

The Special Meeting of the San Anselmo Planning Commission was called to order by Chairman Dan Goltz at 8:00 p.m. in the Town Hall on July 14, 1975. Representing Town Staff: C. R. Leitzell, Planning Director

I. ROLL CALL

Commissioners Present: Ainsworth, Fairchild, Goltz, Strassman
Commissioners Absent: Bolles, Greenfield, Ragan

II. APPROVAL OF MINUTES OF JULY 7, 1975.

The minutes of July 7th were held over until the July 21st meeting.

III. MATTERS FOR CONSIDERATION

A. PUBLIC HEARING: Continuation of the public hearing on the proposed General Plan (Chapter III - Conservation Element)

Chairman Goltz opened the public hearing, but since there was no one in the audience, the public hearing was closed.

The Conservation Element was considered with various changes being incorporated into the draft for final review by the Planning Commission at their meeting of July 28th.

It was noted by the Commission that perhaps the quote, "It is the intent of the Town Council and Board of Supervisors to provide for only such urbanization as is necessary to achieve community goals and carry out the adopted Town/County General Plan by specifically adopting the accompanying map entitled "San Anselmo Conservation and Open Space Plan" as a specific plan and element of the General Plan for the Town, and to commence hearings immediately, leading to the rezoning and pre-zoning of open space as indicated on the plan" should be incorporated into the Introduction of the General Plan rather than in the Conservation Element.

M/S Ainsworth, Fairchild that the Conservation Element of the General Plan be approved as amended and forwarded to the Town Council.

Motion carried: Ayes: Ainsworth, Fairchild, Goltz, Strassman
Nays: None

M/S Ainsworth, Strassman to continue the public hearings on the General Plan until July 28th. Passed unanimously.

Chairman Goltz announced that Marin/Sonoma Waste Water Planning was having a meeting Saturday, July 19th at 10:00 a.m. in the Board of Supervisors Chambers if anyone was interested.

The League of California Cities has scheduled a conference in San Francisco for October 19-26. There will be more information on this including an agenda of topics to be covered.

Chairman Goltz considered the note from the Planning Staff regarding 20 Raymond Ave., and the fact that as a condition of their variance they must plant a "15 gallon container size tree...in the area between the existing house and proposed addition on Raymond Ave., and Kemp Ave." Mr. & Mrs. Figour, the property owners, had transplanted a large fig tree. Chairman Goltz felt transplanting a tree was insufficient. This matter would be placed on a future agenda for discussion.

IV. ADJOURN - The meeting adjourned at 11:00 p.m.

DAN GOLTZ, CHAIRMAN
SAN ANSELMO PLANNING COMMISSION

By Catherine Carpenter
Catherine Carpenter
Planning Secretary

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The Regular Meeting of the San Anselmo Planning Commission was called to order by Chairman Dan Goltz at 8:00 p.m. in the Town Hall on July 21, 1975. Representing Town Staff: T. J. Robbins, Associate Engineer/Planner.

1. ROLL CALL

Commissioners Present: Ainsworth, Bolles, Fairchild, Goltz, Ragan
Commissioners Absent: Greenfield, Strassman

2. APPROVAL OF MINUTES - June 30, 1975 and July 7, 1975

The minutes of June 30th and July 7th were held over until July 28th.

3. OLD BUSINESS

A. U-412/VAR-620 Pool Scene, 2 Bridge Ave., Addition of new structure and parking variance.

Applicant had received and reviewed Staff Report.

Commissioner Ragan felt the applicant would be achieving something which had been needed for a long time, remodeling the "eyesore" at 2 Bridge Ave.

Commissioner Bolles felt that parking space #5 presented a hazardous condition as the car would more than likely back over the sidewalk and into Sir Francis Drake Blvd. to get out of that parking space.

Commissioner Bolles also commented he would like to see parking space #10 moved in an easterly direction as it would make the arrangement more workable.

Commissioner Fairchild agreed with Commissioner Bolles regarding the two spaces. As a matter of safety, she would rather consider a variance for two cars.

Chairman Goltz questioned applicant as to what space would be rented and to what type of business. He felt the cars influenced by the businesses were imperative and it bothered him to even give a variance for one car. He felt he would have to object to Commissioner Bolles' proposal.

