

The Regular Meeting of the San Anselmo Planning Commission was called to order by Chairman Dan Goltz at 8:00 p.m. in the City Hall on April 7, 1975. Representing City Staff: T. J. Robbins

1. ROLL CALL

Commissioners Present: Ainsworth, Bolles, Goltz, Fischbein, Ragan
Commissioners Absent: Fairchild

2. APPROVAL OF MINUTES

M/S Ainsworth, Fischbein that the minutes of March 24 be approved as amended. Passed unanimously, Commissioner Ragan abstaining.

Amendments: Pg. 1, para. 5 to read: Commissioner Fischbein felt the soils report should be made by city hired geologist or engineer.

Pg. 2, after setting of public hearing. Mention should be made of the meeting set with Sleepy Hollow Planning Committee to meet with the San Anselmo Planning Commission on April 28.

3. OLD BUSINESS

A. USE PERMITS/VARIANCES

- 1. U-388 and U-389, 46 and 54 Miwok. Reconsideration of two GPC Use Permit applications. (Applicant to determine rear property line and possibility of combining these two lots for one building site.)

Applicant was present. Applicant requested the Planning Commission consider these applications separately as they were in separate ownership.

Staff had nothing further to add to Staff Report, and there was no one in the audience to comment on this particular application.

For Correction
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Commissioner Ainsworth felt that the provisions of the Health & Safety Element had a very specific density provision. As long as it was in the draft of the General Plan he did not see how the Commission could deal with the two lots as conditional GPC Use Permits.

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Commissioner Fischbein questioned whether lots-of-record would be exempt from the Health & Safety area classification, as that would be inverse condemnation. There was a problem with slope stability, and she felt the City should hire and engineer which would report to the City.

Commissioner Bolles felt the City really did not want to be liable, in terms of assigning a soils engineer to an applicants property.

M/S Ainsworth, Ragan to approve U-388, 46 Miwok, A/P 177-263-02 on the grounds that while there is a conflict with the General Plan, in the area of slope stability and seismic safety, these conflicts will be satisfied by a soils or geologic report to the City Engineer on the property.

Motion carried: Ayes: Ainsworth, Bolles, Ragan, Strassman
Nays: Fischbein, Goltz

P/C 4-7-75

U-389 - This application also had the added conflict of Open Space Reserve as it is on the perimeter of the old Open Space map.

No one was in the audience to comment on this application.

It was indicated that the condition here was the street was actually falling into the lot.

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Commissioner Strassman indicated he felt the same as last meeting, this particular lot should not be considered because it is in the entrance to the Open Space area.

M/S Ragan, Ainsworth to deny U-389 for 54 Miwok, A/P 177-263-01 for the reason that there is a definite conflict with the Open Space element of the proposed General Plan, and with particular attention to the fact that this particular lot is on the perimeter of possible Open Space and to construct at this time would be prejudicial to the best interest of the General Plan.

Motion Carried: Ayes: Ainsworth, Bolles, Fischbein, Goltz, Ragan, Strassman
Nays: None

P/C 4/7/75

2. U-393, 10 Indian Rock Court, Application to provide opportunity to review proposed location of dwelling, particularly with reference to trees.

Applicant was present. He stated that the "Envelope Study" was presented to show the Commission where the building could be built and not be in conflict with the trees. The only tree that was going to be removed was one dead oak which was noted on the drawing.

Mr. Bob Maddux questioned what the slope of the lot was. Staff said it varied from approximately 20% to 50%.

Commissioner Fischbein questioned how close to the tree the house would be, and what would be done to avoid damage to the tree/roots.

Chairman Goltz found a possibility of two cases where trees would not be likely to stay.

Commissioner Bolles did not want to tell the applicant where to build. He felt that was not the position of the Planning Commission. The Commission was asking about saving trees which was a separate issue. No envelope study would satisfy that condition.

M/S Ragan, Strassman that U-393 for Jim Reed, Applicant Dick York, Owner, 10 Indian Rock Court, A/P 177-250-15 accompanied by "Envelope Study" for Lot 57 dated March 15, 1975 be approved with the following conditions:

1. That no tree shown on this envelope study shall be removed, with the exception of the one dead oak as indicated on the plan.
2. This approval shall not be construed as granting any variance.
3. Final drawings shall be submitted to Design Review for their approval.
4. If any of the trees shown on this drawing are damaged or removed because of construction, applicant shall be required to replace with the same species at a size no smaller than 15 gallons.

