

164 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 February 17, 1976. Representing Town Staff: T. R. Robbins, Associate Engineer-Planner; C. R. Leitzell, Director of Public Works-Planning

1. ROLL CALL

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

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

The minutes of January 19, 1976 were held over as the absent Commission provided the necessary quorum for voting on these minutes.

M/S Goltz, Ragan the minutes of February 2, 1976 be approved as amended. Passed unanimously, Commissioner Fairchild abstaining.

Amendments:

Pg. 1, 2nd line of the 2nd para. under Item 2: Change "on" to "of"

Pg. 4, 5th para. under Item D: Delete entire paragraph.

3. PUBLIC HEARINGS

A. Proposed Heritage Tree Ordinance - Continued from the Feb. 2nd meeting.

Staff had nothing further to add to the proposed ordinance.

Commission felt the Planning Director should be responsible for issuing permits. The Commission also felt that the Planning Director should be aware of the fact that the Commission felt Carson Floyd of the Parks & Recreation Dept. was an expert concerning trees and should be called upon concerning the issuance of permits.

M/S Ragan, Goltz that "An Ordinance repealing Chapter 13 of Title 4 of the San Anselmo Municipal Code and enacting a new Chapter 13 of Title 4 of the San Anselmo Municipal Code providing for control of removal or destruction of trees within the Town of San Anselmo", as amended by the Commission on February 17, 1976, be forwarded to the Town Council recommending approval and adoption. Passed unanimously.

B. Proposed addition of a section covering garage sales in Article 4, Definitions of Title 10, Chapter 3; and an additional section under Section 10-3.503 which would provide for garage sales to be conducted in residential zones with certain limitations.

Commission had reservations as to whether this wording would accomplish anything other than to add more work on to the Planning Dept.

The problem is the continuous garage sales which could not adequately be defined.

M/S Ragan, Goltz that the Planning Commission return the proposed garage sale ordinance to the Town Council without action for the reason that the Commission feels that this ordinance in its present form is not workable, cannot be enforced, and does not affect the control which the Town Council apparently desires. Furthermore, the Commission's inability to identify the precise nature of evil to be remedied makes it unable to take alternative action. Passed unanimously.

4. NEW BUSINESS

A. Use Permit 441 - James Howey, application to permit a portion of the rear parking lot of A/P 7-212-27 (rear of 619, 621 and 623 San Anselmo Ave.) to be used as a commercial parking lot.

Applicant James Howey was present. He stated he provided his three tenants with two parking spaces each, and the ten remaining spaces were rented to businessmen at \$10.00 a month.

M/S Goltz, Ragan to approve U-441, application to allow a commercial parking lot on the basis that this will not be a detriment to the

neighborhood and is necessary to applicant's property rights by allowing this legal use of the property with the following conditions:

- 1. 8 spaces will be maintained for tenants and customer parking only, properly striped and designated by signs.
- 2. 8 spaces to be allowed for lease purposes and properly marked.
- 3. That the surfacing of the lot shall be according to the Town Code.

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

Applicant was advised of the 10-day appeal period.

It was agreed that although this application would require Design Review, there really wasn't much that could be done. Especially when the Town had not designed the parking lot across the street.

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- B. Variance-653 - Maria Ziburtovicz, 32 Elm Ave., A/P 7-053-01, application to permit a 1' frontyard setback to construct a garage.

Applicant Maria Ziburtovicz was present and had received the Staff Report. She explained that she needed the garage to protect her car from the frequent occurrences of vandalism.

M/S Ragan, Fairchild that VAR-653 for Maria Ziburtovicz, application for a 19' frontyard variance to allow construction of a two-car garage 1' from the property line at 32 Elm Ave., A/P 7-053-01, be approved on the basis that there is a site hardship due to the steep upslope at the front of the property; that while some detriment will exist to the neighborhood because of the restricted line of sight when backing the car out of the proposed location, this detriment will be off-set by providing off-street parking that does not now exist; and that approval of this application is necessary to provide substantial property rights in providing a secured off-street parking area. Passed unanimously.

