

The regular meeting of the San Anselmo Planning Commission was called to order by Chairman George Buckle at 8:00 p.m. on June 5, 1978, in Room 6 of the Isabel Cook Community Center. Representing Town Staff: T. J. Robbins, Associate Engineer/Planner, Charles R. Leitzell, Director of Public Works/Planning.

1. ROLL CALL

Commissioners Present: Buckle, Goltz, Harle, Kapranos, Olive
Commissioners Absent: Ollinger, Ragan

2. APPROVAL OF MINUTES

May 1, 1978

M/S Olive, Kapranos, to approve the minutes of May 1, 1978, as written.

Motion passed with four ayes; Commissioner Goltz abstaining.

May 15, 1978

M/S Harle, Kapranos, to approve the minutes of May 15, 1978, as written.

Motion passed unanimously.

3. OLD BUSINESS

- A. EU-22 - Betty Jane (Mondala) Logwood, 25 Bella Vista Avenue, A/P 6-082-35, application to allow an existing second unit to remain. CONTINUED TO 06/19/78.
- B. V-781 - Arthur H. Hedvall, 14 Madera Avenue, A/P 6-116-11, application for a 10' frontyard variance to permit a 10' frontyard setback for the construction of a house and garage, and an 8'6" frontyard variance to allow an open deck 5'6" from the property line.

Arthur Hedvall, applicant, and Randy Walker, designer, present.

Mr. Walker explained he has reevaluated the entire design which has resulted in the elimination of the earlier proposed third story (a decrease in height of seven to eight feet). Mr. Walker said the highest point of the structure in the frontyard setback is eight feet, which then goes up to approximately 13 feet further back on the lot. A clearstory is proposed at the top of the building.

Commissioner Goltz determined a parking setback variance of 10' is also necessary for this application.

Fred Neese, 44 Crooked Avenue, is concerned about the surveying of property lines in the area. Other neighbors agreed that many lots have been measured incorrectly. Mr. Robbins said new construction on lots requires a licensed surveyor and if the stakes do not fit the plan, it will be necessary for the applicant to come before the Planning Commission again.

Dennis Greth, 39 Madera Avenue, expressed concern about the proposed height of the structure. Although it has been decreased in the revised design, he feels it will block his views from his property.

Russell Griffith, 23 Madera Avenue, is still concerned about the traffic problems and impairment of view, as he was with the previous design.

Charles Gnecco, 9 Madera Avenue, objects to the application as revised because now a deck is proposed within 5'6" from the property line besides the 10' frontyard variance previously applied for to construct the dwelling. He and other neighbors feel the applicant should not be allowed to build outside the required setbacks.

Karen Stott, Crocker Bank representative for Evelyn Warnhart, 41 Crooked Avenue, said the Bank objects to the application

because it will be a detriment to the neighbor's views. The house at 41 Crooked Avenue is below the road at Madera Avenue and this proposed structure at 14 Madera Avenue will be massive.

Mr. Walker disagreed, saying there is considerable open space between the house at 41 Crooked Avenue and the proposed house at 14 Madera Avenue.

Commissioner Goltz pointed out that if the applicant moved his structure back into the setbacks it would be legal for him to build up to 35 feet in height, which would be a significant detriment to the neighborhood.

Mr. Griffith asked if a condition of the variance approval be that street improvements, i.e., blacktop, be made by the applicant. Mr. Robbins said new construction is subject to off-site improvements.

Commissioner Olive expressed concern about the height of the proposed structure; other homes in the area are low and set into the hillsides. Mr. Walker said it would be very difficult to build into the hillside on this lot and cited drainage and deep cuts into the hillside as some objections. He said the roof pitch has been kept to a minimum and still have wooden shingles; any lower would require tar and gravel, which gathers leaves, holds water in the winter, and is aesthetically objectionable.

The Commissioners agreed that the lot is a legal building site and if the applicant were to build within the legal setbacks, the result could be a detriment to the neighborhood because he could build up to 35 feet in height. This would be counter to the ordinance. Commissioner Goltz suggested a "compromise" since the neighbors seemed so concerned about the height factor: (1) lower the slope of the pitched roof to a minimum of 3½ to 12; (2) eliminate the clearstory and use skylights, taking three feet off the top of the building; and (3) site the whole building slightly lower. The existing proposal is a height of 17' off the roadway; it could be 13' or 14'. The Commissioners agreed this was a good idea.

M/S Olive, Goltz, to approve a 10' frontyard variance to permit a 10' frontyard setback for the construction of a house and garage, a 10' parking frontyard variance, and an 8'6" frontyard variance to allow an open deck 5'6" from the property line, for 14 Madera Avenue, A/P 6-116-11, on the basis that the configuration and steep downslope of the lot constitutes a condition of the land which creates a hardship in developing the lot without a variance; and there will be no significant detriment to the neighborhood; and the granting of the variance is necessary for the preservation and enjoyment of substantial property rights because this legal building site could not reasonably be developed without a variance, with the following conditions:

- (1) Off-site improvements as required by the Town Engineer be made;
- (2) the maximum height above Madera Avenue measured through the vertical center line of the house to be 14'6".

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

4. NEW BUSINESS

- A. EU-24 - Charles I. Browne, 19/21 Allyn Avenue, A/P 7-095-17, application to allow an existing second unit to remain on change in ownership.

Mr. Robbins said the conditions of the use permit would be the same as when the use permit was granted in September, 1977, to Virginia Hobbs and Robert Milliken. Staff feels there is sufficient parking available and recommends approval of the application.

Malcolm Brodzinsky, 20 Allyn Avenue, said the garage at 19 Allyn Avenue is being used as a workshop which involves the use of saws. Parking is currently on-street and the Police Department has issued tickets for such.

