

The Regular Meeting of the San Anselmo Planning Commission was called to order by Chairman David Ainsworth in the Council Chambers at 8:00 p.m. on July 12, 1976. Representing Town Staff: T. J. Robbins, Associate Engineer/Planner; C. R. Leitzell, Director of Public Works/Planning.

I. ROLL CALL

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

2. APPROVAL OF MINUTES - 5/24/76, 6/21/76 and 6/28/76

Chairman moved for the adoption of the minutes of May 24th, June 21st and June 28th as amended. Motion seconded by Commissioner Goltz. Passed unanimously with the following abstentions: Commissioner Ragan, from June 28th; Commissioner Greenfield from June 21st and 28th; Commissioner Bolles from May 24th and June 21st.

Amendments: June 21, 1976 - Pg. 2, 1st para., add to beginning of last line: ...would not recommend it to the Town Council.

Pg. 2, 6th para., to read: M/S Ragan, Eisgrau that A/P 6-181-40, 41 and 6-121-32 be deleted from any consideration for rezoning.

Pg. 2, 5th para. to read: M/S Ragan, Eisgrau the public hearing concerning the rezoning of various parcels be continued to July 19th, and should be reviewed giving special attention to those parcels which do not fall into the purview of the General Plan.

Pg. 3, motion under Item 5-A to read: M/S Goltz, Eisgrau, that the Planning Commission recommend to the Town Council that the sites 3k, 13, 51, 40, 74 and 45, as proposed by the Golden Gate District, those to have new shelters, are agreed upon by the Commission.....etc.

Amendments: June 28, 1976 - Pg. 1, motion under "Lorenzo's" to be: M/S Eisgrau, Bolles.....

Pg. 2, Item C to read: "Complaint about day care center use permit No. 445...etc.

OLD BUSINESS

- a. VAR-661 - Frederick Roscoe, 35 Entrata, A/P 6-241-30, application for a variance from a maximum height of 6' for fence and hedge to allow an existing fence and hedge varying in height from 6'5" to 10' high, to remain.

Staff explained that this item had been continued from the June 21st meeting as Mr. Elliott (62 Lincoln) had stated he was going to have the property line surveyed between his property and the Roscoe's.

Staff stated that there had been several phone calls from Mrs. Miller of 66 Lincoln Avenue regarding the height of the hedge and that there had been no trimming by the Roscoe's.

Staff stated they could still see no justification for approving a variance. Staff felt the property rights of the affected neighbors were not being appreciated.

Mrs. Roscoe stated that the only problem the Commission was having with the variance was that of "no detriment to the neighbors". The only detriment to the neighbors that she could see involved a lilac tree. She felt both 62 and 66 Lincoln Avenue received full afternoon sun. There request was for privacy, the kind that most people are able to enjoy.

Mrs. Roscoe stated they had tried to compromise with the Elliotts by designing a fence with slats. The Elliotts, however, requested the boards be slanted to such a degree that it did not offer them any privacy at all.

Mr. Roscoe stated that Commissioner Eisgrau had made quite an effort to resolve this problem.

Richard Jordan, 25 Merced Avenue, San Anselmo, practicing law in Novato was present to represent the Elliotts.

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Mr. Jordan stated that when the Elliott's purchased their home in 1940 there was a lattice fence dividing the properties. (Snapshots showing the fence were passed to the Commission)

In 1973 when the Roscoe's purchased their home at 35 Entrata, they put up the solid wood fence without permission from the Elliott's or the Town.

Mr. Jordan stated the Elliott's would compromise on the fence providing the Commission imposed the condition that the fence be constructed of slats having a 2" space and facing a southeast to northwest direction. The other suggestion was to construct the fence out of translucent material.

Commissioner Ainsworth stated he understood the goal of the Roscoe's which was privacy. He had no disagreement with the application being in conformance with the first condition of the variance requirements. However, he could find no exceptional circumstances which applied to their building or lot, as required by the second condition. The third condition which states the variance must not create a detriment to others was also not met. Two neighbors were saying that to some extent the fence blocks their sunlight.

