

The Regular Meeting of the San Anselmo Planning Commission was called to order by Chairman Duane Ragan at 8:00 p.m. on September 13, 1976 in the Town Hall. Representing Town Staff: T. J. Robbins, Associate Engineer/Planner 243

I. ROLL CALL

Commissioners Present: Bolles, Eisgrau, Fairchild, Goltz, Ragan
Commissioners Absent: Greenfield

II. APPROVAL OF MINUTES - 8/16/76 and 8/23/76

The minutes of August 16th and 23rd were held over due to lack of quorum of those present at the meetings.

III. ITEMS TO BE CONTINUED - Item VI-D under New Business on the agenda.

IV. PUBLIC HEARING

Z-157/U-457 - Herman Bauer, 590 Red Hill Avenue, A/P 6-091-59, application to rezone from Preliminary Planned Development, Single Family Residential to Specific Planned Development, Single Family Residential; U-457 - use permit to allow implementation of Specific Planned Development.

Applicant had not arrived yet. Matter was held over until later in the meeting.

V. NEW BUSINESS

A. U-455 - Richard & Consiglia Crispi, 411 San Anselmo Avenue, A/P 7-251-21 application to permit the on-sale business of serving beer and wine in conjunction with restaurant.

Applicants were present. Staff stated the Police Dept. had reported there were no problems with the past operation. This would be the same type use. No one was present in the audience to comment on this application.

Commissioner Eisgrau questioned whether there was enough parking spaces available. Staff stated that this being an existing building, the applicant would not be required to provide additional parking. There were no parking requirements for Knudsen's, the past use.

M/S Bolles, Goltz to approve U-455 for Richard & Consiglia Crispi, 411 San Anselmo Ave., A/P 7-251-21, use permit for the on-sale business of serving beer and wine on the basis that the use will not be detrimental to the neighborhood or property and will afford the Crispi's reasonable property rights to which they are entitled.

Motion carried: Ayes: Bolles, Fairchild, Goltz, Ragan
Nays: None
Abstain: Eisgrau

Mr. Herman Bauer was present at this time. Application Z-157 and U-457 were considered.

Staff explained that Mr. Bauer's application to rezone this parcel to Preliminary Planned Development had been approved by the Commission and the Town Council. Now the applicant was requesting approval of a Specific Planned Development.

Mr. Bauer stated his application included three separate units. The driveway is 16' with a turn around. There would be no development on the lower level of the lot. He stated he was aware that he would have to come back before the Commission for a use permit with construction drawings and a complete soils report.

Commissioner Goltz questioned Mr. Robbins as to whether this lot being a R-1, would only allow two units. The applicant was actually asking for one more unit over the presumptive use.

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

Commissioner Goltz questioned whether the existing trees would remain or be removed. This should be indicated on the drawings.

Commissioner Goltz felt the first section of the driveway was adequate. However, from the first bench up to the top was very steep and very difficult to maneuver. He would like to see the applicant

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pave the driveway with a rough surface or change the grade. Staff explained there would have to be some grading done.

Commissioner Goltz was also concerned about the closeness of the buildings. If these had been regular R-1 houses they would have to be 16' apart. Mr. Bauer's were only 10' apart and he felt this was too close.

In connection with the closeness of the house, Commissioner Goltz also expressed the desire to consider screening between the homes. The stairway of one house looked right into the master bedroom of another.

Commissioner Fairchild also stated she had some concerns about the driveway. She had driven her small car up to the top and found it very difficult. She felt it would be very difficult for a family with a normal size car to drive it.

Commissioner Fairchild was also concerned with the closeness of the buildings and with the fact that there would be additional traffic created by the construction of the houses on to Red Hill Avenue.

Mr. Robbins reported that statistically, each residence was supposed to create 8 trips a day. With the three houses there would be a possibility of 24 cars a day.

Commissioner Eisgrau was also concerned about the closeness of the houses, traffic, steepness of the driveway and the total height of the buildings.

Commissioner Bolles questioned the width of the driveway at Red Hill Avenue. On the drawing it indicated the driveway at that point was only 14-15 feet.

Commissioner Bolles noted that if cars parked in Units 1 & 2 there would be no room for the car at Unit 3 to get out.

Commissioner Bolles was also concerned about the placement of the units in relation to the bank and street in front, particularly Unit 1.

Commissioner Bolles stated he would like to see the drawings reworked in line with the comments made at tonight's meeting and resubmit them for Commission approval.

Chairman Ragan stated he felt this was the ideal spot for two units rather than three. He was also concerned with the matters mentioned by the rest of the commission.

Mr. Bauer stated he had originally proposed 14 units for this parcel. The Council had kept him coming back and forth requesting various numbers of units, 12, 8, 6 and now 3.

