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The Regular Meeting of the San Anselmo Planning Commission was called to order by Chairman Duane Ragan at 8:00 p.m. on September 19, 1977 in the Town Hall Council Chambers. Representing Town Staff: T. J. Robbins, Associate Engineer/Planner; Lynn McGovern, Planning Technician

1. ROLL CALL

Commissioners Present: Buckle, Goltz (late), Greenberg, Harle,
Olive, Ollinger, Ragan
Commissioners Absent: None

Planning Commission requested October 3rd as the date to meet with the Town Council.

2. OLD BUSINESS

A. S-90 - Tam View Knolls, Final approval of the Tentative Map.

M/S Greenberg, Buckle to approve Tentative Map for S-90, Tam View Knolls, a joint venture and Tam View Knolls Condominium Homeowner's Association, an entity to be formed, with the exception of water meters for two of the total of thirteen dwelling units as authorized by the Town Council through Resolution No. 1725, and with the condition that approval of the final map shall be conditional on prior approval of the improvement plan by the Town Engineer. Passed unanimously.

Commissioner Goltz arrived.

B. SS-206 - Janice A. Tonini, 1361 San Anselmo Avenue, application for 2-lot parcel split.

Mr. Meglio, civil engineer, and Mr. Tonini were present.

Commissioner Buckle questioned how these particular lots were rezoned for duplex use. He felt the applicant's proposal was extremely dense.

Commissioner Ragan stated the unit located in the shed should be permanently removed. Mr. Tonini stated this barn would not be used as a living unit.

Mr. Tonini stated these lots were originally separate; he felt the "combining law" recently passed by the state was confiscatory.

Mr. Tonini stated the third unit in the "main house" was a legal, non-conforming use approved by the City.

Commissioner Goltz asked staff where in the San Anselmo Municipal Code the subdivision map act appeared. He felt that when the Commission was required to act on something it should be in the code book. (Mr. Robbins stated the Council had merely stated they would accept the state law.) Commissioner Goltz questioned whether the Council was required to have public hearings before changing the law. He suggested this item be continued pending clarification of the state law.

Commissioner Olive stated she was upset about the density. It was disturbing to her to visualize the possibility of 5 units on two sub-standard lots.

Commissioner Ollinger stated he was not going to vote on this application because of conflict of interest, but he shared Commissioner Olive's concerns. He was also concerned about parking.

Commissioner Buckle voiced the same concerns as Commissioner Olive. He stated the thing that bothered him was that if another person had owned the adjoining parcel there would have been two duplex lots with the same density as now proposed. Commissioner Buckle also felt postponement of acting on this application would be in order.

Chairman Ragan explained to Mr. Tonini that any motion at this time would fail. If he was agreeable, and he was, action on this item could be held over until the next meeting at which time additional information regarding the third unit and the subdivision map act would be available.

M/S Goltz, Greenberg to put over until October 10, 1977, SS-206, Janice Tonini, 1361 San Anselmo Avenue, A/P 7-052-05 and 7-052-06, until the information regarding the subdivision map act and the establishment of the triplex has been resolved. Passed unanimously.

3. NEW BUSINESS

- A. U-492 - Wm. & Zelda Dill, 5 Palm Lane, A/P 6-121-05, use permit to allow temporary warehouse for carpet storage.

Mr. Wm. Dill and his attorney Helen Shapiro were present. Mrs. Shapiro stated in view of the favorable view of staff she had no comments to make, but would be glad to answer any questions the commissioners may have.

There was no one in the audience to comment on this application.

Chairman Ragan stated he would like to see the garage rebuilt entirely.

M/S Goltz, Olive to approve U-492, William and Zelda Dill, application for a use permit to allow a garage at 5 Palm Lane, A/P 6-121-05, to be temporarily used to warehouse carpets, on the basis that the granting of the use permit will not be detrimental to the neighbors or their property because the carpets are concealed in a small existing garage and it is necessary for the preservation and enjoyment of substantial property rights with the following conditions:

1. The use permit be granted for a six month period only, the warehousing shall be terminated after that time.
2. Applicant shall separate the lumber adjacent to the garage and stack useable remainder away from the garage in a non-fire hazard location.
3. Applicant shall haul off scrap lumber from the site.
4. Maximum of four warehousing operations per month.

Motion carried: Ayes: Buckle, Goltz, Greenberg, Harle, Olive.
Nays: Ragan

Applicant was advised of the 10-day appeal period.

- B. VAR-740 - Marylee Parker, 52 Forrest Ave., A/P 7-013-09, variance from parking requirements to permit addition.

Applicant was present.

