

TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES OF MAY 6, 1991

The special meeting of the Planning Commission was convened in the Council Chamber by Chair Julin at 8:05 p.m. Commissioners present were Hayes, Mihaly and Yarish with Commissioners Harle, Kroot and Sias absent. Staff present were Margorie Macris, Acting Planning Director, Delvin Washington, Planning Consultant and Hadden Roth, Town Attorney.

B. CONSENT AGENDA

1. Minutes

- A. April 15, 1991
- B. April 22, 1991

Chair Julin requested that minutes for April 15, 1991 be continued to the meeting of May 13, 1991.

M/S Yarish, Julin, to continue minutes of April 15, 1991 and to approve minutes of April 22, 1991.

Ayes: Yarish, Julin

Abstain: Hayes, Mihaly

C. CONTINUED PUBLIC HEARINGS

D. PUBLIC HEARINGS

- 1. AR-9005 - Th., F. Posthuma, 379 Oak Avenue, A/P 7-241-61, architectural review of a living addition to the existing single family residential dwelling on property located within the R-1C zoning district.

Richard Posthuma, the applicants brother, was present.

Mr. Washington presented the staff report. He stated that additional landscaping, off-site improvements have been added to the project based on the comments from the last meeting. He explained that he met with the architect who calculated the square footage on behalf of the Attorney representing Ms. Leonard at 395 Oak Avenue. The conclusion was that their figures and staff's figures were within the same range. He stated that staff's calculations were measured by the Uniform Building Code Standards, calculating from the interior walls, not exterior walls. He said the applicant has agreed to reduce the necessary square footage to adhere to the Zoning Ordinance requirements and that staff can verify this prior to issuance of a building permit. An Arborist was retained by Mr. Posthuma, and based on his comments, Condition Number 6 should also include removal of trees where recommended by the Arborist.

Commissioner Yarish stated that there has been testimony from the owners of 367 Oak that there is an existing drainage problem and yet the Acting Town Engineer, Mr. Davison, stated there is no problem. He would like to make sure that the owners of 367 Oak are protected from any drainage problems that may currently exist and those that may be encountered with construction. He felt condition number 4 and 5 of the staff report should reflect that.

Chair Julin suggested adding wording to Condition Number 4 that states "Site drainage which is an existing problem should be remediated; drainage which....". and Condition Number 5. "...addressing grading, the existing drainage problem...".

Commissioner Hayes was not sure the widening of Oak Avenue should solely be the responsibility of the Applicant because the house already exists. Also, by widening Oak, it will only help add to additional building further up Oak Avenue.

Chair Julin asked how the applicant was proposing to reduce the building by approximately 300 square feet. Mr. Washington stated that the applicant proposes to reduce the overall width or length of the house without changing the character of the building.

Richard Posthuma stated that they discussed the drainage with the Acting Town Engineer. It was his understanding that the reason Mr. Davison suggested a modified plan was because there was a landslide in that area years ago and any excess fill could pose a problem for the down hill neighbor. They have agreed to put in a V-ditch along the cul-d-sac to eliminate any surface drainage problems. He said that Arborist Steve Craig suggested removing some eucalyptus trees on the Town right-of-way. This will also help widen Oak. He wanted to know exactly how the Commission defined potential living space.

Craig Swift explained the proposed landscaping.

Mark Kertz, 235 Montgomery Street, Attorney for Ms. Leonard of 395 Oak Avenue, still did not agree with the approach taken by staff in calculating the square footage.

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Gay Kagy, 280 Redwood, stated that several Cities and the County of Marin calculate the square footage from the exterior walls. She also questioned why the applicant has not submitted revised plans indicating the reduced square footage as previously asked by the Commission.

David Bassett stated that page 65 of the new Zoning Ordinance defines square footage. He also stated that there should be additional screening at the upper portion of the lot to screen Ms. Leonard's property.

Cathy Sanders, 310 Redwood, still felt the proposed addition was well over the acceptable standards set forth by the General Plan.

Dixie Ruud, 367 Oak Avenue, was still not satisfied with the drainage proposals. She wanted a 50' v-ditch.

Vance Barnett, 303 Oak Avenue, did not agree with Mr. Davison's comments that the applicant should not be responsible for widening a portion of Oak Avenue. He also stated that the Assessor's Office calculates square footage from the exterior walls.

Ms. Macris stated that the Zoning Ordinance isn't specific on how square footage is calculated and therefore staff has a lot of interpretation.