Commissioner Ragan agreed, he also could not find that the variance application met all three criteria.

Commissioner Bolles felt a 6' high wall was a poor solution.

Commissioner Greenfield felt the same as the other Commissioners. Without acceptance from all bodies, he would have to deny the application.

M/S Ragan, Goltz Planning Commission deny that portion of VAR-661 for Frederick Roscoe at 35 Entrata Avenue, A/P 6-251-30, which involves the wooden fence dividing the applicant's property from that of Mr. and Mrs. Elliot for the reason that this request will not meet the requirements of Section 10-3.2102(1)-(3) of the San Anselmo Municipal Code. Passed unanimously.

M/S Goltz, Bolles that the other portion of variance application for Frederick Roscoe, VAR-661, having to do with a hedge dividing their property from the Elliott and the Miller families be approved for the reason that the major portion of that hedge screens the property which is higher in elevation than the Roscoe property and therefore presents a condition which is unusual to this particular application and further that the applicant needs this variance to appreciate property rights. While there may be some detriment to the neighbor directly involved, Commission notes that this hedge was existing. The hedge was substantially higher and has been trimmed by the applicant.

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

Applicant was advised of the ten (10) day appeal period.

- b. Proposed Amendment to Zoning Ordinance - Building Site Areas
Section 10-3.1908(d) - Amendment Proposed by Ken Anderson to change "5,000 square feet and 50 feet" to "7,500 square feet and 60 feet".

M/S Goltz, Ragan that the proposed amendments to zoning ordinance concerning Section 10-3.1908(d) about combining of lots, move that the Commission recommend that no action be taken on amending that section of the Municipal Code. Passed unanimously.

M/S Goltz, Ainsworth the Planning Commission reconsider the Frederick Roscoe variance application for the hedge for the reason that a height of the hedge was not given. Passed unanimously.

M/S Goltz, Bolles to add to the motion approving the variance for the hedge, the height of the hedge varying 6'5" to 10'0".

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

4. NEW BUSINESS

- a. U-452/VAR-680 - Fotomat Corporation, A/P 6-214-02, east end of parking lot east of 65 Red Hill Avenue, construct drive-thru retail film sales and processing kiosk and variance for 9 parking spaces.

Applicant for Fotomat, Susan Whitney was present.

Staff gave a brief run down of the application. Staff felt the driveway width was too narrow. This application was turned down by the Planning Commission and the Council in 1969, and it was Staff's feeling that the same hazardous conditions still existed.

Ms. Whitney stated she felt there was a hardship to warrant approval of a variance. Fotomat did not require parking.

Ms. Whitney stated the last application, cars could enter from both sides of Red Hill Avenue and there was no allowance for any stacking. Ms. Whitney felt there was enough room adjacent to the property to allow for stacking which would not interfere with the flow of traffic.

Pete Fogerty of Dickerton, Conn., in charge of public relations, stated he had spent the whole afternoon up at the lot and there were only 2-3 cars in the lot at one time. He felt this would be a good use of the property and Fotomat would be willing to work with the Town to beautify the entrance.

Commissioner Bolles felt that while Fotomat could offer the Town something in respect to beautifying the entrance to San Anselmo, he was concerned about the parking, and the circulation internally in the site. Two standard size American cars would hardly have enough room to drive in and out.

Commissioner Greenfield was concerned about cars trying to get out of the flow of traffic and into the stacking lane. He felt the traffic down Red Hill was very fierce and anything that would disrupt the traffic might present a hazard.

While Commission felt Fotomat could offer alot to the Town, a variance couldn't be justified as the hardship was being created by the applicant himself.

Mr. Fogerty stated he understood this. He felt the best thing to do would be to withdraw the request and they would try to come back again.

- b. VAR-681 - V.B. & K.A. McLorg, 21 Canyon Rd. - Held over until July 19, 1976.
- c. SS-199 - John S. Guerin, Mono Avenue, A/P's 5-191-21, 26 and 27 lot line adjustment.

Mr. Joel Reynolds, representative for the owner, was present.