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Motion carried: Ayes: Ainsworth, Bolles, Ragan, Strassman
Nays: Goltz, Fischbein

P/C 4/7/75

3. VAR-596, John W. Rowley, 10 Oak Avenue, A/P 7-266-21, Application for 3' sideyard and 5' frontyard variance to construct a dwelling addition.

Applicant was present and had received Staff report.

Applicant provided letter and map explaining how the lot was different.

Applicant stated that the house immediately in back of them was granted a variance in 1965.

No one was in the audience to comment on this application.

Commissioner Ainsworth had not changed his mind since the last time, he was going to vote for it.

Commissioner Fischbein felt applicant had shown there is an exceptional circumstance.

M/S Strassman, Ragan that VAR-596 for J. W. Rowley, 10 Oak Avenue, A/P 7-266-21, be approved, based on the drawing dated 2/5/75, for a 3' sideyard variance and a 5' frontyard variance in order to construct an addition to the dwelling for the reason that because of topographic concerns with this particular lot it is the only logical place that such an addition could be constructed.

Motion carried: Ayes: Ainsworth, Bolles, Fischbein, Goltz, Ragan, Strassman

P/C 4/7/75

4. NEW BUSINESS

A. USE PERMITS

1. U-400/VAR-600, Alfred Willman, 729 Sir Francis Drake Boulevard, Application to allow expansion/remodelling of structure in GPC zone and a variance from parking requirements.

Applicant was present. He stated that he had talked with the building inspector who had said it would be feasible to expand the building. If he had been told he would not be able to do this before he would have dealt with those problems.

Commissioner Ragan felt the Staff report which mentioned the loss of a housing unit was not appropriate. He felt this unit was unsafe and should be removed. He also felt there was a critical traffic problem and that further steps should be taken to avoid erosion.

Commissioner Ainsworth felt there was a definite conflict with circulation.

Commissioner Ragan felt legislative body should put something in the papers informing the people about contacting your Planning and Building Department so that there aren't as many after-the-fact cases.

Commissioner Bolles stated that this was one case where the creek ordinance made some sense. The retaining wall has fallen into the creek and there is indication of downward movement. There were some very real problems.

For Correction

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M/S Ainsworth, to deny U-400, GPC Use Permit to enclose commercial structure in a GPC zone at 729 Sir Francis Drake Boulevard, A/P 6-083-06 on the basis that the use would be in substantial conflict with the General Plan Open Space and Conservation Element, namely construction with a creek conservation zone; the Housing Element, in that the existing proposal would eliminate one low or moderate income unit; circulation, in that the use would be antithetical to the goals of the Circulation Element

of finding ways to relieve congestion on busy streets and developing ways to provide adequate parking in a commercial neighborhood; Seismic, in that the use would create a safety hazard as proposed.

Motion carried: Ayes: Ainsworth, Bolles, Fischbein, Goltz, Strassman

Nays: Ragan

P/C 4/7/75

Commissioner Ragan stated the only reason he voted "no" on this application was because he did not agree with the motion regarding the elimination of a housing unit.

M/S Ragan, Strassman that the VAR-600 for Alfred Willman, 726 Sir Francis Drake Boulevard, A/P 6-083-06 be denied for the reason that the Use Permit for same property has already been denied.

Motion carried: Ayes: Ainsworth, Bolles, Fischbein, Goltz, Ragan, Strassman

Mr. Robbins stated that, for the record, he did go over the Creek Conservation Element with Mr. Willman.

2. U-401, Edward Kuykendall, 90 Red Hill Avenue, Application to convert gas station into tune up shop.

Applicant was present.

Commissioner Strassman stated this application should be reviewed by Design Review.

M/S Fischbein, Ragan to approve U-401, GPC Use Permit and a Use Permit to operate an engine repair facility in a C-3 zone at 90 Red Hill Avenue, A/P 6-201-46, for Edward Kuykendall on the basis that the Commission can find no probable conflict with the General Plan, and that this operation will not be detrimental to people or property in the neighborhood.

