

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 May 3, 1976. Representing Town Staff: T. J. Robbins, Associate Engineer/Planner.

1. ROLL CALL

Commissioners Present: Ainsworth, Bolles, Goltz (arrived late), Greenfield Ragan
Commissioners Absent: Eisgrau, Fairchild

2. APPROVAL OF MINUTES - APRIL 19, 1976

Chairman Ainsworth moved for the adoption of the April 19th minutes. Commissioner Ragan seconded the motion. Passed unanimously, Commissioner Bolles abstained.

3. OLD BUSINESS

A. PUBLIC HEARINGS: Proposed Amendment to Section 10-3.1908(d) relating to building site areas of the San Anselmo Municipal Code

AND

B. ITEMS FOR REVIEW: U-435 - Marin Para-Medical Services, 101 San Anselmo Ave.

M/S Ragan, Bolles the public hearing for the building site areas be continued until June 7th and also that U-435, use permit for Marin Para-Medical Services be likewise continued until June 7th. Passed unanimously.

C. USE PERMITS/VARIANCES/SUBDIVISIONS

1. SS-197 - Milliken/Hobbs, 19 and 21 Allyn Avenue, application to subdivide A/P's 7-095-16 and 7-095-17 into two building sites with exceptions to the slope policy and required lot width.

The applicant R. Milliken and his partner V. Hobbs were present and had received the Staff's report.

Staff had no further information to provide the Commission, but did call their attention to the number of exceptions required on this application.

Chairman Ainsworth asked whether the Commission could approve the subdivision without granting all of the variances. Staff stated that all variances were required for subdivision approval.

Applicant was given floor for presentation of his request. Applicant stated he wished to correct one item in the Staff Report; the dwelling on the undeveloped lot was demolished in 1967. The two lots when he purchased them were buildable, and he would like to be able to take advantage of that right.

Meeting was open to public comment.

Dick Luttrell, 70 Allyn Ave. stated that he wished to plead for the Commission's disapproval of this application.

Gary Armor, 43 Allyn Ave. felt the applicant already had two legal lots. He felt the County of Marin did not interpret the Attorney General's opinion requiring resubdivision in the same manner.

Bill Jordan, 25 Allyn Avenue stated he was very concerned that a building in the proposed site would spoil the neighborhood. The construction would result in three dwellings on two parcels; create alot of concrete; and further add to parking congestion.

Mr. Jordan stated he personally objected to the project as there would be such a narrow width between the existing dwelling on Mr. Milliken's lot and his house. This would block off light and view which he felt would devalue his property.

Robert Thayer, 20 Allyn Avenue questioned the character of the landlord. He stated two years ago there was so much trash on the property there was a health hazard. He advised owner several times and nothing was done. After notifying the Health Dept. it was finally cleared up.

Vivian Gray, 22 Allyn Ave. stated she was concerned about the parking.

Peter Macker, 18 Allyn Avenue felt that what Mr. Milliken propose would crowd the area.

Barbara Luttrell, 70 Allyn Ave. stated that since Mr. Milliken was not a resident of Allyn Ave. perhaps he did not have the personal interest all of the residents did.

Dagmar Jordan, 25 Allyn Ave. was concerned about the area being a major fire area and the possibility of having the proposed house 8' from her house.

(Commissioner Goltz arrived at the meeting)

Mr. Milliken in answer to comments from the audience stated he did provide parking for his tenants, he had improved the property since he purchased the lots, and his partner Virginia Hobbs planned on living in the new dwelling.

Commissioner Ragan questioned applicant about the second unit above the garage and whether it was occupied before he purchased it. (It had been occupied prior to applicant's purchase, but alterations had been made by Mr. Milliken. No record of a building permit exists.)

Commissioner Ragan stated that with all the exceptions being asked for he could not vote for the approval of this subdivision.

Commissioner Bolles stated the problems he had with this subdivision didn't relate to the discussion tonight. To grant the subdivision he would have to find justification for exceptions from the zoning code and he was stuck due to what already physically existed on the property. The garage and the apartment were the reasons he would have trouble supporting it.

Commissioner Goltz stated he had at first reacted emotionally toward this application because of the absentee landlord, but after closer consideration he rejected these emotional reasons. However, based on the facts, Allyn Ave. is one of the worst streets in San Anselmo and as stated in the General Plan, the Town was in favor of limiting the density in R-1 areas. As this application required so many exceptions and did not meet General Plan requirement (added to existing poor circulation) he felt the creation of another lot would be bad planning.

Commissioner Goltz also felt that if there was to be any type of subdivision, it should be to give some land to the second unit.

Commissioner Goltz was not bothered by the average width, but was concerned about the slope policy and size of lot.

Commissioner Greenfield stated he was troubled by exceptions and also no solution to the driveway.

Chairman Ainsworth stated he wasn't sure whether or not the slope policy applied to this particular application.

Chairman Ainsworth felt the comments made by the audience were not germane to the application and he informed the audience that as a general rule when there is a legal lot, the neighborhood does not have the right to exclude someone from building on it. He only heard the audience express a wish to keep this lot open.

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Chairman Ainsworth stated the second unit on the parcel is non-conforming and is a law enforcement problem. He could not find justification for granting variances for this apartment or for the main house.

As far as the General Plan, Chairman Ainsworth felt that while the street was not a good one, he did not feel an additional R-1 use at this location would effect the circulation one way or another.

Commissioner Goltz commented that the sideyard variance could easily be corrected by changing the lot line requested. This, of course, intensified the lack of average width required.

