

The special meeting of the San Anselmo Planning Commission was called to order on March 30, 1987, at 8:00 p.m. by Chairman McPeak. Staff present: Lisa Wight, Planning Technician.

A. ROLL CALL

Commissioners present: Harle, Hayes, Kroot, Manning, McPeak, Sias, Zaharoff
Commissioners absent: None

B. PUBLIC HEARINGS

1. V-2170 - Steve and Pam Levine, 15 Entrata Avenue, A/P 6-241-34, an 8'6" frontyard variance to construct an entrance foyer within 11'6" of the front property line; a 8'6" rearyard variance to construct an open deck within 5'6" of the rear property line; and a two foot height variance to construct a rearyard fence eight feet in height.

Steve Levine, applicant, and Charles Hildreth, Architect, present.

Ms. Wight presented the staff report dated March 13, 1987. Regarding the frontyard variance for the foyer addition, staff is unable to find the required special circumstances. The existing house does not meet the frontyard setback requirement and the proposed addition is further encroaching into this setback. However, the addition should not be a visual detriment to the neighbors. The two foot height variance for the fence is necessary due to the shape of the lot and the close proximity of the existing structures to the rear neighboring lot, and will provide privacy to both properties. Staff is unable to find the required special circumstances for granting the rearyard variance for the open deck and feel it could be a noise detriment to the rear neighbor.

Mr. Hildreth said the proposed foyer will be constructed under an existing porch overhang and the addition of the walls will not be a visual detriment to the neighborhood. The rear deck should not have a greater detrimental effect than the previously approved stairway. Mr. Hildreth advised the rear neighbor supports the application. He suggested the open deck could be screened if necessary.

Commissioners Manning, Sias, Harle, Kroot, Hayes and McPeak felt they could support the front foyer and fence, but cannot make the special circumstance finding for the rear deck and feel it could be a source of noise and distraction to the rear neighbor.

M/S Hayes, Manning, to approve a portion of V-2170 for Steve and Pam Levine, 15 Entrata Avenue, A/P 6-241-34, an 8'6" frontyard variance to construct an entrance foyer within 11'6" of the front property line; and a two foot height variance to construct an eight foot high fence, on the grounds that it is necessary for the enjoyment of substantial property rights; it will not be detrimental to persons or improvements in the neighborhood; and the special circumstances are warranted by the configuration and topography of the lot which made the close proximity of the existing structures to both the rear and front property lines necessary; approval is based on the plans received by the Town on February 18, 1987.

Motion passed unanimously.

Audience was advised of the ten day appeal period.

Motion, Zaharoff, to approve a portion of V-2170 for Steve and Pam Levine, 15 Entrata Avenue, A/P 6-241-34, an 8'6" rearyard variance to construct an open deck within 5'6" of the rear property line, for the reasons that due to the size and shape of the lot and the necessity for placing the existing structures in their location, it is necessary to grant the variance in order to construct a deck; furthermore, the granting of the variance is necessary for the preservation and substantial enjoyment of property rights; and the granting of the variance will not cause a detriment to surrounding neighbors nor be injurious to property or improvements in the neighborhood; in accordance with the blueprint drawings and addendum drawing received by the Town on February 18, 1987.

Motion failed for lack of a second.

M/S Kroot, Sias, to deny a portion of V-2170 for Steve and Pam Levine, 15 Entrata Avenue, A/P 6-241-34, for an 8'6" rearyard variance to construct an open deck within 5'6" of the rear property line, on the grounds that it will be detrimental to the neighbors and there are no special circumstances.

Motion carried:

AYES: Harle, Hayes, Kroot, Manning, McPeak, Sias
NOES: Zaharoff

Audience was advised of the ten day appeal period.

2. V-2171/C-213/SR-344 - Mozart Kaufman, 540 San Anselmo Avenue, A/P 6-102-31, a parking variance to divide the building into 10 to 15 low volume retail shops associated with interior design; design review of exterior alterations, including color and material changes, awnings, signage and landscaping; and sign review of two signs - WITHDRAWN BY APPLICANT.
3. Town of San Anselmo Initiated Amendments to General Provisions - Title 1 of the Municipal Code - Appeals - to establish a new application and processing procedure for appeals to the Town Council for Planning Commission actions.

