

70
The Regular Meeting of the San Anselmo Planning Commission was called to order by Vice Chairman George Buckle at 8:05 p.m. on July 25, 1977 in the Town Hall. Representing Town Staff: T. J. Robbins, Associate Engineer/Planner; Lynn McGovern, Planning Technician.

1. ROLL CALL

Commissioners Present: Goltz, Olive, Ollinger, Buckle
Commissioners Absent: Greenberg, Ragan
Unfilled position: One

2. PUBLIC HEARING - OLD BUSINESS

- A. U-473 - LORENZO'S ITALIAN CUISINE, 729 Sir Francis Drake Blvd., A/P 6-083-06, review of use permit allowing outdoor serving of food.

No one was present to represent Lorenzo's.

M/S Ollinger, Olive to approve, without further review, U-473, application for the outdoor serving of food, beer and wine for Lorenzo's Italian Cuisine, 729 Sir Francis Drake Blvd., A/P 6-083-06, on the basis that this will not be detrimental to the neighborhood as the additional parking and traffic generated is believed to be insignificant; and approval is necessary to allow property rights for a reasonable use. Passed unanimously.

3. MATTERS FOR CONSIDERATION

- A. Consideration of abandoning Town interest in undeveloped portion of Roger Avenue between Cypress Road and Sunny Drive.

Staff explained that Mrs. Alice Yarish had initiated the request of abandoning Roger Avenue. There is an adjacent lot which is only 32' wide which Mrs. Yarish wished to purchase and develop. Staff stated the Roger Avenue right-of-way was of little benefit to the Town. The Town would, however, retain a 10' easement for trails.

Mr. Tim Yarish, 157 Woodland Avenue was present to represent Mrs. Alice Yarish.

Commissioner Buckle was concerned with the small size of the adjacent lot Mrs. Yarish wished to develop. A small house would be built, then sold to someone else who would add on to the house requiring variances. Staff felt there were good grounds for hardship in order to grant a variance on this lot.

M/S Ollinger, Olive to recommend to the Town Council abandonment of any Town interest, excepting a 10' trail easement centered on the right-of-way involved, in that undeveloped portion of Roger Avenue between Cypress Avenue and Sunny Drive on the basis that, with the retention of the trail easement, this will be in conformance with the General Plan and this property is excess to present and future needs of the Town. Passed unanimously.

- B. Open Space Purchase (Buckle) - Discussed later in the evening.
C. Ridgetop Ordinance - Discussed later in the evening.
D. Ordinance 728 amending regulations in the commercial zones to provide for additional uses and changes in height, bulk and parking. Discussed later in the evening.

4. PUBLIC HEARINGS - NEW BUSINESS

- A. EU-21 - Clarence Whitbeck, 7 & 9 Myrtle Lane, A/P 7-172-07, application for use permit to allow existing second unit to remain.

Applicant was present. There was no one in the audience to oppose this application.

Commissioners argued regarding the fact that Mr. Whitbeck had not designated which unit was to be the second unit.

Staff explained that while Mr. Whitbeck had only 60 days to complete and file a "rent guarantee contract" for one of the two units, Mr. Whitbeck (Section 10-6.305 of the S.A.M.C.) did have a period of 12 months after issuance of the use permit in which to establish and maintain his principal residence on the parcel on which the unit is located. Staff further explained that Mr. Whitbeck would therefore be allowed to rent one of the units for 12 months at any price.

Commissioner Goltz suggested Staff check into whether they could, at the time the use permit was passed, designate which unit was to be considered the second unit.

Moved by Commissioner Ollinger to approve EU-21 for Clarence Whitbeck, 7 and 9 Myrtle Lane, A/P 7-172-02, application for a use permit to allow a second unit to remain, a 2' variance from the required parking space width and a variance allowing tandem parking in the main driveway on the basis that this will not be detrimental to the neighborhood as sufficient parking is available, is necessary for property rights in allowing a legal and reasonable use, and that site hardship exists to justify the variances due to the situation of the two structures and locational situation of the large trees. Further move that a smoke detector be installed in the second unit, and that a rent guarantee contract be entered into between the applicant and the Town, and if this had not been accomplished within sixty (60) days from this meeting, a revocation hearing shall be set.

Motion failed for lack of second.

Commissioner Olive stated she was not in favor of allowing tandem parking in that particular neighborhood. She suggested that perhaps some of the landscaped area in the front be removed for additional off-street parking spaces perpendicular to the street.

Mr. Whitbeck commented that one unit was rented to his mother-in-law who did not drive, and the other unit was not rented at all.

M/S Olive, Goltz, to approve EU-21, owner Clarence Whitbeck, 7 and 9 Myrtle Lane; application for a use permit to allow a second unit to remain, a 2' variance from the required parking space width, on the basis that this will not be detrimental to the neighborhood as sufficient parking is available, is necessary for property rights in allowing a legal and reasonable use, and that hardship exists because of the shape of the lot and the position of the structures on the lot, with the following conditions:

1. A smoke detector be installed in both buildings;
2. That a rental agreement be entered into between the applicant and the Town, and if this has not been accomplished within sixty (60) days from this meeting, a revocation hearing shall be set.
3. Application be reviewed in one year with specific attention being paid to the parking situation in the neighborhood.

Approval of this variance is based on the office copy of this drawing received 5/16/77 with the exception that the proposed off-street parking spaces be eliminated in the rear.