M/S Ragan, Goltz to deny SS-197, application for a parcel split as shown on Tentative Map entitled "Proposed Division of A/P 7-095-16 and 7-095-17" as issued by P. J. Joos, dated March, 1976, on the basis that exceptions to the subdivision ordinance required for approval are not justified.

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

Applicant was advised of the 10-day appeal period.

4. NEW BUSINESS

A. USE PERMITS/VARIANCES/SUBDIVISIONS

1. U-448 - San Anselmo Tire & Brake, 20 Greenfield, A/P 6-251-07, application to permit automotive repair.

Applicant Dick Seversen was present and had received Staff Report.

After a brief discussion,

M/S Goltz, Ragan to approve U-448, application for a use permit to make automobile repairs at 20 Greenfield Ave., A/P 6-251-07 for San Anselmo Tire & Brake, on the basis that this will not be detrimental to the neighborhood and approval of the use permit is necessary to affect property rights in allowing reasonable use at this location.

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

Applicant was advised of the 10-day appeal period.

2. VAR-664 - Raymond R. Robson, Jr. 1417 Sir Francis Drake Blvd., A/P 5-191-07, application for a variance from the frontyard setback for parking.

Applicant was present but had not received Staff Report.

Applicant explained to the Commission that he had been issued a building permit but it had been revoked due to the requirement of Design Review. At the Design Review meeting the parking was questioned and subsequent talks with the Town Attorney led to the opinion that parking was actually a "use" and the applicant couldn't enlarge his building without conforming.

Commission questioned how it happened they had an application which required the granting of a variance for a use.

Commissioner Bolles stated he was so upset and confused by the Commission's debating on the new interpretation by the Town Attorney, which no one knew about until tonight, that he would abstain from further discussion on this issue.

Commission questioned how parking was considered a use.

With respect to the variance itself, Commission indicated they had trouble finding justification to grant the variance.

Commissioner Bolles mentioned the trouble he had backing his car out of the applicant's place onto Sir Francis Drake Blvd. Visibility was very limited and his car was almost hit. To add more cars would compound an already dangerous problem.

Commission indicated they could find no justification for tandem parking, but if applicant was to provide two better parking spaces on the property there could possibly be better justification

Commission suggested applicant take his application back for revision. Applicant was agreeable.

M/S Goltz, Greenfield that the Planning Commission refer VAR-665 for Raymond R. Robson, Jr. back to Mr. Robson for possibility of making a more feasible parking plan. Passed unanimously.

3. VAR-665 - Santa Barbara Savings, 305 San Anselmo Avenue, A/P 7-282-20, application for a variance from the height limitation.

Mr. Huntsberry, on behalf of Santa Barbara Savings was present and had received Staff Report.

Commissioner Bolles stated that while this parapet would shield the existing mechanical equipment from most vantage points, it was still visible from the hillside areas. Commissioner Bolles questioned whether applicant would like to go even higher, or perhaps he would take into consideration making the equipment less obtrusive by way of color scheme.

M/S Goltz, Bolles to approve VAR-665, application for a height variance for the addition of a 4'4" fascia extension to an existing parapet wall resulting in a total height from grade of 50'6" for the Santa Barbara Savings building, 305 San Anselmo Ave., A/P 7-282-20, because building condition existed in that the mechanical equipment was allowed to be built under previous ordinance and that this height will not be detrimental to neighborhood as it will be an improvement to the screening of mechanical equipment on roof, and variance is required to provide reasonable property rights in allowing this addition.

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

Applicant was advised of the 10-day appeal period.

4. VAR-666 - Howard L. Wu, 4 Hawthorn Ave., A/P 5-124-13, application for a 7'6" variance from the frontyard setback to allow parking in front of an enclosed converted garage.

Applicant Howard L. Wu, and new property owners of 4 Hawthorn Ave., Wm. Brostoff were present. They had received the Staff Report.

Applicant stated at the time he purchased the property, a Residential Property Report had noted that "...one half of the two car garage is inaccessible for parking. To comply with the City Ordinance covering offstreet parking requirements, the second garage door must be opened up to allow the entry of an automobile. Certificate of Occupancy will be issued when the above mentioned condition has been corrected."

Applicant stated that Herb Wayhouse of Coldwell Banker had told him the holding up of the Certificate of Occupancy was "no big deal".

Commissioner Ragan stated he felt the new owner was taken, and he felt the real estate representing Mr. Wu should be the one

responsible for replacing the garage door.

Commissioner Goltz explained to the applicant that the Commission was required to consider the application as though the garage had not yet been converted. Commissioner Goltz could not find a site hardship since there were other places on the site within the setbacks where an additional room could have been added or the parking could have been relocated.

M/S Ragan, Goltz to deny VAR-666, application for a 7.6' variance to allow a parking space 12.4' from the front property line at 4 Hawthorn Avenue, A/P 5-124-13, on the basis that the site justification required for a variance does not exist.

Further move to direct the attention of the Public Works Dept. to the nonconforming parking for appropriate action.

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

Applicant was advised of the 10-day appeal period.

5. MATTERS FOR CONSIDERATION

- A. Proposed Condominium Conversion Ordinance: To be discussed at the May 10th Workshop Meeting.
- B. Amendments to Subdivision Ordinance: Held over until June 7th.

Commission suggested that perhaps they should once again meet every Monday night to handle the workload.

The Conflict of Interest Code will be considered by the Planning Commission at the May 17th meeting.

6. ADJOURN

Meeting adjourned 11:50 p.m.


Catherine Carpenter, Secretary