After a brief discussion,

M/S Buckle, Ollinger to approve VAR-740, application for a variance to allow a single parking space for a single family residence and a 6' rearyard variance to allow for a 14' rearyard setback for the proposed parking space for Marylee Parker, 52 Forrest Avenue, A/P 7-013-09, on the basis that the condition of the land and the site plan creates a hardship because the lot is down sloping and there are no logical possibilities of providing parking and maintaining the proper setbacks.

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Motion carried: Ayes: Buckle, Greenberg, Harle, Ollinger, Ragan
 Nays: Olive
 Abstain: Goltz

Commissioner Goltz stated he felt this was an improper variance. He felt the commission was being asked to act capriciously on variances which are not necessary and for which there are no grounds to base approval on.

Commissioner Olive voted no because she felt tandem parking should be required.

Applicant was advised of the 10-day appeal period.

- C. VAR-741 - H. M. Herbst, 51 Sunview, A/P 5-165-11 and 12, frontyard variance to permit existing deck to remain.

Applicant was present.

Chairman Ragan read a letter from 84 Berkeley stating no objection to the deck.

After a brief discussion,

M/S Ollinger, Buckle to approve a 13' frontyard variance to allow an existing deck to remain and to be completed, at 51 Sunview for H. M. Herbst, A/P 5-165-11 and 12, on the basis that a hardship exists in the small area, on this large site, available for reasonable development, that there is no detriment to the neighborhood because of the partially screened location of the deck and approval is necessary for the preservation and enjoyment of substantial property rights. Passed unanimously.

Applicant was advised of the 10-day appeal period.

- D. VAR-742 - Mr. and Mrs. V. McLorg, 171 Prospect Avenue, A/P 6-231-17, variance to permit addition.

Jack Trumbo, architect was present.

There was no one in the audience to comment on this application.

After a brief discussion,

M/S Olive, Ollinger to approve VAR-742 for Mr. and Mrs. Vincent McLorg, 171 Prospect Avenue, A/P 6-231-17, application for variance to allow tandem parking, a 7' frontyard variance to permit a 13' frontyard setback for the proposed second parking space; a 3 1/2' sideyard variance to allow a 4 1/2' sideyard setback for construction of a new bathroom following the existing line; a 5 1/2' sideyard variance to allow a 2 1/2' sideyard setback from the roof line on the bathroom addition; a 5' frontyard variance to allow a 15' frontyard setback from the columns of the trellis and a 5' sideyard variance to allow a 3' sideyard setback from the columns of the trellis on the grounds that it shall not be detrimental to the neighborhood, granting is necessary for the preservation and enjoyment of substantial property rights of the petitioner, and hardship is the location of the building on the lot and the slope. Passed unanimously.

Applicant was advised of the 10-day appeal period.

- E. VAR-743 - Ted Smith, 634 San Anselmo Avenue, A/P 6-102-28 and 6-102-29, variance from parking requirements to permit expansion and remodelling.

Ernest Selander was present to represent Mr. Smith.

Mr. Robbins stated the Design Review Committee had not approved the drawings the Planning Commission had.

M/S Goltz, Buckle to approve VAR-743 for Ted Smith, 634 San Anselmo Avenue, A/P 6-101-28 and 29, for one parking space to be in tandem and a variance in the size of the parking spaces from 10' x 20' to 8 1/2' x 18 1/2' on the basis that the size of the lot and because it is a structure constructed over the creek, granting is necessary for enjoyment of substantial property rights and will not be detrimental to those living or working in the neighborhood with the condition that the applicant rent two parking spaces at the nearby Creek Park. Approval is based on drawings prepared by Jacques Ullman dated August 23, 1977 received by the City of San Anselmo August 26, 1977. The six parking spaces on the site would be 2, 3, 4, 5, 6 & 7. Passed unanimously.

Applicant was advised of the 10 day appeal period.

- F. VAR-744 - John & Helen Cahill, 75 Crest Rd., A/P 6-181-45, application for a 2' frontyard variance to allow an extension of the existing garage by 3'2".

Harry Liederman, 60 Crest Rd. was present. He stated he had no objections to the variance.

M/S Greenberg, Ollinger to approve VAR-744 for John & Helen Cahill, an application for a 2' frontyard variance to allow an extension of the existing garage by 3'2" at 75 Crest Rd., A/P 6-181-45, on the basis that a hardship exists because of the existing angular position of the garage on the lot and the steepness of the slope on which it is built, that the variance is necessary for the preservation and enjoyment of substantial property rights by allowing applicant to make the garage adequate for use and it will not be detrimental to the neighborhood or its residents. Passed unanimously.

- G. SS-207 - Ken Ackerman, 174 Butterfield Rd., A/P's 5-101-24 and 5-101-26, lot line revision.