Ms. Wight presented the staff report and proposed ordinance. The current Municipal Code sections that describe the appeal procedure have a number of problems that have resulted in confusion and irritation to the Town Council, staff and public. The proposed revision will establish a clear description of the course the appeal process is to take. The proposal is to reduce the time period for filing an appeal application from ten days to five days; require submittal of a "basis for appeal" describing in detail why the appellant believes the Planning Commission actions are inappropriate within ten days of filing the appeal application; provide Planning Department staff 30 days from the filing of the "basis of appeal" to prepare a staff report responding to the reasons for appeal; the Town Council will have 45 days from the date of the appeal application submittal to agendize the matter or the Planning Commission action will stand; the mention of noticing to be in accordance with the appropriate Government Code and CEQA regulations; and failure of the appellant to provide the "basis of appeal" or attend the scheduled Town Council public hearing shall be grounds for dismissal of the appeal.

There was considerable discussion between staff and the Commission of the following: the proposed five day appeal period versus the present ten day appeal period and whether it provides ample time for persons to respond to a Planning Commission action. It was pointed out that some concerned persons may not be in the 300 foot requiring notice area and may only hear of an action when it appears in a newspaper, well after five days; whether the number of days should be working days or calendar days. On the other hand, the majority of Commission actions are not appealed and requiring a longer appeal period will increase the waiting time to obtain a building permit; the necessity of a "basis of appeal" and, if so, the suggestion it be submitted with the appeal application. The concern is that if a person is going to appeal it shouldn't matter what the basis of that appeal is; whether it is appropriate to state that if the Council does not agendize an appeal within the 45 day period, then the appeal is denied defacto; and whether the applicant should be notified of the appellant's basis of appeal or just the appeal itself.

Sarah Nome, 44 Alder Avenue, said Town Hall is closed on Friday afternoons and on holidays and this may conflict with the closing of an appeal period. She also stated that it is important that the public have every opportunity to respond to actions.

The Commissioners were divided whether there should be a time period for the "basis of appeal" submittal. Those in favor of ten days after submittal of the appeal application: Kroot, McPeak, and Zaharoff; those in favor of zero days: Harle, Hayes, Manning, and Sias.

M/S Sias, Kroot, to adopt the language of the ordinance amendment as proposed by staff and amended by the Planning Commission at this meeting as follows:

1. Section (a) change " within the 5 day period " to "within the 10 calendar day period ";
2. Section (b) change "within 10 days of filing the appeal application" to "at the time of the appeal application submittal";
3. Section (b) change "This explanation of basis shall describe in detail why the appellant believes the Planning Commission actions are inappropriate" to "This explanation of basis shall describe the appellant's reasons for appeal";
4. Section (b) change "up to 30 days from the date" to "up to 30 calendar days from the date";
5. Section (b) change "of the 30 day analysis/report" to "of the 30 calendar day analysis/report";
6. Section (c) change "this 45 day period" to "this 45 calendar day period";
7. Section (c) change "days after the filing of the appeal" to "days after the filing

the basis of appeal"; 8. Section (c) delete "If the Council fails to agendize the appeal hearing within this 45 day period, the Planning Commission action stands and no further appeal action to the Town Council is permitted"

Motion carried:

AYES: Harle, Hayes, Kroot, Manning, Sias, McPeak
NOES: Zaharoff

C. DISCUSSION

It was noted the April 6, 1987, regular meeting is proposed to begin at 7:00 p.m. The first item for discussion regarding the R-1 H Ordinance will be between 7:00 and 8:00 p.m. The Commissioners agreed to start the meeting at 7:00 p.m.

Discussion continued regarding the possibility of starting all meetings at either 7:00 p.m. or 7:30 p.m. and setting an ending time at 11:00 p.m. or 12:00 a.m. Staff was requested to put this matter on a May agenda as a workshop item.

D. ADJOURNMENT

The special meeting of the San Anselmo Planning Commission was adjourned at 10:50 p.m. to the next regular meeting on April 6, 1987.

LISA WIGHT
PLANNING TECHNICIAN