Commission noted that the property line was shown to have crossed directly through parking space #5. If this was true, the parking space would be encroaching into the right-of-way, for which an encroachment permit must be issued.

Commissioner Bolles felt there may be some conflict in the second floor occupancy, as applicant was considering storing a trailer loaded with chemical supplies directly underneath. Commissioner Bolles

For Correction Page 93 agreed the applicant was improving the area, but he also agreed there were too many uses and not enough parking spaces. He wanted to see owner reduce the size of the retail use so that it would fall into line with the zoning ordinance and would not require a parking space variance.

Mr. Isi, 101 Calumet Ave., stated he agreed with Commissioner Ragan that this applicant was an improvement. He felt that Commissioner Bolles, if he knew anything about construction would not be telling the applicant to change his design.

Commissioner Bolles explained to Mr. Isi that he had been in construction for many years, was now an architect, and was merely trying to save the owner some costs by mentioning ahead of time that perhaps there were some unworkable factors in his plan.

M/S Ainsworth, Ragan to approve U-412, application for further development in a GPC C-3 Zone at 2 Bridge Ave., A/P 6-083-09, on the basis that there is no substantial conflict with the General Plan.

Motion carried: Ayes: Ainsworth, Fairchild, Goltz, Ragan
Nays: Bolles

M/S Ainsworth, Ragan to approve VAR-620, application for variance of two 10' x 20' obstructed parking spaces for 1' in width for 8 spaces, for 2 obstructed spaces for unloading vans, and for 13' in length for the 2 van spaces for The Pool Scene, 2 Bridge Ave., A/P 6-083-09, on the basis that the size of the site constitutes a site hardship when considering the existing building and limited opportunities for the provision of more parking without demolition of the main structure, that the granting of the variance will not be a detriment to the neighborhood because the project will improve an undesirable current parking situation, and that approval is necessary for enjoyment of substantial property rights and project will provide adequate retail and warehouse space for reasonable scope of business at this location.
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Motion carried: Ayes: Ainsworth, Fairchild; Goltz, Ragan Page 93
Nays: Bolles

M/S Ainsworth, Ragan to deny VAR-620, application for a variance of one less 10' x 20' parking space, than the one required by Code, at The Pool Scene, 2 Bridge Ave., A/P 6-083-09.

Motion carried: Ayes: Ainsworth, Bolles, Fairchild, Goltz, Ragan
Nays: None

2. VAR-622, Robert S. Caughie, 236 Los Angeles Blvd., A/P 6-013-35
Application for 13' frontyard and 5' sideyard setback to build one room above existing garage.

Applicant had reviewed and received Staff Report. Staff had nothing further to add.

Commission discussed determining front, side and rear property lines of this parcel due to its unusual shape.

M/S Bolles, Ragan to approve VAR-622, application to construct a second floor addition over an existing garage 5' from the side property line and 13' from the front property line at 236 Los Angeles Blvd., A/P 6-013-35 on the basis:

1. That there are exceptional circumstances applying to the shape of the land and limited floor area of building which exceptional shape and circumstance of building do not apply generally to other buildings in the district;
2. That the granting of the application is necessary for the preservation of property rights of petitioner.
3. That the granting of such application will not under the circumstances of the particular case materially affect persons or the health and safety of persons working or residing in the neighborhood.

Motion carried: Ayes: Ainsworth, Bolles, Fairchild, Goltz, Ragan
Nays: None

4. NEW BUSINESS

A. USE PERMITS

1. U-414, Robert T. Curtis, Jr., 44 Berkeley Ave., A/P 5-171-21,
Application to operate a photography business as an home occupation.

Applicant had received and reviewed Staff Report.

M/S Ragan, Fairchild to approve U-414, Robert Curtis, Jr. 44 Berkeley Ave., A/P 5-171-21, application to operate a photography business as an home occupation by applicant on the basis that this use will not be detrimental to either persons residing in the neighborhood or property in the neighborhood as substantiated by three years of operation without complaint, and granting of the application is necessary for the preservation of property rights as allowed by the Code designating home occupations as a legal use with an approved use permit if not detrimental.

