope of this property. From a distance this addition will not appear imposing as the existing two story structure is higher and wider than the addition.

The general feeling of the Commission was that since a similar variance was approved in the past there is no reason not to approve this one.

M/S Kroot, Sias to approve V-2177 for Don Conard, 500 Sequoia Drive, A/P 6-118-19, 7'6" rear yard variances to construct an addition within 12'6" of the rear property line and an open deck within 6'6" of the rear property line, on the basis that: 1. there are special circumstances associated with the variances requests, specifically the size and shape of the existing residence; 2. The variances are approved because the strict application of the controlling zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classifications; and 3. The variances are approved as they will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated; 4. The variances are necessary for the preservation and enjoyment of substantial property rights, specifically that the configuration of the lot is very limiting for an addition; and 5. The variances 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, for the reasons that the existing structure is higher and wider than this addition based on the drawings of April 27, 1987.

Motion passed unanimously.

Audience was advised of the 10 day appeal period.

9. NU-55 - Debbi and Tim Peterson, 58 Madrone Avenue, A/P 6-082-25, use permit for a new second living unit in an R-1 Zone.

V-2178 - Debbi and Tim Peterson, 58 Madrone Avenue, A/P 6-082-25, parking variance for a third parking space to be within 20 feet of the front property line and 1'6" of the east side property line.

Debbi and Tim Peterson, applicants, present.

Ms. Wight read staff report stating the property is situated on the northwest corner of the intersection of Madrone and Nokomis Avenues. The dwelling has a one car garage and one car carport off Nokomis Avenue. The applicant proposes to construct a new second living unit on the south front of the property. a one car parking space on the east side of the property is to be accessed off Madrone Avenue. The second unit conforms to the height, bulk and space requirements of R-1 Districts. The third parking space requires setback variances to be zero feet from the front property line and 1'6" from the east side property line. The Town Council passed a Resolution in 1980 permitting 13 second units in the Carrigan neighborhood. This will be the last unit permitted. Staff is unable to make the finding that there are special circumstances applicable to the property to grant the parking variance for the third parking space. There is room to provide the third parking space elsewhere on the lot which will conform to the setback requirement. One suggesting would be to access the third parking space from Nokomis Avenue and construct it parallel to Madrone Avenue. Granting of the parking variance would not be a granting of special privileges as other properties in the area have parking within the setbacks. It is difficult for staff to make the finding that this parking variance is necessary for the preservation and enjoyment of substantial property rights of the petitioner for the following reasons: a) the second unit has not yet been constructed and there is an opportunity to design the project to accommodate the required third parking space within the required setbacks. b) Staff is concerned about creating another driveway on Madrone Avenue for reasons of safety and traffic circulation especially given the close proximity to the intersection. A lesser impact on the neighborhood would be created by locating the third parking space off Nokomis Avenue. Madrone Avenue is a heavily used street connecting Sir Francis Drake Boulevard to Center Boulevard. Because the proposed location of the driveway off Madrone is only approximately 20 feet before the stop sign intersection, there may be a detriment to the safety of motorists traveling on Madrone Avenue and to persons exiting the property from this driveway. Staff has received a petition dated May 28, 1987, signed by residents of 6 properties on Madrone and Nokomis Avenue who are against this application. the location of the unit on the property could be detrimental to the neighboring property at No. 54. the two story dwelling at No. 54 is approximately four feet from the common side property line. The proposed structure is in conformance with the R-1 height, bulk and space requirements; however, it will appear very close to the neighboring dwelling as No. 54 has three windows facing the proposed unit. The fact that this new structure will be living quarters could result in a noise detriment to the neighbor. However, these concerns appear to be due to the location of the neighboring house being approximately four feet from the common side property line. The fact that setback variances are not requested for this construction mitigate staff's concern. Tim Peterson said that he could produce petitions in his favor and stated that the neighbor at No. 54 that would be the most seriously impacted, was in agreement with them. He felt that he was going through the right channels to get approval of a second unit and that his in-laws would be occupying the unit after completion. He said that the unit would fit into the neighborhood and felt that there would be clear visibility from the driveway to the street.