M/S Goltz, Bolles that Z-157 for Herman Bauer, 590 Red Hill Ave., A/P 6-091-59, application to rezone from PPD Single Family Residence to SPD Single Family Residence be referred back to the applicant and that the applicant be asked to investigate the following points:

1. Width of the driveway be not less than 16';
2. That the steepness of the driveway never be more than 25% grade;
3. That the existing trees to remain should be shown on the drawing or noted in some manner;
4. That the space between the houses be made larger and that the spaces be not less than 16';
5. That there is a turn around on the top plateau and that there is some provision for additional or guest parking;
6. That an investigation be made to see if the buildings could be turned to have a more consistent relationship to the contours.

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

- B. U-456 - Linda & George Clark, 1000 Sir Francis Drake Blvd., A/P 6-032-15, application for use permit allowing day care center.

Applicants were present. They felt there would be no problems with the use. They would be using the last remaining room in the school.

Mr. Dale Sedler, 93-A Medway, felt the Town was centralizing a lot of the day care centers into the Isabel Cook School. He questioned whether there would be any confusion between the groups of children at the different programs.

Ms. Clark stated she had talked with the people in charge of the other programs and had discussed using the playground at alternate times.

Mr. Sedler also felt there was inadequate space for the children to be dropped off and what was there was unsafe. Commission disagreed with Mr. Sedler as there are two spots where the children can be dropped off safely - via Sunny Hills Rd. where the children are dropped off right in front of the playground area; between the school and the former school's office at 1024 Sir Francis Drake Blvd. where the children can walk down a walkway into the playground area.

Commissioner Eisgrau stated she was concerned about the 6:00 p.m. closing time and with the possibility of 20 children being picked up.

Ms. Clark stated there was no one given time for the children to be picked up and at this time they only had one child that would be picked up at 6:00 p.m.

Commission agreed the School District was allowing the former school to be developed in a slipshod manner. Before any problems developed it should be determined how many children were now actually in the school.

Commissioner Fairchild stated she could not see how there could be any more traffic created from the uses presently in the school than when it served children Kindergarten through 8th grade.

M/S Fairchild, Bolles to approve U-456, Linda & George Clark, 1000 Sir Francis Drake Blvd., A/P 6-032-15, application for use permit to allow day care center based on the fact that it will not be detrimental to health and safety of the neighborhood or general welfare of the Town; that granting is necessary for the preservation and enjoyment of substantial property rights by the owner, which is the San Anselmo School District.

Commissioner Eisgrau added the following amendment: There will be no more than 20 pupils enrolled at one time.

Commissioner Fairchild accepted the amendment. Commissioner Bolles did not. He felt the applicant had the right to discuss the matter before the Commission limited the enrollment.

Commissioner Goltz added the amendment: With a maximum of 30 enrolled and 20 in attendance at one time. This amendment was accepted by Commissioners Fairchild and Bolles.

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

Applicant was advised of the 10-day appeal period.

- C. VAR-648 - James W. Marsters, 36 Foothill Rd., (adjacent to 32 Foothill Rd), A/P 7-033-08, application requesting:
1) 20' frontyard variance (0' frontyard setback); 2) variance to permit third story for living area.

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Applicant was present. Applicant stated he needed the variance in order to provide off-street parking.

The area is quite woody, and applicant stated he wanted to keep the trees.

Commissioner Eisgrau questioned the applicant whether there would be any windows facing the underpinnings of the carport. Applicant stated no.

Staff stated the applicant would have to obtain an encroachment permit from the Town in order to construct his ramp. The maximum height of the carport would be 8' as a 7' clearance was needed. The house has an average height, from the middle of about 32'.

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

Commissioner Goltz stated he had no problem approving a variance for a covered carport or for the third story. He did question however, whether the bedrooms on the lower level faced Humboldt. If this was the case, the windows would not meet Code requirements and the house would therefore have to be raised. This would make the total height of the house 36'. It was felt by Commissioner Bolles that the bedrooms were located on the opposite side. Commissioner Goltz withdrew his objection.

Commissioner Bolles questioned why the carport was sited the way it was. He felt it should be rotated to miss a nearby clump of trees. It was agreed the carport would be resituated as drawn in by Commissioner Bolles.

M/S Goltz, Fairchild to approve VAR-648 for James W. Marsters, 36 Foothill Rd., adjacent to 32 Foothill Rd., A/P 7-033-08, application requesting 20' frontyard variance and a variance to permit third story for the reason that the lot is extremely steep and the frontyard variance is necessary to serve the cars as required by Code; the steepness of the site limits the area upon which you can feasibly build; and the granting of this application is required for applicant to enjoy property rights and it is not detrimental to those living and residing in the neighborhood.