Mr. Cole Jackman was present to represent Mr. Ackerman.

M/S Ollinger, Greenberg to approve SS-207, lot line revision between Kenneth Ackerman, 174 Butterfield Rd., A/P 5-101-24 and Allan and Pat Champie, A/P 5-101-26, as shown on the Tentative Map dated August 1977 and signed by William O. Lockett, Jr., Licensed Land Surveyor, on the basis that this will resolve the encroachment which now exists and is in conformance with the General Plan, and including a 14' rearyard setback as an exception, is in conformance to the Subdivision regulations. Passed unanimously.

Application was advised of the 10-day appeal period.

- H. EU-5 - Richard Hutchinson, 47 Humboldt Ave., A/P 7-033-01, application for use permit to allow existing second unit to remain.

M/S Goltz, Greenberg to put over EU-5 for Richard Hutchinson until the meeting of 10/10/77. Passed unanimously.

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- I. EU-16 - Margaret Artigiani, 117 Meadowcroft Drive, A/P 5-143-10, application for use permit to allow existing second unit to remain.

Mrs. Artigiani was present. There was no one in the audience to comment on this application.

M/S Goltz, Greenberg to approve the variances required for EU-16 for Margaret Artigiani, 117 Meadowcroft Dr., A/P 5-143-10, an 8' sideyard variance for the second unit itself and a 17 1/2' frontyard variance for parking space to be 2 1/2' from the property line on the basis that the existing structure makes it necessary for these variances, the lot is relatively small lot, and the granting of this variance is necessary for enjoying substantial property rights and will not be detrimental to those residing in the neighborhood. Passed unanimously.

M/S Goltz, Greenberg to approve EU-16, use permit to allow an existing second unit to remain for Margaret Artigiani, 117 Meadowcroft Drive, A/P 5-143-10, on the basis that this use will not be detrimental to those living and residing in the neighborhood with the following conditions:

1. That applicant enter into an agreement with the city for low income rent as required by ordinance, and if this agreement is not made within 60 days this application shall be rescheduled for possible revocation by the commission.
2. That a smoke detector be provided in the second unit.

Motion passed unanimously.

- J. EU-17 - M. Massey & E. Saunt, 34 Elm Avenue, A/P 7-053-02, application for use permit to allow existing second unit to remain.

Mr. Massey was present. He stated there was a definite parking problem, but he didn't know what to do about it.

Commissioner Ollinger suggested applicant try to find another parking space.

M/S Goltz, Ollinger to continue EU-17 for M. Massey & E. Saunt, 34 Elm Avenue until October 10. Passed unanimously.

- K. EU-24 - Virginia Hobbs & R. Milliken, 19 Allyn Avenue, A/P 7-095-17, application for use permit to allow existing second unit to remain.

Mrs. Virginia Hobbs was present.

M/S Ollinger, Goltz to approve EU-24, use permit to allow an existing second unit to remain for Virginia Hobbs and Robert Milliken at 19 Allyn Avenue, A/P 7-095-17, on the basis that this will not be detrimental to the neighborhood as sufficient parking is necessary; that this use is necessary for the preservation and enjoyment of property rights in allowing a legal and reasonable use with the following conditions:

1. Owner shall enter into rental agreement with the City.
2. Smoke detector shall be installed.

Passed unanimously.

M/S Ollinger, Olive to approve variances for EU-24 for the second unit over garage, a 5' sideyard variance and 17' frontyard variance on the basis that this use will not be detrimental to the neighborhood or the general welfare of the Town; granting is necessary for the preservation of property rights; hardship exists in existing setback conditions of the second unit. Passed unanimously.

4. MATTERS FOR CONSIDERATION

- 1. Report on status of Fairfax/San Anselmo joint planning effort (Buckle)

Commissioner Buckle reported that at the last meeting it had been decided one application for a federal grant would be made. San Anselmo would sign a letter of agreement to that effect; by resolution San Anselmo and Fairfax would have equal planning powers.

The creek (Conservation) area qualified for county open space funds.

Parking was the topic of controversy. One group wanted no parking (Councilmen Colteaux & Reed in favor of 'no parking' - 'no cars'), the other group wanted limited parking. Commissioner Buckle stated he was not in favor of the 'no parking' concept.

5. APPROVAL OF MINUTES - August 22, 1977

M/S Greenberg, Harle to approve minutes of August 22, 1977 as presented. Passed unanimously, Commissioners Goltz and Ollinger abstaining.

6. ADJOURN - Meeting adjourned at 11:05 p.m.

Catherine Carpenter

Catherine Carpenter, Secretary

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