Motion carried: Ayes: Ainsworth, Bolles, Fairchild, Goltz, Ragan
Nays: None

2. U-415/VAR-600, Alfred M. Willmann, 729 Sir Francis Drake Blvd., A/P 6-085-06, Application for outdoor display of merchandise, GPC Use Permit and parking variance.

Applicant had received and reviewed Staff Report. No one, beside the applicant, was in the audience to comment on this application.

M/S Fairchild, Ragan to approve that portion of U-415, covering outdoor display of merchandise limiting this outdoor display to the western sidewalk on the basis that this will not be detrimental to people or property in the neighborhood.

Motion carried: Ayes: Ainsworth, Bolles, Fairchild, Goltz, Ragan
Nays: None

Commissioner Ainsworth felt that from a GPC standpoint, this application went against the Circulation Element, such as "relieving traffic in busy and congested places". He felt this would go against the planning policy.

Commissioner Bolles felt that what was happening here was an improvement. Five cars were being taken off the street.

Chairman Goltz felt that there was still a conflict with the Creek Ordinance, as it was still in the General Plan to stay away from the creek. The parking plan applicant had submitted was perfect.

Chairman Goltz felt the applicant could upgrade the building without having to get closer to the creek. He suggested some methods of rearranging the drawing submitted, which would utilize what the applicant already had.

Commissioner Ainsworth questioned whether there had been any discussion regarding the Creek Ordinance since it had been turned down. Mr. Robbins stated no comments to his knowledge had been made outside of the General Plan itself.

Mr. Signorelli, 90 Ridge Rd. stated that according to the Election Code, if the Commission considered anything before a year was up, dimensions for a Creek Ordinance could not be considered.

Commissioner Bolles believed that both a soils and geologic report should be required. He also felt boring tests should be taken.

M/S Ainsworth, Bolles to approve U-415 for 729 Sir Francis Drake Blvd., A/P 6-083-06 on the grounds that while there is a possibility of conflict with the Circulation Element of the General Plan, conflict may be resolved by the furnishing of additional parking spaces as indicated on the diagrammatic plot plan as modified on July 21, 1975; that there is a substantial likelihood of conflict with the Conservation Element of the General Plan, but such conflict may be alleviated by granting applicant the right to construct an addition which would result in a total of 1,033 S.F. at a minimum of commercial floor space, provided that space available to the west sideyard be first utilized in connection with new construction and at a maximum an additional amount of square footage of commercial floor space up to the maximum permitted within the limits of parking VAR-600.

There is a substantial likelihood of conflict with the Seismic Element of the General Plan, but such conflict may be eliminated by requiring a report of an engineering team consisting of a geologist and soils engineer acceptable to the Town Engineer.

Motion carried: Ayes: Ainsworth, Bolles, Fairchild, Goltz, Ragan
Nays: None

For Correction

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M/S Bolles, Ainsworth to approve VAR-600, application for a variance of 2 spaces 10' x 20', 1 space 2'10" in length, 2 spaces 1' in width and 1 10' x 40' loading space at 729 Sir Francis Drake Blvd., A/P 6-083-06 on the basis that this is providing 5 spaces (3 spaces under the new structure and 2 spaces in the garage) not now utilized for parking and no area is available on site to provide addition parking. There are exceptional and extraordinary circumstances which apply to the land and the building which circumstances do not apply to other lands or buildings or uses in the district.

Further stipulate that the provision of this variance is that the applicant will execute a signed agreement with the adjoining property owner at 729 Sir Francis Drake Blvd., which will permit both property owners to use the common driveway and will enable the cars parked on A/P 6-083-06 to execute a safe turn around. This agreement to be filed at the Recorder's Office, County of Marin and not be revocable without the permission of the San Anselmo Town Council.

Motion carried: Ayes: Ainsworth, Bolles, Fairchild, Goltz
Ragan
Nays: None

M/S Ragan, Bolles that the portion of VAR-600 dealing with non-conforming structure at the rear of A/P 6-083-06 pertaining to bringing the structure up to the necessary Codes be approved on the grounds that such use will continue an existing residence and will be advantageous to the Housing Element of the General Plan.