Mike Gable and Kate Asher, 62 Madrone, stated that trucks frequently park in front of No. 54 Madrone, making it hard to see when exiting the driveway. Also, there are approximately 200 cars using Sir Francis Drake during rush hour and they felt this would make it difficult for cars exiting onto Drake. Lastly, they felt that the people who signed the petition want to live in their homes for years and a second unit would change the characteristic of the neighborhood.

Marie and Barbara Schmidt, 61 Madrone stated that they currently have a difficult time exiting their driveway onto Sir Francis Drake.

Commissioner Harle said that he was sensitive to objections of neighbors and to any increase of traffic however this is a modest increase.

Commissioner Kroot indicated that the second unit was not much larger than a two car garage and probably would not be visible from the street. Also, the lot is 150' deep by 40' and the two dwellings probably wouldn't total more than 1,500 square feet.

Commissioner Zaharoff, although sympathetic with neighbors, said that there is a second unit ordinance and the neighborhood can accommodate one more second unit. However, because of other options available she doesn't support the parking variance because of the problems identified by staff and neighbors.

Commissioner Hayes stated that the lot is substandard now and if it were a new lot being established it wouldn't even meet the criteria for one house. He didn't feel that he could support the application.

Commissioner's Sias and Zaharoff said that Commissioner Hayes had a persuasive argument.

Commissioner Harle said the lot configuration and size is not unusual for many second units; Humboldt and Elm Ave are examples.

M Manning, to approve NU-55 for Debbie and Tim Peterson, 58 Madrone Avenue, A/P 6-082-25, use permit for a new second living unit, for the reasons that: 1. The unit falls within the maximum number of second residential units authorized by resolution of the Council for the single family residential use area of the Carradine Tract in which the unit is located; 2. The unit is located on an Assessor's parcel on which the owner of record maintains his principal residence, unless an exception is granted by the Planning Commission at a public hearing; 3. The unit does not encroach upon required setbacks, or cover land in excess of the maximum lot coverage in R-1 Districts, and a variance has been granted for the third parking space to be in the setbacks; 4. The unit will meet all applicable Codes in effect at the time of the establishment of the unit; 5. The unit will be made the subject of a rent guarantee contract between the applicant and the Town; 6. The unit will not cause excessive noise, traffic, parking, or overloading of public facilities; 8. The unit will not be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the Town, and 8. It is necessary for the preservation and enjoyment of substantial property rights of the petitioner. This is based on the plans dated April 28, 1987.

Lisa Wight stated the variance needed to be approved before the use permit.

Motion withdrawn.

Commissioner Hayes suggested an informal vote be taken so that the applicants would be able to make a decision to either continue the application for another meeting and consider another place for their parking or let the Commission vote and if the variance application fails, appeal to the Town Council.

An informal vote was taken as follows:

Variance approval: 4 no; 2 yes

Use approval: 3 no; 3 yes

Applicant decided to continue his application until the next meeting.

M/S Kroot, Manning to continue NU-55 for Debbi and Tim Peterson, 58 Madrone Avenue, A/P 6-082-25, use permit for a new second living unit, to the meeting of June 15, 1987.

Motion passed unanimously.

Ms. Wight stated that there will be no noticing for the next meeting if the plans don't change.

#### ADDITIONAL BUSINESS NOT ON THE AGENDA

Commissioner Hayes wanted to know if staff had been in touch with the owners of the old Shell Station on Sir Francis Drake regarding the illegal parked cars. Owners have been in communication with the Police Department and staff and are in the process of resolving the situation.

Commissioner Manning wanted to know why there is plastic covering a large area on Angela and Sheila. Ms. Wight will look into the matter and report back to the Commission

Commissioner Hayes brought up his concerns on R-1 H. He felt there is a certain degree of double standard in that only parcels over an acre in size are affected and perhaps those that are less should follow the same standards.

Commissioner Harle stated that "density" pertains to larger parcels.

Commissioner Sias stated he was very much in favor of addressing Commissioner Hayes comments at another meeting. He also wanted to know if the number of second units in each area should be reevaluated.

Commissioner Hayes was sad to announce the death of Mr. Signorelli this morning.

M/S Zaharoff, Sias to adjourn to next regular meeting of June 15, 1987.

Meeting was adjourned at 12:00 p.m.

BARBARA CHAMBERS  
Planning Secretary/Technician