Motion carried: Ayes: Ainsworth, Bolles, Fischbein, Goltz, Ragan, Strassman

Nays: None

P/C 4/7/75

3. U-402/VAR-603, Terry Stephens/David Gately, 25 Tamalpais Avenue, Application to permit professional office building and a variance from parking space size.

Commissioner Goltz stated he had had an interest in this property, he no longer did, but he felt he should keep out of any Planning Commission action on this application. The meeting was turned over to Vice-Chairman Strassman.

Applicants were present and had received Staff Report.

Mr. Robbins stated that if this application was approved, he felt there should be a revokable agreement made regarding access across the City parking lot.

Mr. Gately stated that the people in San Anselmo wanted to have more office space so they responded.

Commissioner Bolles did not feel the parking plan, as proposed, would work. He did not believe cars could get into all of them.

Applicant stated that there was one parking space that was difficult, but with a little maneuvering you could get into it.

Commissioner Ragan stated that there was a definite conflict with housing with this application.

Mr. Stephens stated that if you are looking for housing then perhaps this property should be rezoned.

Commissioner Ainsworth stated that this was in conflict with the Housing Element because in the General Plan it stated that downzoning in the residential areas should be explored. If we grant before the Housing Element ripens then we have defeated its purpose. It is the responsibility of the Commission to give it guidance.

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Applicant stated single family residential does not make sense at this location.

When questioned if applicant had considered rehabilitation, applicant stated they had. If it was possible, they could have done that. The cost would be prohibitive and would be reflected in the rent.

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Commissioner Ainsworth commented that one thing that had been discussed was the City has been granted Community Development funds and those kinds of possibilities could possibly be accomplished.

M/S Fischbein, Ragan to deny U-402, application to enlarge commercial structure in a GPC Zone at 25 Tamalpais Avenue, A/P 7-212-18, on the basis of conflict with the Housing Goals of the General Plan states preserving the low and moderate income housing supply, particularly in the downtown center.

Motion carried: Ayes: Ainsworth, Fischbein, Ragan, Strassman
Bolles
Abstain: Bolles, Goltz

P/C 4/7/75

4. U-403, James Gonsman, 176 Tunstead Avenue, Application to permit pre-school nursery.

Applicant was present.

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

M/S Ragan, Fischbein that U-403 for James and Angela Gonsman, 176 Tunstead Avenue, A/P 7-213-45, application for a Use Permit to operate a nursery school be approved on the basis that this operation is not a detriment to the neighborhood and with the following condition:

- 1. There will be a maximum number of 24 children involved.

Motion carried: Ayes: Ainsworth, Bolles, Fischbein, Goltz, Ragan, Strassman
Nays: None

P/C 4/7/75

B. VARIANCES

1. VAR-599, Richard Miner, 268 San Francisco Boulevard, Application for 6' south sideyard and 4' north sideyard variance and 4' frontyard variance for addition to existing dwelling.

Applicant was present. Applicant presented model and photographs of the proposed addition. They wanted to build up property with the idea of maintaining Open Space.

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For Correction
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Commissioner Bolles commented that the dining room area did not live up to the rest of the design.

Commissioner Ainsworth felt we were discussing in favor of this application because it was attractive.

For Correction
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Commissioner Ainsworth had problems with both sideyard variances.

M/S Fischbein, Ragan to approve VAR-599, per drawing dated 4/7/75, application for 4' frontyard and 6' south sideyard variance at 268 San Francisco Boulevard A/P 6-011-16 on the basis that because of narrowness of the lot and the fact that granting of this application is necessary for the preservation and enjoyment of applicant's property rights and that granting will not materially adversely affect the health and safety of persons residing in the neighborhood nor be materially detrimental to public welfare in the neighborhood.

Motion carried: Ayes: Bolles, Fischbein, Goltz, Ragan, Strassman
Nays: Ainsworth

M/S Bolles, Strassman to deny VAR-599, for a 4' north sideyard variance at 268 San Francisco Boulevard, A/P 6-011-16, on the basis that no hardship exists because development space is available.

