

The Regular Meeting of the San Anselmo Planning Commission was called to order by Chairman David Ainsworth in the Council Chamber at 8:00 p.m. on March 1, 1976. Representing Town Staff: T. J. Robbins, Associate Engineer/Planner; C. R. Leitzell, Director of Public Works/Planning.

1. ROLL CALL

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

2. APPROVAL OF MINUTES - JANUARY 19 and FEBRUARY 17, 1976.

M/S Goltz, Greenfield that the minutes of January 19, 1976 be approved as amended. Passed unanimously, Commissioners Ragan and Fairchild abstaining.

Amendments: Pg. 2, 2nd para. of motion under VAR-622: Change "4' side yard setback" to "5' sideyard setback".

M/S Fairchild, Ragan that the minutes be approved as corrected for the meeting of February 17, 1976. Passed unanimously, Commissioners Eisgrau and Greenfield abstaining.

Corrections: Pg. 1, under Section 3-A, 1st para., 2nd sentence to read: "The Commission also felt that Carson Floyd of the Parks & Recreation Dept. is an expert concerning trees and could be called upon for expert advice in connection with the issuance of permits and the preparation of any heritage tree list."

Pg. 1, under Section 3-B, 5th line of the motion correct spelling of "apparently".

Pg. 2, under Section 4-A, last paragraph to be deleted.

Pg. 2, Section 4-D, first line of motion to read: "M/S Ragan, Goltz to approve that part of VAR-655 pertaining to an addition to a legal non-conforming accessory building...."

Pg. 3, Section 5-A, add to end of section: "Commissioner Ragan excused himself from the meeting (12:15 a.m.)."

As there was no one present in the audience regarding Items 3, 4 and 5 of the agenda, Item 6-New Business was first considered.

6. NEW BUSINESS

A. VAR-656 - Ronald Snyder, 222 Los Angeles Blvd., A/P 6-012-09, application for a 6'11" variance to allow construction of a dwelling addition 13'1" from the front property line.

Applicant was present and had received Staff Report.

Applicant stated the new addition would be constructed between the existing garage and house and would be in conformance with existing walls of the house.

Commissioner Goltz felt this addition could have been built within the setbacks, but only with extreme difficulty. While he agreed this application was reasonable and well done, he suggested to the Commissioners that forthcoming variances be carefully scrutinized. This application was the third one in the past few months in this area. People are adding on rather than moving. Commissioner Goltz felt it was important that applicants secure the services of a professional architect or designer to insure the best possible design.

M/S Goltz, Ragan to approve VAR-656 for Ronald Snyder at 222 Los Angeles Blvd., A/P 6-012-09 for a 6'11" variance to construct a dwelling addition 14'1" from the front property line allowing for a 1' roof overhang on the basis that the lot is of an unusual shape (being triangular); is of relatively small size; and that the proposed addition fits logically into the existing building configuration and to try to build this addition within the setbacks would be extremely complicated and illogical; this addition will not be detrimental to people or property in the neighborhood and is necessary to afford property rights in allowing reasonable development of the property. This application is

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based on the drawings submitted by J.S. Thayer, A-1 and A-2, revision dated February 6, 1976.

Motion carried: Ayes: Ainsworth, Eisgrau, Fairchild, Greenfield, Goltz, Ragan  
Nays: None

Applicant was advised of the 10-day appeal period.

B. VAR-657 - Roger Braun, 11 Waverly Rd., A/P 7-264-06, application for a 6' variance to allow construction of a swimming pool 14' from the front property line.

Applicant stated the proposed location of the swimming pool was the only spot on the lot where he felt it could be constructed.

Commissioner Goltz felt the pool could be moved toward the house 4' or perhaps the size of the pool could be cut down. He felt the pool could be constructed within the setbacks.

Applicant stated he had been informed that the area was solid rock, and the pool would have to be blasted. That would limit how close he could go to the house without damaging it. (Actual soil conditions were uncertain.)