This motion is based upon plans received by the Planning Dept., dated January 20, 1976 and revised 9/13/76, Sheets 1-5.

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

Applicant was advised of the 10-day appeal period.

- D. VAR-689 - Sali M. Carlson, 181 Floribel Ave., A/P 7-091-08, application for 19'6" rearyard variance (6" rearyard setback) to construct an addition to residence; variance of one parking space.

Held over until September 20, 1976.

- E. VAR-691 - Terence Andrews, 118 Allyn Ave., A/P 7-092-16, application for 0' front and rear yard setbacks to permit the reconstruction of access ramp to the existing garage.

Applicant was present. Commission agreed variance was justified.

M/S Eisgrau, Bolles to approve application for VAR-691, Terence Andrews, 118 Allyn Ave., A/P 7-092-16, for a 0' frontyard and rearyard setback to permit the reconstruction of access ramp to the existing garage which will afford the applicant the necessary preservation and enjoyment of substantial property rights; will not be materially detrimental to public welfare or injurious to property or improvements in the neighborhood; and that there are exceptional or extraordinary circumstances applying

because of the fact that the building exists in the present location which warrants the granting of this application.

Motion carried; Ayes: Bolles, Eisgrau, Fairchild, Goltz, Ragan
Nays: None

Applicant was advised of the 10-day appeal period.

- F. VAR-694 - Richard & Mildred Waidelich, 90 Spring Grove Ave., A/P 6-172-11, application for an 11' frontyard variance.

Applicants were present, as was Mr. Sontag - Architect for the Waidelich's.

Mr. Sontag stated they wished to keep the general character of the house, would preserve the trees, and roof would be of the same slope and materials. Most of the plumbing is located where the new addition was proposed. The house presently has no tub which the owners wished to put into the new section.

Commissioner Bolles questioned Staff if they had any remarks on this application. Staff stated there was some question whether or not there was a hardship involved to justify a variance. Staff also stated there had been some verbal complaints about the addition being so close to the road.

Commissioner Bolles stated he felt there was an unusual circumstance with this lot since the front is actually the side and due to the access and location of the house.

Commissioner Goltz agreed with Commissioner Bolles. However, he felt the addition could be done within the setbacks and that would be by constructing a separate building.

Applicant stated they had considered that possibility but it would be more costly, they'd have to go outside, and the plumbing was located near the proposed site. The architect felt a separate structure would not flow with the house.

Chairman Ragan agreed with Commissioner Bolles. He also could not see tearing up the patio to construct this addition.

Commissioner Goltz stated that while there might be some detriment to the neighborhood, the architect had made the structure low and flat which would mitigate negative aspects.

M/S Bolles, Goltz to approve VAR-694 for Richard and Mildred Waidelich, 90 Spring Grove Ave., A/P 6-172-11, application for an 11' frontyard variance for a 9' frontyard setback; approval of this variance is based on the fact that the site and the access to this existing structure poses a situation which is unique to this particular piece of property in that the frontyard might normally be considered as the sideyard to the existing structure. Further, the addition of the studio appears not to be a detriment to the neighborhood and that the addition will provide the owner with reasonable property rights and allow full enjoyment of property. Approval is based on drawings prepared by S. G. Sontag, 35 Clorinda, San Rafael CA dated 8/27/76 and received the same date by the City of San Anselmo

Motion carried: Ayes: Bolles, Fairchild, Goltz, Ragan
Nays: None
Abstain: Eisgrau

Applicant was advised of the 10-day appeal period.

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VII. MATTERS FOR CONSIDERATIONA. Proposed Condominium Conversion Ordinance

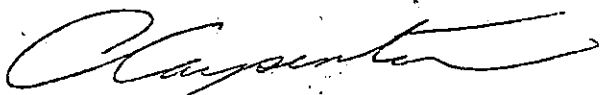
Staff requested the Commission be prepared to discuss this proposed ordinance at the September 20th meeting.

Commissioner Goltz wished to go on record that the "park plan" drawn up by him for the Lansdale School site had been done in June which was well after the matter of the child care center had come up before the Commission. At Mary Olive's request, he had graphically depicted her idea for a park. Commissioner Goltz stated this was done for a friend, he was not paid for it and he did not feel it was a conflict of interest. He stated the day care center people had passed around rumors that he had been paid and that he had a lot to gain from it.

Commission felt that while the public schools were not under the purview of the Commission the schools are a planning issue. Commission questioned how they could work with the public schools since the development of their property did have an impact on the community.

VIII. ADJOURN

Meeting adjourned at 10:45 p.m. -- Hallelujah! Hallelujah!


Catherine Carpenter, Planning Secretary