Motion tied: Ayes: Bolles, Goltz, Strassman
Nays: Ainsworth, Fischbein, Ragan

Tie on denial motion; therefore, no decision.
P/C 4/7/75

M/S Ragan, Fischbein that VAR-599 for Richard Miner, 268 San Francisco Boulevard, A/P 6-011-16 for 4' north sideyard variance be granted on the grounds that because of narrowness of the lot and because of the location of the mature trees the location of this addition could not be reasonably placed elsewhere, and that the granting of this variance will insure applicant of substantial property rights and that this variance will not adversely affect the neighborhood nor the City of San Anselmo.

Motion tied: Ayes: Ainsworth, Fischbein, Ragan
Nays: Bolles, Goltz, Strassman

Motion tied which means approval denied.
P/C 4/7/75

- 2. VAR-601/VAR-602 and SS-186, Charles Hoertkorn/Linale 27 El Cerrito Avenue and 15 San Francisco Boulevard, A/P 6-031-14 and 6-031-06. Lot line adjustment and a 7.2' rear yard setback for existing swimming pool and 19.3' rearyard setback to existing fenceline.

Applicant was present and stated the fence lines had been this way for 15 years.

M/S Ragan, Fischbein to approve SS-186, rear lot line relocation between A/P 6-031-14 and A/P 6-031-06 as shown on Tentative Map by Lockton-Grippi & Associates received in Planning Office March 10, 1975.

Further move to approve VAR-601 for a 7.2' rearyard setback and 1' sideyard setbacks for an existing pool at 27 El Cerrito A/P 6-031-14 and VAR-602 on the basis that correction of the existing lot line condition by any other means would work an unreasonable hardship.

Motion carried: Ayes: Ainsworth, Bolles, Fischbein, Goltz, Ragan, Strassman
Nays: None

P/C 4/7/75

- 3. VAR-604, John MacGregor, 18 Rosemont Avenue, A/P 4-071-07, Application for 5' sideyard variance to construct a two-car carport.

Applicant was present.

Commissioner Ragan felt there was a hardship and he felt it was wise to get this parking off the street.

M/S Ragan, Strassman that VAR-604, 18 Rosemont Avenue, Application for a 5' variance to allow construction of a carport 3' from the side property line and a 1' variance for each parking space be approved on the grounds that the topography of the lot is such that the carport cannot be placed elsewhere without destroying aesthetic appearance of the property and also preservation of dominant tree on the property and that the carport is justifiable for applicant enjoying property rights and the granting of this will not create any hardship to neighborhood or to the City of San Anselmo. Application shall be referred to Design Review.

Motion carried: Ayes: Ainsworth, Bolles, Goltz, Ragan, Strassman
Nays: Fischbein

P/C 4/7/75

- 4. VAR-605, Mary E. Johnson, 5 Indian Rock Road, A/P 177-250-18, Application for 7' sideyard variance to construct swimming pool.

Applicant was present.

Commissioner Ragan felt it would be to the applicant's advantage to move the pool.

Commissioner Strassman agreed with the Staff report. Applicant stated that that was the only flat area she had. She felt the property looked bigger because the landscaping extends. Applicant stated she did not want to walk out the door into her pool.

Chairman Goltz reminded the applicant that variances were issued only on very special conditions. If applicant could construct within the setbacks the Planning Commission cannot do anything else but deny the application.

For Correction
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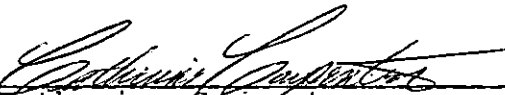
M/S Ragan, Fischbein, that VAR-605, Mary Johnson, 5 Indian Rock Road, A/P 177-250-18, application for a 7' sideyard variance to allow construction of a swimming pool 1' from the property line on the ground that hardship as required for variance approval does not exist.

Motion carried: Ayes: Ainsworth, Bolles, Fischbein, Goltz, Ragan, Strassman
Nays: None

P/C 4/7/75

Meeting adjourned at 12:15 a.m.

DAN GOLTZ, CHAIRMAN
SAN ANSELMO PLANNING COMMISSION

By 
Catherine Carpenter
Planning Secretary

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