Commissioner Mihaly did not think the atrium should be counted in the square footage because it was not considered living space. He felt there should be a v-ditch to take care of the runoff. He wanted a condition that because the applicant is not considering a garage now, that there will never be a consideration for a garage in the future. With respect to widening Oak Avenue, he did not feel the applicant should be faced with the burden of solely being responsible for the widening. If necessary, there should be an assessment district where all the residents can participate in the improvement.

Commissioner Yarish concurred with Commissioner Mihaly, noting that the applicant has included additional landscaping at the top of Oak Avenue to screen the property of 395 Oak. He also wanted the recommendation in the arborist's report to be part of the condition of approval.

Commissioner Hayes felt that this was a big improvement but was still unable to support the application because he felt that he was still looking at two houses on one lot. With regard to the design review, he proposed the colors to be as subdued as possible to blend into the environment. He concurred with Commissioner Mihaly that it would be unfair to have the applicant take on the responsibility of widening Oak Avenue.

There was a discussion from the Commission as to how the applicant and staff were to calculate square footage of the building. The consensus was that measurements were to be taken from exterior walls, and only exclude the garage, open decks, and the second floor area of the foyer/dining area. Based on these measurements, the Commission felt the addition had to be reduced approximately 200 square feet to 250 square feet and this could be worked out with staff.

The Commission discussed the Conditions of approval that were in the staff report and suggested changes to Items 4, 5, 6, 7, and added an additional condition that stated that there be no future application for a garage in the future.

M/S Yarish, Mihaly to approve AR-9005 - Th. F. Posthuma, 379 Oak Avenue, A/P 7-241-61, architectural review of a living addition to the existing single family residential dwelling on property located within the R-1C zoning district on the basis: 1. Is functionally and aesthetically compatible with the existing improvements and the natural elements in the surrounding area. This residence will be constructed on a portion of the site that is not highly visible from neighboring parcels. The introduction of more trees and landscaping, maintaining a maximum height of 21 feet 6 inches, and a flat roof further limit the visibility of this house. The building site is primarily visible only from contiguous parcels. The addition will be located on the site in such a manner that it will not significantly impact either of the two residences adjacent to it. By maintaining the existing trees and planting additional foliage the screening between properties will be increased. By maintaining a flat roof the visual impact of the house will be reduced. The addition will be concentrated on a portion of the site which is not highly visible and its overall size will not severely impact neighboring residences. 2. Provides for protection against noise, odors, and other factors which may make the environment less desirable. This proposal will not have any major long-term detrimental impacts on the environment. Conducting the proposed use (single-family residence) will be consistent with current activities occurring in this neighborhood. 3. Will not tend to cause the surrounding area to depreciate materially in appearance or value or otherwise discourage occupancy. The improvement of an existing single family residence will not cause any detrimental long term impacts on neighboring properties that in any way could discourage occupancy. Nor will it depreciate or cause the depreciation of property values in the surrounding area. The activity of a single family residence is consistent and compatible with

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activities presently occurring in this area. 4. 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. The additional vehicular trips generated by this addition will not have a significant impact on this neighborhood. The location of the house will not obscure visibility on Oak Avenue. In addition the new driveway will alleviate traffic on the private drive accessing 367, 371 and 375 Oak Avenue. 5. Will not adversely affect the health or safety of persons using the improvement or endanger property located in the surrounding area. The proposed dwelling will conform with all established codes controlling building and grading associated with the construction of the addition. These standards have been adopted to insure that all new development in San Anselmo will not create any adverse or hazardous conditions during construction and after completion. 6. Conformance to the approved precise development plans. This property is zoned R-1 and a precise development plan is not required. 7. Adequacy of screening. The site presently has a significant number of mature trees and shrubs many of which will be maintained. These trees will provide screening from the neighboring houses. The addition will maintain a substantial setback along Oak Avenue and it will only be visible from two neighboring residences. The applicant proposes to plant additional trees along the property line that borders 395 Oak Avenue in order to provide some additional screening for this residence. Staff notes that 367 and 395 Oak Avenue are the only houses with direct views of this building site. The visibility of the addition from other residences will be extremely limited. 8. Selection of architectural features that enable the structure to blend with its environment. The applicant will incorporate all of the features used on the existing house into the addition. These building materials are typical and common among dwellings constructed in San Anselmo. **Special conditions of approval are as follows:** 1) The house shall be constructed in accordance with the plans approved by the Planning Commission. The square footage of the final residence shall not exceed 4,546 square feet. This measurement will be exclusive of the garage and exposed decks and the upper level of the atrium and all measurements should be made from the exterior walls. 2) The applicant shall deed restrict 379 Oak Avenue prohibiting the establishment of a second unit on the property. 3) A tree maintenance plan shall be submitted to insure that all of the existing trees are protected during construction. 4) Site drainage which is an existing problem shall be remediated; drainage which becomes concentrated due to construction shall be properly collected in pipes or lined ditches and conducted to outlets in Oak Avenue or paved driveways as approved by the Director of Public Works and satisfied by the Planning Director. 5) A soil engineering report shall be submitted along with application for building permit, addressing grading, the existing drainage problem and foundation requirements. A final report shall be submitted prior to final inspection and approval of construction. 6) Eucalyptus trees adjacent to Oak Avenue shall be safety pruned and thinned and where recommended removed, in accordance with a written recommendation of an arborist. 7) A road bond to be paid prior to issuance of the building permit in an amount to be determined by the Director of Public Works. This bond is to cover any damage done during construction. And that a video be made of the road prior to start up of construction. 8) That there be no future application for a garage in the future. 9) Approve the proposed color board with the following: stucco exterior: flat L & H- Tradewinds Q618T; Window casing: Anderson Clad; Tar and Gravel Roofing with copper overlay metal roofing to match existing roof.

