

The Regular Meeting of the San Anselmo Planning Commission was called to order by Chairman Duane Ragan at 8:10 p.m., Monday, May 16, 1977 in the Town Hall Council Chambers. Representing Town Staff: C. R. Leitzell, P.E., Director Of Public Works and Planning; Lynn McGovern, Planning Aide.

1. ROLL CALL

Commissioners Present: Buckle, Goltz, Greenberg, Hulpke, Olive, Ollinger, Ragan  
Commissioners Absent: None

2. Approval of tentative appointment of Dan Goltz and George Buckle to a joint committee to study the future of the Marin Town and Country Club. (As suggested by the Town Council.)

There were no objections to the appointment of Goltz/Buckle to study the future of the Marin Town & Country Club.

Chairman Ragan stated a motion was required to recommend to the Town Council appointment of Dan Goltz and George Buckle to a joint committee to study the future of the Marin Town and Country Club. So moved by Commissioner Greenberg, seconded by Commissioner Ollinger. Passed unanimously, Commissioners Goltz, Buckle abstaining.

3. OLD BUSINESS

a. U-468 - Patricia Lemme, 113 Hilldale Dr., A/P 6-154-07, review of use permit allowing real estate office as home occupation.

Applicant was present.

Mr. John Brown, 101 Hilldale stated he had attended the earlier meeting on this application. He had no objections and a neighbor Leo Driver also had no objections. Page 56

M/S Greenberg, Ollinger to reaffirm approval of U-468, application for home occupation of real estate sales for Patricia Lemme, at 113 Hilldale Dr., A/P 6-154-07, on the basis that because of her arthritic health condition this permit is necessary and based on the fact that the use is not detrimental to the people living and residing in the neighborhood with the following conditions:

1. That the use permit be reviewed only upon receipt of a recognized complaint.
2. That the hours of operation be kept to 9 a.m. to 8 p.m., 7 days a week.
3. That there be no sign in conjunction with the business.
4. That there be no employees.

Passed unanimously.

b. U-475/VAR-724 - Richard Puntillo, 116 Jordan Ave., A/P 6-144-11, application for use permit to allow lower level of the dwelling to be used for domestic help (live-in babysitter), and variance from parking requirements to permit existing garage conversion to remain.

Applicant was present. Mr. Puntillo submitted a signed statement from the neighbors supporting the requested variance/use permit.

Commissioner Goltz questioned the applicant as to what went through his mind when converting the garage. Applicant stated he didn't know he couldn't convert the garage and didn't know a variance would be required for the parking. He stated he was ignorant. He just thought he was finishing off the garage.

No one was present in the audience to comment on this application.

M/S Goltz, Greenberg to approve VAR-724 for Richard Puntillo, 116 Jordan Ave., A/P 6-144-11, for a 20' frontyard variance to allow parking 0' from the property line on the basis that

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the play area on the site is limited except for some deck space and because of the steep terrain of the lot and the layout of the house floor plan, the only logical place for a family room would be the garage, and that this variance is necessary for the enjoyment of property rights and that this application will not be detrimental to those living and residing in the neighborhood. This variance application approval is in no way connected with the use permit for the live-in babysitter.

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

Applicant was advised of the 10-day appeal period.

M/S Goltz, Greenberg refer the Planning Commission refer-UR475ew and back to the applicant Richard Puntillo at 116 Jordan Ave., A/P 6-144-11, to investigate possibility of getting a third off-street parking space. In view of the fact that this is an on-going situation, applicant is requested to appear before the Planning Commission at the meeting of June 20th, 1977. Passed unanimously.

c. Budget - Capital Improvements and Planning Budget - Review and Comment

Commission questioned whether there were enough funds in the "training" account. Bob Leitzell stated it was a little low and it included Design Review training too.

Commissioner Buckle stated everyone was always complaining about higher taxes. He stated the Town had not increased in size, the only reason more people are needed is a "self-imposed" reason. There are too many ordinances which makes everything more restrictive. There are too many laws and it costs money.

Commissioner Ollinger stated the question was what did the laws do for you.

M/S Ollinger, Greenberg that the Planning Commission portion of 418 as submitted to the Planning Commission be recommended for approval by the Town Council. Passed unanimously.

