

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 March 15, 1976. Representing Town Staff: T. J. Robbins, Associate Engineer/Planner; C. R. Leitzell, Director of Public Works/Planning.

1. ROLL CALL

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

2. APPROVAL OF MINUTES - MARCH 1, 1976

M/S Ainsworth, Ragan the approval of the March 1, 1976 minutes. Passed unanimously, Commissioner Bolles abstaining.

3. NEW BUSINESS

A. U-443 - Mrs. Christa Stapp, 27 Millbrae, A/P 6-124-09, application for use permit allowing the home occupation of teaching the recorder.

Applicant was present and had received/reviewed Staff Report.

Letters were submitted to the Commission by Mrs. Stapp from her neighbors in support of her application. (Letters received from: Philip D. Stevens, 38 West Gate Way; John and Anna Condon, 25 Millbrae Ave.; and Mrs. Christine Vincent, 38 Millbrae Ave.)

Commissioner Ragan stated he disagreed with the Staff Report. The recorder is a hobby of Mrs. Stapp's and the primary reason for applying for this use permit was to protect herself if she does have students.

Commissioner Ragan felt that there was actually no detriment to the neighborhood as her neighbors were in agreement with her application.

M/S Ragan, Fairchild that U-443 for Christa Stapp, 27 Millbrae Ave., A/P 6-124-09, application for a use permit to allow the teaching of the recorder be approved with the provision that should there be any problem involving the ingress and egress of emergency vehicles, or should there be any complaints, that this matter be referred to the Planning Commission immediately for review. This approval is based on the fact that this use permit will not be detrimental to the safety and welfare of residents in the neighborhood and the granting of this application is necessary for the preservation and enjoyment of substantial property rights of the petitioner. Passed unanimously.

B. U-444 - Mark Civarello, 729 Sir Francis Drake Blvd., A/P 6-083-06, application to permit the on-sale business of serving beer and wine.

Applicant was present and had received/reviewed Staff Report.

Commissioner Goltz questioned fulfillment of the conditions required in the previous use permit approving the restaurant (i.e. parking plan).

Commissioner Eisgrau, Commission representative on the Design Review Committee, stated she had expressed concern about the adequacy of the parking plan at the last Design Review meeting. She felt the Commission had required more parking spaces than the applicant had shown on his plan to the Design Review Committee. The Design Review Committee referred the workability of the parking plan to the Staff for finalization.

Chairman Ainsworth could not see the connection between considering the beer and wine permit tonight and the condition requiring a parking plan by a now extinct GPC Use Permit. The applicant had not prepared himself to speak about the parking plan at tonight's meeting. Chairman Ainsworth felt the Commission should act on the application being considered tonight and the parking consideration should be sent back to Design Review.

Commissioners Goltz and Fairchild felt the Commission was responsible to the community to make sure that all previous conditions had been met. Since these conditions had not been met, they would both be unable to act on the current application.

M/S Goltz, Eisgrau that U-444, application for the on-sale business of selling beer and wine for Mark Civarello, 729 Sir Francis Drake Blvd.,

A/P 6-083-06, be referred back to the applicant for him to prepare parking plan (egress via the easement to be shown) that has been approved by the Design Review Committee and/or the Town Staff, and that this matter be brought back before the Planning Commission at our next meeting if possible.

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

Commissioner Bolles stated he voted "no" based on the fact that he felt the application for use permit had not been fulfilled initially. (Section 10-3.2002 of the Municipal Code)

Chairman Ainsworth stated he would have opposed this motion if it had not been for the fact that the applicant had agreed to take back his application.

Commissioner Goltz requested that applicant indicate his hours of operation when he resubmitted his application.

C. VAR-658 - Paul Ferrarese, 24 Elm Ave., A/P 7-023-16, application for a 5' sideyard setback to permit the extension of the rear bedroom to accommodate a second bath.

Applicant was present and had received/reviewed Staff Report.

Commissioner Goltz stated he couldn't see anything wrong with the variance, but there was a problem with procedure here. Commissioner Goltz stated there was grading going on when he went to view the site.