Motion carried: Ayes: Ainsworth, Bolles, Fairchild, Goltz, Ragan
Nays: None

B. VARIANCES

- 1. VAR-621, Dennis Kemp, 80 Hawthorn Ave., A/P 5-129-21, Application for addition of a dining room 9' rear yard setback.

Applicant had received and reviewed Staff Report.

M/S Bolles, Ragan to approve VAR-621, application to construct a dining room addition 9' from the rear property line at 80 Hawthorn Ave., A/P 6-129-21, on the basis that there is a site and building hardship and that there is no other logical or practical location to construct this addition without a variance due to the dwelling layout; that the addition, because of either elevation or distance will not be detrimental to people or property in the neighborhood, and approval of the application would provide applicant with substantial property rights and would furnish him a dwelling with normal facilities.

Motion carried: Ayes: Bolles, Fairchild, Ragan
Nays: Goltz
Abstain: Ainsworth

- 2. VAR-623, Howard and Nancy Willner, 186 The Alameda, A/P 5-102-07, Application for a 14.5' frontyard and 4.25' sideyard setback to construct a second story over the south side of the house.

Applicant had received and reviewed Staff Report. Applicant stated the principle use of the space would be as a family room and not as a studio as originally planned.

Commission felt request was not unreasonable and was the only physical place for an addition.

M/S Bolles, Fairchild to approve VAR-623, 186 The Alameda, an application for a 3.75' sideyard variance on the basis that:

- 1. A hardship does exist in that construction beyond the limits of the house are not possible due to the steep upslope to the rear of the house;
- 2. That there is no detriment to people and property of the neighborhood and that the dwelling to the south does not suffer any adverse affect to the added height permitted; and

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3. That the granting of the application is necessary for preservation and enjoyment of substantial property rights of petitioner.

Motion carried: Ayes: Ainsworth, Bolles, Fairchild, Goltz, Ragan
 Nays: None

M/S Bolles, Ainsworth to approve VAR-623, application at 186 The Alameda, A/P 5-129-21, application for a 5.5' frontyard variance on the basis that:

1. There is a site hardship in constructing any addition beyond the confines of this dwelling due to the steep upslope to the rear of the site;
2. No detriment to people or property in the neighborhood; and
3. Dwelling to the south will not be affected by additional height of structure.

Motion carried: Ayes: Ainsworth, Bolles, Fairchild, Goltz, Ragan
 Nays: None

3. VAR-624, John Rupp/Robert Sweeney/Wm. Langford, 53 Foothill Rd., A/P 7-053-18, application for 2' sideyard setback to build 20' x 30' sundeck.

Applicants John Rupp and Wm. Langford were present. They had received and reviewed Staff Report.

Chairman Goltz questioned whether anyone in the audience wished to speak regarding this application.

Mr. Benson, 52 Foothill stated he opposed application and that: 1) applicant had no building permit, 2) the building was being used for illegal second unit; 3) questioned whether the zoning had been changed at this location; 4) questioned adequacy of structure.

Ms. Patricia Gallagher, 51 Foothill was concerned about the deck extending in front of the kitchen window of the house at 55 Foothill. She was also concerned about the deck being constructed without a foundation and the double occupancy.

Catherine Woolsey, 55 Foothill, the deck was constructed right in front of her kitchen window. She now looks out her window underneath the deck.

H. Del Pino, 35 Foothill felt there was no hardship in this case and variance should not be granted.

Commissioner Ragan agreed there was no hardship, and if the Commission granted one they would not be enforcing the Code.

Commission all agreed the criteria for granting a variance was not present.

M/S Ragan, Ainsworth that VAR-624, John Rupp/Robert Sweeney/Wm. Langford, Applicant, M.T. Marquis, Owner, 53 Foothill Rd., A/P 7-053-18, application to allow a nearly completed deck to remain in place 2' from the side property line as shown on drawing amended by Assistant Engineer on 7/21/75, be denied on the basis that no hardship exists and property rights are not affected by cutting back the deck to 6' from the property line and that there is a definite detriment to the dwelling at 55 Foothill in that it affects light and air to this dwelling and also affects privacy.

Further move to instruct the Building Inspector to direct the applicant to cut back the deck to provide a 6' sideyard setback.