Commissioner felt applicant should take back his application for reconsideration. Applicant should consult an engineer. Perhaps a variance would not be necessary. In any event, applicant should return before the Commission showing concrete evidence why the variance would be needed.

At applicant's request, M/S Goltz, Ragan that the Planning Commission refer VAR-657 for Roger Braun, 11 Waverly Rd., A/P 7-264-06, back to the applicant for reconsideration. Passed unanimously.

### 3. PUBLIC HEARING

#### A. Proposed Addition to Section 10-3.424 - Home Occupation

There was no one in the audience for the public hearing.

Staff reported that the proposed wording addition to the definition of Home Occupation was initiated by Mayor John Colteaux. This was due, to a complaint received about a glass blowing operation in a residential neighborhood. This use, by its magnitude, should have been considered a home occupation, but there was no proof the glass blower was selling his work.

Commissioner Eisgrau felt "home occupation" should not apply to personal hobbies. She felt that when a hobby became out-of-control there were other laws to control it.

Commissioner Fairchild felt that recently the Commission had been getting an overflow of ordinances dealing with individual problems having very little relation to the jobs the Planning Commission is be doing.

Commissioner Fairchild felt that since public nuisances were already dealt with in the code, there really wasn't much this particular ordinance could do.

A last comment, Commissioner Fairchild felt it was a very poor expenditure of tax money judging problems which should really be solved between property owners. This has become a trend, and she felt it should be stopped.

Chairman Ainsworth stated he was concerned with the number of "rejections" the Commission has forwarded to the Council. He did not want the Commission to get the reputation of having a "chip on its shoulder", and he wanted the Council to know that the Commission was not trying to be obstinate.

Commissioner Goltz suggested the Commission have a joint meeting with the new Council to discuss their feelings. All agreed this would be good. Arrangements would be made.

M/S Goltz, Ragan we put off the public hearing on the proposed addition to Section 10-3.424 - Home Occupation until the 19th of April. Passed unanimously.

4. OLD BUSINESS

A. Proposed Ordinance establishing and regulating second units - discussion of draft ordinance.

Commission agreed Staff should prepare: 1) a form of resolution establishing maximum number of second units permissible in given areas or neighborhoods; 2) a rental rate scale (and resolution); and a low income definition resolution.

The subcommittee which was formed to work on the draft second units ordinance would also help Staff in the preparation of a resolution establishing the maximum number of second units.

For the record Commissioner Goltz wished to state he felt the subcommittee had done a good job on the ordinance.

A page-by-page discussion was started, with minor changes made.

Commissioner Ragan stated he had no quarrels with the ordinance. (Commissioner Ragan left the meeting at this point - 11:00 p.m.)

Commissioner Fairchild stated there were still several items in the ordinance which bothered her. (Specifically, items 9, 10, 11, 14 and 17 as outlined in David Ainsworth's letter to Hadden Roth dated January 20, 1976.) Commissioner Fairchild excused herself from the meeting.

Commission postponed further discussion on the ordinance (page four on) until the next regular meeting.

5. MATTERS FOR CONSIDERATION

A. Review of current application fees.

Staff commented that the cost of these services should not be paid by the taxpayers as these services are not used by everyone.

Commissioner Greenfield felt that if the fees were justified; this additional money could be used for additional staff.

M/S Goltz, Ainsworth we recommend to the Town Council that the fees charged for the various services performed by the Planning Dept. should be raised a nominal amount and not be based on the established actual cost for these services. The reason being that these charges will be so high they will tend to discourage people who want government services from applying for that service. There is no distinction between consumers of these government services and consumers of other government services which justify charging fees recovering fully distributed costs.

Further recommend that a fee for appeals should not be changed and should remain "no charge".

Motion carried: Ayes: Ainsworth, Eisgrau, Goltz  
Nays: Greenfield

Commissioner Greenfield felt a final determination of the actual fee schedule should depend on a clear delineation and examination of the full responsibilities of the planning staff, the services they are required to provide, and the available budget and staff.

8. ADJOURN - Meeting adjourned 12:45 a.m.

  
Catherine Carpenter, Secretary