It is further emphasized that the applicant will submit revised drawing to the Building Department that do not exceed 4,546 square feet. And that the reduction of the building will be based on the criteria discussed tonight and referenced to drawings and plans dated 4/11/91. That prior to issuance of the building permit staff is to measure the square footage of the house and that the house is not to exceed the amount allowed in the Zoning Ordinance which is 4,546 square feet for this parcel. The measurements for this addition are to be taken from the exterior walls, exclusive of exposed decks, garage, and the upper portion of the foyer/dining room area.

Ayes: Mihaly, Yarish, Julin
Noes: Hayes

Commissioner Hayes explained he was voting denial for the reasons previously expressed.

Motion carried. Audience advised of the ten day appeal period.

2. A Resolution of the Planning Commission of the Town of San Anselmo requiring a deed restriction on the use of certain additions and conversions in the R-1H, R-1C and R-1 Single Family Residential zoning district in the Town of San Anselmo. ⁴⁹¹¹⁰

Mr. Roth stated that it has been the Town policy to require a deed restriction on parcels that which have the likely potential of being converted into unauthorized living units.

Herb Hawkins, 35 Sunnyside, stated that he did not think the resolution was going to accomplish anything. In fact, he felt the resolution, as presented, was unconstitutional and discriminatory.

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He did not that policies could be set up that were vague and then have one individual make the policy decision.

Mr. Roth stated that this policy has not been discriminatory applied.

M/S Hayes, Yarish, to approve Resolution⁹¹¹⁰ in Staff Report with the amendments as follows: Amend paragraph 1 under Section II to read as follows: NOW, THEREFORE, BE IT RESOLVED, the San Anselmo Planning Commission hereby approves the use of a deed restriction to prohibit conversion to separate residential living units of the following additions and conversions in the single family residential districts or additions and conversions which are similar in the judgement of the Planning Director to one or more of the following:

Unanimously passed. Audience advised of the ten day appeal period.

3. Appeal of Herbert G. Hawkins, 47 Elm Avenue, A/P 7-052-54, of the Planning Director's authority to require a deed restriction as specified in SAMC section 10-6.102(b)).

Ms. Macris presented the staff report.

Mr. Hawkins stated he was the attorney representing the Derhams who are the property owners. He said that in July 1990 the Derhams applied for a building permit to add on to this property. They were contacted that the permit was ready to be issued but that a deed restriction was required to be signed because the addition looked suspicious because it had a wet bar and separate entrance and could be converted into a second unit. He said the criteria for a second unit in the Town Ordinance states there will be more than one cooking facilities. He felt that it was unfair and unconstitutional to discriminate against more than one family living on the premises and that it is allowable for several people, to live together, such as communal living, as long as they share cooking facilities. He stated that it was unfair to have the Town take away the property rights of his clients by prohibiting the issuing of a building permit unless a deed restriction was signed and recorded.

Commissioner Yarish asked Mr. Hawkins if the intended use of the addition was for a second unit. Mr. Hawkins responded that his clients want to have additional people living in the house but using the common facilities. His stated that if a deed restriction is required now, how difficult will it be to remove it at some time in the future when the laws may change. It is a matter of principal with his clients and he also felt strong enough about it to pursue the matter to the courts with his clients.