Mr. Robbins explained to the Commission that the applicant had been given a building permit to do interior modification only. At the time he inspected the site there had been nothing done.

M/S Goltz, Ragan to approve VAR-658, application for a 5' sideyard variance to allow construction of dwelling addition 3' from the property line (with roof overhang a maximum of 1'3") at 24 Elm Ave., A/P 7-023-16, on the basis that there is a building hardship in locating this addition in conformance with setback requirements, that because of its low elevation it will not obstruct light or air from the adjacent property and therefore will not be a detriment to the neighborhood, and granting of this variance will provide property rights in allowing a reasonable development of a second bathroom for a three bedroom dwelling. This approval is based on Sheets 1-4 of sketches submitted by the applicant and dated February 23, 1976. Passed unanimously.

D. SS-195 - Roger Zahn/Theodore Lachelt, 72 and 76 Angela Ave., A/P's 5-021-18 and 5-021-17, application for a lot line adjustment.

Applicant Roger Zahn was present.

Mr. Wilson Partridge of 89 Angela Avenue questioned how this lot line revision was going to effect his easement which was described on his deed. This easement is a public utility easement and he wanted to make sure it was preserved. Definition of the easement was based on the property line.

M/S Ragan, Goltz that SS-195 for Roger Zahn/Theodore Lachelt, 72 and 76 Angela Ave., A/P's 5-021-18 and 5-021-17, lot line adjustment as shown on the Tentative Parcel Map prepared by Lockton-Grippi and Associates and received in the Public Works office February 27, 1976, be approved on the basis that this lot line relocation meets the Municipal Code requirements, with the provision that the final Parcel Map will record the utility easement shown on individually described Grant Deed for Wilson B. Partridge Jr. and Jacklyn G. Partridge of 89 Angela Ave. in San Anselmo, recorded at the County of Marin. All papers involved will be properly and legally recorded and any expenses involved will be borne by the applicants. Passed unanimously.

## 4. PUBLIC HEARINGS

A. Proposed amendment to Section 10-3.1908(d) of the San Anselmo Municipal Code.

No one was in the audience to speak on this application. Since there was an audience for the public hearing concerning the regulation of equine animals for personal use, that matter was first considered.

B. Proposed amendment to subsection (b) of Section 502 of Chapter 3 of Title 10 regulating the keeping of horses, donkeys, or ponies for personal use.

Mr. Leitzell explained to the Commission that this proposed ordinance was prepared by the Town Attorney (copied from the Sleepy Hollow Ordinance). The Council had initiated and referred this to the Planning Commission as a result of a recent complaint regarding the unsanitary and odor problem created by the keeping of horses on vacant land near residences.

Commissioner Eisgrau questioned whether most of the areas having horses conformed to the standard mentioned in the ordinance.

Commissioner Ragan stated that the Planning Commission had already spent 4-5 years trying to make an ordinance for horses. The Commission finally got an ordinance together that was agreeable, sent it to the Council, and they declined to adopt any ordinance of this kind. He questioned why they came back with this proposal. He refused to get involved with this again, and abstained from any action.

Dr. Ball, 137 Sunnyside felt the particular ordinance as presented was very good because it was very short. He felt that this ordinance would only affect 10-15 families in San Anselmo. He stated that one of the reasons the last ordinance was tabled was because it was felt the problem could be controlled by the existing health laws.

Verna Fairchild, 1 Idalia Rd. explained the previous ordinance was tabled because: 1) there were sufficient health laws; 2) there were plenty of means to abate a nuisance already on the books; 3) after the Council discussed the proposed ordinance and there were only five families affected they felt it ridiculous to pass such an ordinance.

Commissioner Goltz, as well as Dr. Ball, felt amending Section 10-3.502(b) to include "equine animals for the personal use of occupants of the residential property may be maintained upon the premises" would be sufficient. The rest of the proposal, setting distances between property lines and structures, should not be included.

Commissioner Fairchild questioned whether the Town had any record of how many households there are in the Town keeping horses; and also, how many complaints had there been? How many complaints could have been resolved with the health, nuisance, or noise ordinance?