Motion Carried: Ayes: Goltz, Olive, Ollinger, Buckle
Nays: None

Applicant was advised of the 10-day appeal period.

- B. EU-15 - Gayle Anderson, 86 Hawthorn Avenue, A/P 5-129-19, application for use permit to allow existing second unit to remain.

Applicant was present. She stated the unit was 10' x 35' and rented for \$150.00 per month. She had no evidence as to when the unit was established.

M/S Goltz, Ollinger to approve EU-15, application for a use permit to allow rental of an existing residential second unit, at 86 Hawthorn Ave., A/P 5-129-19, for Gayle Anderson, on the basis that this is not an apparent detriment to the neighborhood and provides property rights in allowing a legal and reasonable use, with the following conditions:

1. That two annual parking spaces be rented in the parking area on the corner of Drake and Butterfield before issuing the use permit;
2. That the permit be subject to annual review as long as the unit exists;
3. That a smoke detector be installed in the second unit; and
4. That a rental agreement be entered into between the applicant and the Town, and if this has not been accomplished within sixty (60) days from this meeting, a revocation hearing shall be set.

Motion carried: Ayes: Goltz, Olive, Ollinger, Buckle
 Nays: None

Applicant was advised of the 10-day appeal period.

- C. VAR-731 - Guido Zanotti, 310 Butterfield Rd., A/P 5-042-11, application to permit construction of a family room addition.

Applicant was present with contractor John Villa. There were no comments against this application.

M/S Ollinger, Olive to approve VAR-731, application for a permit for a 3' sideyard setback at 310 Butterfield Rd., A/P 5-042-11, for Guido Zanotti, on the basis that this will not be detrimental to the neighborhood, is necessary for property rights in allowing a reasonable use, and the hardship is because of the location of the existing building and the existing deck on which this new addition will be constructed.

Motion carried: Ayes: Goltz, Olive, Ollinger, Buckle
 Nays: None

Applicant was advised of the 10-day appeal period.

- D. VAR-732 - David Gidley, 48 Durham Rd., A/P 5-202-46, variance for building addition and shed.

Applicant was present and had received Staff's report.

Commissioner Ollinger questioned whether the applicant had considered any other location for the building extension. Applicant stated he had not examined other possibilities.

Frank Baptiste, neighbor on Durham Rd., questioned whether the applicant had taken out permits for the work he had already done. Mr. Baptiste also complained about the parking situation.

At this point, the fact that Mr. Gidley would need a parking variance was discovered and staff (after consultation with the applicant and with his approval) requested the Planning Commission refer this application back for restudy.

M/S Goltz, Ollinger that we continue this application, VAR-732 for David Gidley, until August 8, 1977. Passed unanimously.

- E. VAR-733 - David Elliott Stovel, Applicant; Christine Simmons/James Roundsley, Owner, 171 Spring Grove Avenue, A/P 6-212-29, application to construct room addition.

Applicant was present and gave a description of his plans and reasons why he felt the variance should be granted.

After a brief discussion,

M/S Goltz, Ollinger that VAR-733 for David Stoval, 171 Spring Grove Avenue, A/P 5-202-46, for an 8' sideyard variance to allow for remodeling of an existing pool and terrace area and small residence be approved, on the basis that the site is steep and that coupled with the existing small house limits the flexibility of any addition and that the variances are necessary to exercise property rights and will not be detrimental to those living and residing in the neighborhood, especially since there is a 10' trail easement on the west property line adjacent to the proposed variance.

This variance is based on drawings received by the Planning Office, July 8, 1977.

Motion carried: Ayes: Goltz, Olive, Ollinger, Buckle
Nays: None

Applicant was advised of the 10-day appeal period.

5. APPROVAL OF MINUTES - July 11, 1977

M/S Goltz, Ollinger that the minutes of July 11, 1977 be approved as amended. Passed unanimously.

Amendment: Pg. 3, last para. before adjourning to read:
"Commissioner Goltz requested a joint meeting with the Town Council be set to discuss procedures as soon as Chairman Ragan returned.

(3.) MATTERS FOR CONSIDERATION - Items discussed which were held over earlier in the evening.

- B. Open Space Purchase (Buckle) - Vice Chairman Buckle stated the Board of Supervisors had approved a 10¢ tax rate for purchasing open space lands. He learned today that it was suggested by the County the Town match funds in this purchase to show good faith.

Vice Chairman Buckle questioned whether the Town/Commission had a list of priorities and a ranking system.

Staff was directed to contact Mr. Hansen of the County Parks and Recreation & Open Space District to find out where to start regarding possible purchase of open space lands.

- C. Ridgetop Ordinance

Commission requested ridge areas to fall under this ordinance be identified. Property owners should also be well advised before any action takes place.

Vice Chairman Buckle felt the ridges should be treated with the "PPD" with structures kept low. He didn't feel any other restriction was necessary.

This item postponed until August 8, 1977.

DDC425

- D. Ordinance 728 amending regulations in the commercial zones to provide for additional uses and changes in height, bulk and parking - For Discussion.

This item was continued until Staff could make some some demonstration of what would happen with different regulations (i.e. ratio of 1:1 commercial/residential or 1:.5 commercial/residential).

6. ADJOURN

Meeting adjourned at 11:10 p.m.

Catherine Carpenter
 Catherine Carpenter, Secretary