Commissioner Mihaly asked staff if there was sufficient documentation in the files to warrant the request for a deed restriction. Ms. Macris affirmed.

Commissioner Yarish had confidence in the Town Attorney judgement and did not feel that staff was discriminating against this applicant. He had mixed feelings about adding additional legal fees to our already stressed budget.

The consensus of the Commission was to support the denial of the appeal.

M/S Mihaly, Yarish, to deny the appeal of Herbert G. Hawkins, 47 Elm Avenue, A/P 7-052-54, of the Planning Director's authority to require a deed restriction as specified in SAMC section 10-6.102(b)) with due respect to the applicant's principals. The denial is based on the following: 1. In the absence of the resolution that was just passed this enforcement devise of requiring deed restrictions carries out community concern for overcrowding of uses on small lots. It is a way of avoiding the expenditure of scarce community resources for enforcement on subsequent owners who come in claiming having had no notice of prior actions because quite reasonably they have not read the Planning Commission minutes or whatever evidence they might have. Those reasons were underscored in the resolution that was just passed. Whether or not it was just passed the actions have been merited under the Code. Secondly, as to the circumstances of this particular case more than substantiate the action. This is a lot that already has two built out structures occupied by families and is typical of the kinds of concern relating to land use that underlay this kind of imposition. Also, the proposed area will have outside access already. Plumbing in the form of a wet bar which could easily be converted without any implications as to the personality or other odd persona implications for the current inhabitants. It is structurally suitable for that kind of conversion. The past actions are a consideration which may be taken into account and apparently we hear uncontroverted evidence as to that and no evidence to the contrary has been presented to the Commission, although even without that, the physical configuration is enough to support that.

Motion unanimously passed. Audience advised of the ten day appeal period.

4. H-9023/U-9013/DR-9005 - Jean Brunswick, 22 Magnolia Avenue, a/P 7-212-34, 1) a 5' east sideyard variance to construct a column and beam structure over a driveway within 0' of the east side property line; 2) a height variance of 2.5'; 3) a lot coverage variance of 10%; 4) a use

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permit for one residential living unit and 5) design review of a two story parking, residential, and office structure on property located within the P zoning district.

Ms. Macris asked that this item be continued to the meeting of May 13, 1991 on the request of the Architect.

5. DR-9013 - Ongaro Brothers, 14 Ross Avenue, A/P 7-282-11, design review of a new commercial building, on property located within the C-2 zoning district.

The applicants and their Architect, Jim McDonald, were present.

Mr. Washington presented the staff report.

Mr. McDonald stated that a great deal of effort has been given on the part of the Ongaro's to provide a building that the Commission would like. He said that this proposal is similar the version of the building that currently exists but allows for more parking and landscaping to soften the building. He presented the color samples and stated that the building will be heavy blown stucco. He stated that he had no problems with the two conditions staff placed on the approval. As an aside Mr. McDonald said the Commission should not be in the business of designing a building, that should be done by the Architect or Designer and that the Commission should give some latitude to the professional.

Chair Julin asked if a commemorative plaque can be placed either on the front of the building building or the side wall.

Ernie Ongaro did not object as long as it can be verified because his father recalled that this was an old livery stable.

The Commissioners commended the efforts of the Architect and applicants for their patience and efforts in designing a nice building based on prior discussions with the Commission.

M/ Yarish, to approve DR-9013 - Ongaro Brothers, 14 Ross Avenue, A/P 7-282-11, design review of a new commercial building, on property located within the C-2 zoning district on the basis: 1. The building is functionally and aesthetically compatible with the existing improvements and natural elements in the surrounding area: specifically that this commercial building will be similar in character to neighboring buildings in downtown San Anselmo. The structure will be constructed with materials typically used on commercial buildings and the size and scale will not be out of character with existing structures. 2. Provides for protection against noise, odor, and other factors which may make the environment less desirable. This building will not cause any detrimental impacts on any of the neighboring properties. Nor will it create any conditions which will reduce the desirability of this sector of San Anselmo from continuing to be a suitable area for businesses to locate. 3. 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. The relocation of this commercial activity to this new building will not create any adverse impacts that would cause neighboring properties to diminish in value. The new structure will be a substantial improvement from the existing building on the site. 4. 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. The traffic resulting from the activity conducted on this property will not increase current traffic levels for this sector of San Anselmo. The proposed use will be relocated from a neighboring structure presently in downtown San Anselmo. Therefore, no additional traffic should result from the construction of this building. 5. Will not adversely affect the health or safety of persons using the improvement or endanger property located in the surrounding area. This structure will not result in any adverse or detrimental impacts on this property nor will it result in the endangerment of activities or structures located on neighboring properties. The proposed use is in conformance with the established zoning, and the activity is consistent with existing neighboring land uses. These established land uses are permitted because of their compatibility with each other and the area. This approval includes the conditions in the staff report that can be mutually worked out with staff and the applicant regarding the painting scheme.