- C. Variance-654 - Edward Olson, Corner of Oak Avenue and Chipman Place, A/P 7-271-43, application for a 12' sideyard variance to allow construction of an approach ramp and an 8' variance for parking.

Applicant Edward Olson was present and had received the Staff report. M/S Bolles, Ragan to approve VAR-654 for Edward Olson, A/P 7-271-43, application for 12' and 8' sideyard variances for parking ramp and deck, respectively, based on site plan by Ron Glander dated 2/17/75, on the basis that a site hardship exists due to the steep downslope, and that this construction will not be detrimental to the neighborhood, and that this application is necessary to allow appreciation of property rights as a reasonable development of the lot. Any adjustments to the footings of the ramp and parking deck, as shown on Sheet 1-A dated Feb. 1976, shall be setback outside the creek bed. Passed unanimously.

- D. Variance-655 - Rasjidah Franklin, 18 and 20 Fern Lane, A/P 7-015-04, application to permit a 14' frontyard setback and a variance to permit an additional structure (studio/workshop) on a non-conforming use.

Applicant Rasjidah Franklin was present and had received the Staff report.

M/S Ragan, Goltz to approve that part of VAR-655 for Rasjidah Franklin, 18 and 20 Fern Lane, A/P 7-015-04, as a hardship exists due to the small area of the existing dwellings, that the requested accessory building shall not be a detriment to the neighborhood due to its isolated location, and approval is necessary to provide property rights as a reasonable development of a legal use. Motion passed unanimously.

M/S Ragan, Goltz to deny that part of VAR-655, A/P 7-015-04, requesting

a 6' frontyard variance on the basis that no hardship exists as there is space for this studio without a variance.

Motion failed: Ayes: Goltz, Ragan
Nays: Ainsworth, Bolles, Fairchild

M/S Ainsworth, Bolles to approve that part of VAR-655, application for a 6' frontyard variance to permit enlargement of an accessory building on the basis that there are exceptional and extraordinary circumstances applying to the accessory building for the reason that it already exists within the setback.

The granting of the application is necessary for the preservation and enjoyment of substantial property rights of the petitioner; the granting of such application will not, under the circumstances, materially affect adversely the health or safety of persons residing or working in the neighborhood or be materially detrimental to the public welfare of injurious to property improvements in such neighborhood.

Motion passed: Ayes: Ainsworth, Bolles, Fairchild
Nays: Goltz, Ragan

5. OLD BUSINESS

A. Z-153 - Rezoning of vacant parcels in areas designated as "Health and Safety Open Space"

Mr. Leitzell reported the Council wished to rezone these parcels to only "PPD" (Preliminary Planned Development) with no mention of density.

The Commission felt that would be inappropriate and not in keeping with the intent of the General Plan. It was felt by the Commission that perhaps the "slope policy" should be revised.

M/S Goltz, Ainsworth we recommend to the Town Council that they do not rezone these Health and Safety Open Space lots to PPD because the Council's PPD proposal fails to limit density to that prescribed by the General Plan. However, as an alternative, we would ask the Council that they direct us to investigate revising our present lot slope policy because that might be a better way of accomplishing the General Plan policies and could be the initial steps toward our permanent conservation ordinance. Passed unanimously.

B. Proposed Ordinance establishing and regulating second units.

It was felt by the Commission that the proposed ordinance should be discussed with a full Commission and at a "workshop" meeting before setting the date for a public hearing.

6. MATTERS FOR CONSIDERATION

A. Review of current application fees. Held over until March 1, 1976.


B. Noise and Circulation problem on lower Jordan Ave. (Commissioner Goltz' request). Held over pending notification from Commissioner Goltz.

C. Bicycle resolution (supported by San Francisco East Bay Bicycle Coalitions) for the Golden Gate National Recreation Area.

M/S Goltz, Fairchild that the Planning Commission endorse recommendations on the Golden Gate Recreational Travel Study bike paths. Passed unanimously.

7. ADJOURN - Meeting adjourned at 12:30 a.m.

DAVID AINSWORTH, CHAIRMAN
SAN ANSELMO PLANNING COMMISSION

By 
Catherine Carpenter, Secretary