Motion carried: Ayes: Ainsworth, Bolles, Fairchild, Goltz, Ragan
 Nays: None

- 4. VAR-625, James Drake, 100 Calumet, A/P 6-071-02, Application for a 4'3" sideyard setback for existing chimney.

Applicant had received and reviewed Staff Report. Staff had nothing further to add.

Applicant submitted a petition signed by neighbors stating their approval of subject chimney.

Mr. J. Madden, 104 Calumet Ave. stated his property would be the one the chimney would affect. Mrs. Madden stated she had found her place filled with smoke, but she stated it was one of those very smokey fires. Applicant had since made a fire again to demonstrate no adverse affects.

M/S Ragan, Ainsworth that VAR-625, J. Drake, Owner, 100 Calumet, A/P 6-071-02, application for a sideyard variance of 3'9" to allow an existing chimney to remain in place 4'3" from the side property line as appearing on drawing proposed by owner and dated by Planning Commission July 21, 1975 be approved on the basis that a hardship does exist in that there is no other logical location for the chimney, that a properly operating chimney should not constitute a detriment to people or property in the neighborhood, and that normal appreciation of property rights is afforded by this installation in allowing what can be considered usual facilities for a dwelling.

Motion carried: Ayes: Ainsworth, Bolles, Fairchild, Goltz, Ragan
Nays: None

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C. SUBDIVISIONS

- 1. SS-188, Town Acquisition of Right-of-Way, Greenfield and Red Hill Ave., Approval of Tentative Map.

Mr. Richard Thompson, 309 Greenfield Ave., felt the proposed traffic design with its "yield" sign would not be appropriate.

Commissioner Ragan had no problems with the application.

Commissioner Bolles felt it would increase traffic on Greenfield Ave.

Chairman Goltz stated he saw alot of conflict with this application. He felt that while the General Plan was directing us to try to limit cars, this application was giving into the automobile. He was also opposed to the fact that this application would remove some low income housing.

Commissioner Bolles felt there really had been no thought given to the current situation with the exception of public safety.

M/S Ragan, Bolles that SS-188, Town of San Anselmo/Horn/Pierce, lot line revision for right-of-way acquisition with Tentative Maps covering property of Jack M. Horn and Angela C. Pierce at Greenfield Avenue and Red Hill Avenue, as prepared by Hoffman and Albritton dated April 1975, be approved based on:

- 1. No substantial likelihood of conflict with the General Plan;
- 2. This lot line revision is in compliance with Section 10-2.707 of the Municipal Code.

Motion failed: Ayes: Ragan
Nays: Ainsworth, Bolles, Goltz
Abstain: Fairchild

M/S Ainsworth, Bolles to deny SS-188 with Tentative Map covering property of Jack M. Horn and Angela C. Pierce at Greenfield Avenue and Red Hill Avenue, as prepared by Hoffman & Albritton dated April 1975, for the reason that there is substantial likelihood of conflict with the Housing Element in elimination of low and moderate income housing without corresponding benefit.

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

M/S Ainsworth, Bolles to reconsider the motion for denial of SS-188. Passed unanimously, Commissioner Fairchild abstaining.

M/S Ainsworth, Ragan to continue application of SS-188 until the Planning Commission meeting of 8/4/75. Passed unanimously.

Chairman Goltz stated that Mr. Leitzell had set up a list of priorities of implementing ordinances to be considered by the Commission. In order to provide an interim control measure, the Planning Commission should discuss rezoning to PD, R-1 B440 (one unit per 10 acres) all unsubdivided and further subdividable lands.

M/S Bolles, Ragan that the Planning Commission set a public hearing for August 18th, 1975 to discuss PD R-1 B440 zoning for unsubdivided lands. Passed unanimously.

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M/S Ragan, Ainsworth that the Planning Commission set a public hearing on Sept. 15th, 1975 for the purpose of discussing Planned Development zoning on undeveloped parcels along the designated Scenic Highways. Passed unanimously.

5. ADJOURN

M/S Ragan, Ainsworth to adjourn. 12:45 a.m.

DAN GOLTZ, CHAIRMAN
SAN ANSELMO PLANNING COMMISSION

By Catherine Carpenter
Catherine Carpenter
Planning Secretary