Fails for lack of a second.

M/S Mihaly, Yarish, to approve DR-9013 - Ongaro Brothers, 14 Ross Avenue, A/P 7-282-11, design review of a new commercial building, on property located within the C-2 zoning district on the basis: 1. The building is functionally and aesthetically compatible with the existing improvements and natural elements in the surrounding area: specifically that this commercial building will be similar in character to neighboring buildings in downtown San Anselmo. The structure will be constructed with materials typically used on commercial buildings and the size and scale will not be out of character with existing structures. 2. Provides for protection against noise, odor, and other factors which may make the environment less desirable. This building will not cause any detrimental impacts on any of the neighboring properties. Nor will it create any conditions which will reduce the desirability of this sector of San Anselmo from continuing to be

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a suitable area for businesses to locate. 3. 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. The relocation of this commercial activity to this new building will not create any adverse impacts that would cause neighboring properties to diminish in value. The new structure will be a substantial improvement from the existing building on the site. 4. 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. The traffic resulting from the activity conducted on this property will not increase current traffic levels for this sector of San Anselmo. The proposed use will be relocated from a neighboring structure presently in downtown San Anselmo. Therefore, no additional traffic should result from the construction of this building. 5. Will not adversely affect the health or safety of persons using the improvement or endanger property located in the surrounding area. This structure will not result in any adverse or detrimental impacts on this property nor will it result in the endangerment of activities or structures located on neighboring properties. The proposed use is in conformance with the established zoning, and the activity is consistent with existing neighboring land uses. These established land uses are permitted because of their compatibility with each other and the area. This approval is conditioned with the addition of a commemorative plaque to be permanently placed in some way affixed to the building or near the building. Although not including staff's conditions as part of the approval, the applicants can use their own discretion as to whether or not to apply those recommendations to the final design of the building.

Motion unanimously passed. Audience advised of the ten day appeal period.

6. V-U-9102/DR-9104 - Ongaro Brothers, 243 San Anselmo Avenue, A/P 7-284-13, use permit to allow living quarters; parking variance; design review of a new commercial and residential building; and environmental review on property located within the C-3 zoning district.

Ms. Macris stated that upon the request of the applicants this application has been withdrawn.

7. NUP - 2 - June Swan, 89 Magnolia, A/P 7-213-03, Occupancy Exception for existing Second Unit Use Permit to allow owner to live off-site.

Ms. Macris presented the staff report.

The Commission supported this proposal.

M/S Hayes, Yarish, to approve NUP - 2 - June Swan, 89 Magnolia, A/P 7-213-03, Occupancy Exception for existing Second Unit Use Permit to allow owner to live off-site for the reasons stated in the staff report and subject to the conditions that: 1) the duration of this exception permit be limited to the continued residency on the property by one of the property owner's sons; and 2) should the use of second unit result in adverse impacts to the neighborhood in the Planning staff's judgement, in terms of traffic circulation, parking, and/or noise, that the use be review by the Planning Commission for their determination as to whether the exception approval should be continued.

Motion unanimously passed. Audience advised of the ten day appeal period.

8. V-9107 - Greg Phillips, 80 Melville Avenue, A/P 7-263-15, 1) 4'6" sideyard variance to construct an addition within 3'6" of the side property line; 2) 8' sideyard variance for parking deck to be within 0' of the side property line; 3) a 12' frontyard variance to allow provision of a one car parking space within 8' of the front property line, on property located within the R-1 Zoning District.

Ms. Macris presented the staff report. She noted that prior to the meeting she received a letter from Steven Cook, the owner of 84 Melville. Mr. Cook approves of item 1 and 3 but asks that the Commission grant only a 6' sideyard variance for the parking deck, not 8' because his windows face the proposed deck and it will take away from his light and air.

Mr. Phillips stated that he has shown his plans to all his neighbors and they all support the proposal with the exception of 84 Melville. He said that their den windows are high and will face right into the proposed parking deck. Mr. Phillips said that he put a temporary tarp up to demonstrate to his neighbors the worst case scenario, and in doing so, his neighbors are now requesting that they approve a zero foot sideyard variance to 23'6" and then a 6' sideyard set back. This will mean that the deck will go straight back until just before their window and then will curve slightly away from their house to allow for additional space between the houses. Mr. Phillips said that he has no objection to that because he wants to live in harmony with his neighbors.