Staff stated they could see no problems with this proposed lot line adjustment. It would get a substandard lot off the books, and Staff recommended approval.

M/S Ragan, Goltz that SS-199, John S. Guerin, A/P's 5-191-21, 26 and 27, application for a lot line adjustment be approved on the grounds that it eliminates a substandard lot. This lot line adjustment meets the requirements of Section 10-2.707 of the San Anselmo Municipal Code and is based upon Tentative Map dated June 1976, and received in San Anselmo June 28, 1976. This lot line adjustment is in conformance with the Town's General Plan. Passed unanimously.

5. MATTERS FOR CONSIDERATION

- a. 1604 Sir Francis Drake Blvd. - Commission to consider allowing restaurant use in C-1 zones, or perhaps rezoning the C-1 areas to C-3.

Mr. Ralph McClurg of Red Carpet Realtors' stated he had several requests from people regarding 1604 Sir Francis Drake Blvd. asking if a restaurant could be put in.

Commissioner Ragan felt there was a need for a restaurant in that area.

Commissioner Goltz felt a restaurant could be permitted in this C-1 zone simply by the applicant applying for a use permit. He felt the Municipal Code allowed the Planning Commission to make this determination.

Commissioner Goltz felt this was a viable C-1 lot. He would be unwilling to say how he felt about rezoning until he had heard comments from the neighbors.

M/S Ragan, Greenfield that the Planning Commission hold a public hearing on August 16, 1976 for the purpose of amending Section 3.902(g) to include delicatessen with food service as an adjunct.

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

- b. Resolution establishing the maximum number of second units to be permitted on single family lots in each neighborhood. Review and recommend to Town Council.

Commission felt the resolution was a fine piece of work. Commissioner Goltz felt it was one of the best in-house planning jobs he'd ever seen. He felt Ms. Perry had done a good job. The resolution really stated what the General Plan wants.

Commission requested that Staff devise a legend for the neighborhood maps.

Chairman Ainsworth stated he had one major problem with this resolution. In some respects this resolution presented a "catch 22" situation. Where there are second units in excess of what the Commission determines the maximum density, the Commission would be required to deny the use permit. Also, those neighborhoods with undeveloped parcels in maximum density neighborhoods.

Chairman Ainsworth felt it would be a terrible result to abate those on a rarified look at General Plan densities, even though the densities are not a fact. He felt there should be some sort of difference in dealing with units in this type situation.

Commission agreed to put discussion over on this matter until July 26th at 7:30 p.m.

Commissioner Ragan left the meeting - 12:15 a.m.

- c. Proposed Condominium Conversion Ordinance - Held over.
d. Proposed Amendments to Subdivision Ordinance - Held over.
e. Proposed Amendments to Design Review Ordinance.

M/S Goltz, Bolles the Planning Commission recommend to the Town Council that they take action on the proposed amendments by the Design Review Committee, per their memo of May 10, 1976, as amended by the Planning Commission. Amendments to Title 10, Chapter 4 are as follow:

- (1) At such time as the Open Space and Conservation Element of the General Plan is implemented, construction of single family residences, appurtenances, and accessory improvements in the future Health and Safety (Conservation) Zone and on parcels fronting on the Scenic Highways.

2. ~~Additions-and-alterations-to-single-family-residences, appurtenances-and-accessory-buildings-that-diverge-from-the-architectural-features-and-lines-of-the-existing-building-as-determined-by-Town-Staff. Delete~~
3. All Planned Development applications will be reviewed by the Design Review Committee at the appropriate time in the permit granting process.
4. ~~Exterior-colors-of-buildings-in-major-commercial-areas,-including-C-2-and-C-3-zones. Delete~~
5. ~~Projects-not-otherwise-covered-which-have-visual-impact-on-the-community.~~

In Amendment B, the Planning Commission agrees with that section, however, there were some reservations about the time period to start and the Commission recommends Section 10-4.15 be changed to allow for two (2) years. (Design Review recommended one (1) year.)

6. ADJOURN

Meeting adjourned 12:50 a.m.

Catherine Carpenter

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cc