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

Commissioner Buckle stated he felt unqualified to vote intelligently on the Capital Improvements portion of the budget.

M/S Ragan, Hulpke that we forward the Capital Improvements budget to the Town Council with no comments. Passed unanimously.

4. NEW BUSINESS

a. VAR-725 - Elizabeth Roddy, 129 Calumet, A/P 6-072-26, rearyard variance to permit enlargement of kitchen. Applicant was not present. Held over until 6/6/77.

b. EU-20 - Fred Baker, 42 Humboldt, A/P 7-021-15, application for existing second unit to remain.

Hal Friedman, agent for Bertha Freer and Dorothy Noble was present. He stated the property was sold a year to go by Mr. Baker to these two ladies. Mr. Baker still shows on the title.

M/S Goltz, Greenberg to approve variances associated with EU-20 for Berta Freer and Dorothy Noble (under contract of sale from Fred Baker) at 42 Humboldt Ave., A/P 7-021-15, on the basis that the variances required are for existing conditions of the buildings and that it is required to exercise property rights and will not be detrimental to those living and residing in the neighborhood.

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

M/S Ollinger, Hulpke to approve non-transferrable EU-20 for Dorothy Noble and Bertha Freer (under contract of sale from Fred Baker) at 42 Humboldt Ave., A/P 7-021-15, application to approve an existing second unit to remain on the basis that this will not be detrimental to the neighborhood and that property rights will be provided in allowing a legal use with the following conditions:

1. That a licensed surveyor locate the Humboldt/Vista Lane property lines to determine encroachments, if any, for Town Engineers consideration of approval of any encroachments;
2. That one additional off-street parking space be provided conforming to setbacks;
3. That the main dwelling shall be occupied by owner within 12 months of use permit date;
4. Install smoke detector.
5. That a rent guarantee contract be entered into between the applicant and the Town and that the agreement be consummated within sixty (60) days of this meeting; if it is not, then a revocation hearing will be held.
6. Submit within 30 days, proof that Bertha Freer and Dorothy Noble are owners under contract of sale.

Passed unanimously.

Applicant was advised of the 10-day appeal period.

- c. EU-14 - Donald Daniels, 98 Oak Springs Dr., A/P 5-281-02, application for existing second unit to remain.

Applicant was present.

Mr. South, 152 Oak Springs Dr. stated he had been assured there would never be any rentals in the area. He stated the unit was constructed by Mr. Laster who was called down before the Town because he had converted this area without a use permit.

Mr. South stated he had no objections to the unit being used for family members. He did object to a rental unit.

M/S Ollinger, Buckle to approve EU-14, application to allow existing second unit to remain at 98 Oak Springs Dr., A/P 5-281-01, for Donald J. Daniels, as this will not be detrimental to the neighborhood because of its location and sufficient parking, and is necessary to provide property rights in allowing a legal use with a use permit on the condition that:

1. A smoke detector be installed in second unit.
2. That a rent guarantee contract be entered into between the applicant and the Town and that the agreement be consummated within sixty (60) days of this meeting; if it is not, then a revocation hearing will be held.

Applicant was advised of the 10-day appeal period.

5. MATTERS FOR CONSIDERATION

a. Downtown Zoning

Planning Aide, Lynn McGovern explained the three maps she had prepared for the Commission: Present Zoning, Present uses in zoning areas, Proposal for rezoning.

Ms. McGovern stated she had prepared the map proposing the rezoning based on what she felt the Commissioners wanted and in line with the General Plan. The proposal attempted to prevent creating non-conforming uses.

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Commissioner Greenberg questioned why areas were not down-zoned, particularly Tamalpais Avenue.

Commissioner Goltz stated that trying to get living areas next to commercial zones was one of the worst types of planning. He felt the Commission should look carefully and avoid having commercial/residential without any buffer zone.

Commissioner Buckle stated the concept of the downtown mall should also be part of the consideration.

b. Ordinance 728 - Discussion - Held over until 6/6/77.

6. APPROVAL OF MINUTES 3/21, 3/28, 4/4, 4/18, 5/2/77. HELD OVER
7. ADJOURN - Meeting adjourned at 11:30 p.m. to the Special Meeting of May 23, 1977.

  
Catherine Carpenter, Secretary