Commissioner Yarish had no trouble making the findings for the sideyard variance for the house or the frontyard variance for the parking but he was troubled by the sideyard variance for the parking deck. He felt a parking deck so close to a neighboring window could be quite noise

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when only 5' to 6' away. He did not think it was good planning and was unable to support that part of the variance.

Commissioner's Hayes and Mihaly concurred with Commissioner Yarish as did Chair Julin.

M/S Yarish, Mihaly, to approve V-9107 - Greg Phillips, 80 Melville Avenue, A/P 7-263-15; 1) 4'6" sideyard variance to construct an addition within 3'6" of the side property line; 3) a 12' frontyard variance to allow provision of a one car parking space within 8' of the front property line, and to modify part 2 as follows: 2) the parking deck may be extended by no more than 6 feet from the rear of the present deck; on property located within the R-1 Zoning District. Approval is based on the following findings: Special circumstances, for the granting of the variance will not be a granting of special privileges inconsistent with the limitations upon other properties in the vicinity and zone, The addition of two bedrooms, a deck, and an expanded dining area would create a house similar in size and scale to others in the neighborhood, and the expansion can only reasonably be done into the back yard, extending along the existing non-conforming setback of the present house. The variance will not materially affect adversely the health or safety of persons residing or working in the neighborhood or be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood because the proposed addition extension would continue the existing non-conforming setbacks of the present house. The adjacent houses also have nonconforming front and side yard setbacks. The house to the rear would continue to be separated from the addition by a 41' rear yard. Houses across the street are elevated and screened from a view of the subject house. Providing additional off-street parking would benefit the neighborhood.

Motion unanimously passed. Audience advised of the ten day appeal period.

The meeting was adjourned to the special meeting of May 13, 1991.

TOWN OF SAN ANSELMO
RESOLUTION NO. 9110

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF
SAN ANSELMO REQUIRING A DEED RESTRICTION ON THE USE OF
CERTAIN ADDITIONS AND CONVERSIONS IN THE R-1 H, R-1 C, AND R-1
SINGLE FAMILY RESIDENTIAL ZONING DISTRICTS IN THE TOWN OF
SAN ANSELMO.

SECTION I: Findings.

After due consideration of the testimony of staff, the Planning Commission finds and declares:

I. WHEREAS, the San Anselmo Planning Commission held a duly noticed public hearing on May 6, 1991, to consider requiring a deed restriction on the use of certain additions and conversions in the R-1 H, R-1 C, and R-1 single family residential districts to prohibit conversion to separate residential living units; and

II. WHEREAS, the Planning Commission finds that, based on the testimony of staff, deed restrictions on the use of certain additions and conversions in the R-1 H, R-1 C, and R-1 single family residential districts to prohibit conversion to separate residential living units should be required.

SECTION II:

NOW, THEREFORE, BE IT RESOLVED, the San Anselmo Planning Commission hereby approves the use of a deed restriction for the use of certain additions and conversions in the single family residential districts to prohibit conversion to separate residential living units which are similar in the judgment of the Planning Director to one or more of the following:

Detached structure exceeding 100 square feet, and with plumbing either stubbed in the walls or extended to fixtures; or

Attached addition to the main dwelling with a separate exterior access door, which is separate from the exterior access in the main dwelling; or

Attached addition to the main dwelling without an interior access door between the finished floor of the addition to the finished floor of the main dwelling; or

Attached addition to the main dwelling with an interior access door between the finished floor of the addition to the finished floor of the main dwelling with interior doors that have a locking device.

A finished floor is defined as either a concrete slab or wood floor between two or more exterior walls of a structure.

NOW, THEREFORE, BE IT RESOLVED, the San Anselmo Planning Commission hereby recommends approval of the use of a deed restriction for those additions and conversions to single family residential dwelling as listed above.

SECTION III:

This Resolution shall be and is hereby declared to be in full force and effect as of the date of its adoption.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the Town of San Anselmo, State of California, on the 6th day of May, 1991 by the following vote to wit:

AYES: Julin, Hayes, Mihaly, Yarish

NOES: None

ABSENT: Harle, Kroot, Sias

JO JULIN, CHAIRPERSON

ATTEST:

CAROLINE FOSTER, TOWN CLERK