Mr. Leitzell stated the Town Attorney had not only felt it necessary to control equine animals, but he also felt the Code was not clear that equine animals were allowed.

Commissioner Bolles stated he would not support this ordinance at all.

Commissioner Fairchild agreed with Commissioner Bolles. She felt this type ordinance should be brought up when the Commission/Council met.

Chairman Ainsworth didn't like the ordinance for the following reasons: 1) the criteria for allowing equine animals was based on a lot size for the Sleepy Hollow area and not San Anselmo's; 2) adding just the section quoted above by Dr. Ball and Commissioner Goltz suggested that the keeping of equine animals was not a nuisance and it's authorized. That should not be the case either.

Chairman Ainsworth stated that in the absence of significant support for this proposed amendment he would be in favor of voting it down.

M/S Fairchild, Bolles that the proposed amendment to Section 10-3.502(b) of the San Anselmo Municipal Code, short title reading, "An Ordinance

regulating the keeping of equine animals for personal use" be forwarded to the Town Council with the recommendation by the Planning Commission that it not be ordained. Passed unanimously.

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

There was no one in the audience to speak in response to the proposed amendment.

Commissioner Goltz questioned how many lots this would affect in the Town. Also, would it have a major affect on the planning of the Town?

Mr. Leitzell stated it would have a good affect on the Town if the Town wished to keep the density low. This amendment would affect only a small number of parcels.

Commissioner Goltz stated if this amendment was something that was really important to the community then he would favor it. He would not want it to be retroactive.

M/S Ragan, Goltz to continue public hearing until the next regular meeting, April 5, 1976, on the proposed amendment to Section 10-3.1908(d) of the San Anselmo Municipal Code and request in the meantime that Staff resubmit ordinance with the wording as proposed by comments made by the Planning Commission. Passed unanimously.

5. MATTERS FOR CONSIDERATION

A. Proposed Ordinance establishing and regulating second units - Continued from March 1st meeting

The Chairman stated that as this item was the first priority, even though it was late in the evening, he felt the Commission could cover a few pages.

Commissioner Fairchild stated she would really like to have a long discussion, a workshop meeting only, to go over the ordinance. She was not in favor of reviewing the ordinance tonight after having spent the better part of the day working on the applications considered earlier in the meeting.

The Commissioners agreed to hold a special workshop meeting to consider the second unit ordinance only. This meeting was scheduled for March 26, 1976 starting at 7:30 p.m. in the Council Chambers.

B. Discussion on the size and number of parking spaces required for residential use

Commission discussed whether or not the size or number of parking spaces should be less than what was presently required.

Commissioner Goltz felt that biggest problem was that there are too many cars. How could the Town deal with controlling the number of cars? Staff would explore possible methods.

6. PROPOSALS FOR DISCUSSION/FUTURE AGENDA ITEMS

A. Variances - A discussion on follow-through

Commissioner Eisgrau was upset over the fact that people will build something which requires a variance, they're caught and brought before the Commission, but they're never required to rip it down.

Also, people who do the work on their own are required to call in for inspection by the Building Inspector. There is a State law which requires inspection after certain steps. When this is not done, there is a fine imposed.

Commissioner Eisgrau felt there should be such a fine imposed on those who do not comply with the basic fundamentals and rules when they have been granted a building permit in San Anselmo.

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Commission also felt another reason why people avoided getting permits was because the Assessor was alerted by copy of the permit. Rather than taxes being raised on those people improving their property, those people allowing their property to fall below standard should be taxed.

AGENDA ITEMS FOR JOINT MEETING BETWEEN TOWN COUNCIL AND PLANNING COMMISSION

Commissioner Ragan suggested "Pamphlets for Residents" be a topic for discussion. (Commissioner Ragan left the meeting at this point - 12:00 midnight)

Other topics to be covered: 1) Council requests for Commission action (priorities/intent of ordinances); 2) Variances (State Code and San Anselmo Municipal Code requirements to be reviewed)

7. ADJOURN

Meeting adjourned at 12:15 a.m.

  
Catherine Carpenter, Secretary