The Commission agreed that the application should be held over until the garage is cleared and used for parking.

M/S Olive, Kapranos, to continue this application, EU-24, application to allow an existing second unit to remain on change in ownership for Charles I. Browne, 19/21 Allyn Avenue, to the next regular meeting of June 19, 1978.

Motion passed unánimously.

Charles Browne, applicant, was not present when the above motion was made. He appeared later, but the Commission felt that since Mr. Brodzinsky has already left the meeting thinking the hearing would be continued to June 19, 1978, it would not be fair to him to reconsider that motion, and the motion was to stand as made.

- B. NU-8 - Bill Callaghan, 128 Butterfield Road, A/P 5-111-59, application to permit the construction of a new second unit.

Bill Callaghan, applicant, present.

Mr. Callaghan says his lot is 28,000 square feet and there is ample room for the proposed second unit.

Mr. Robbins said the Town is aware of the total number of existing second units in San Anselmo. The area around 128 Butterfield Road has an additional allotment of 14 to 15 second units; therefore, the proposed new second unit can be approved with a use permit now.

M/S Goltz, Olive, to approve NU-8, application to permit the construction of a new second unit at 128 Butterfield Road, A/P 7-095-17, for Bill Callaghan, on the basis that it meets all the requirements of the "Second Unit Ordinance" with the stipulations that the owner shall enter into a Rental Agreement with the Town and if this Agreement is not consummated within sixty days after the completion of construction, the application will be subject to a rehearing; and a smoke detector shall be installed in the second unit.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

- C. U-511 - San Anselmo Parks and Recreation Department, Yolansdale School, 35 Elm Avenue, A/P 7-052-49; application for a temporary use permit for a playground program for children between June 19, 1978, and August 11, 1978.

Chris Sansom, representing the Parks & Recreation Department, present.

Ms. Sansom said the program is planned for eight weeks. The hours are to be between 10:00 a.m. and 4:00 p.m. Monday through Friday, and one evening per week between the hours of 6:30 p.m. and 8:30 p.m. The ages of the children will range from four to eleven years. There will be anywhere from five to 40 children there at any one time.

Mr. Robbins noted there was no one in the audience from the Yolansdale area and said the neighborhood takes advantage of these playground programs and would apparently be in favor of the application, to which Ms. Sansom agreed. It was confirmed that the usual neighborhood notice was made.

Mr. Robbins also said this is a Town sponsored activity. It is not a rezoning, so although the site is zoned PPD R-1, it is not necessary to go through the SPD application procedure. According to the Town Attorney, Hadden Roth, only the use permit

procedure is appropriate.

M/S Olive, Goltz, to approve U-512, application for a temporary use permit for a playground program for children between June 19, 1978, and August 11, 1978, for the San Anselmo Parks and Recreation Department, at Yolansdale School, 35 Elm Avenue, A/P 7-052-49.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

- D. U-512 - Allen Bronstein, 80 Ross Avenue, A/P 7-281-13, application for a use permit to allow the home occupation of technical illustrator.

Allen Bronstein, applicant, present.

Mr. Bronstein said he has been doing technical illustration in one of the rooms in his house without a use permit because he did not know of the requirement in a residential neighborhood. He proposes to use the present laundry room as an office and plans to construct a deck and painting studio on the side of the building, all of which are within the legal setbacks.

Mr. Robbins said the Town has received no complaints regarding this home occupation.

M/S Goltz, Kapranos, to approve U-512, application for a use permit to allow the home occupation of a technical illustrator for Allen Bronstein, 80 Ross Avenue, A/P 7-281-13, on the basis that this use will not be detrimental to those living or working in the neighborhood and is necessary for the substantial enjoyment of property rights.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

- E. V-782 - Harry DeGreeve, 249 Crescent Road, A/P 7-222-52, application for a 2'0" sideyard variance with a 6'0" sideyard setback, and a 13'4" rearyard variance with a 6'8" rearyard setback to construct a pergola.

Harry DeGreeve, applicant, and James Ring, III, architect, present.

Mr. DeGreeve told the Commission there is extensive landscaping on the property. The lot is large, but there are slopes going in different angles along with old trees. The pool will require a rearyard variance, but it is very far from neighbors. The sideyard variance is needed because there is not much space between the concrete water tanks and the fence for the pool equipment room proposed.

Mr. Faw, 281 Crescent Road, is the southerly neighbor of 249 Crescent Road. He wrote a letter supporting the application if the pool equipment room is built on the northeasterly side of the property under an existing deck, rather than on the southerly side, as proposed, where the noise would be a detriment to him.

Mr. Ring said if the pool deck is moved back 2' within the legal setback requirements, it would not make a significant difference in light and air; however, Commissioner Goltz disagreed because a 13' variance in the rearyard would make the 2' sideyard variance have that much greater impact. If the 2' sideyard variance were not approved, the 13' rearyard variance would not be as detrimental to the property next door.

Commissioner Olive said the only other place to put the utility room is on the other side of the garage area, but there is a big downslope here and it would be closer to the apartment residences. It would also require the removal of some trees.

M/S Kapranos, Harle, to approve V-782, application for a 2'0" sideyard variance with a 6'0" sideyard setback, and a 13'4" rearyard variance with a 6'8" rearyard setback to construct a pergola, and a 7'7" rearyard variance with a 12'5" rearyard setback for the construction of a pool, and a 2'4" sideyard variance with a 5'8" sideyard setback for the construction of a utility room, based on drawings received May 15, 1978, with the equipment room in the northeast corner, on the basis that the granting of the subject application will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not be materially detrimental to the public welfare or injurious to property or improvements in such neighborhood; that the granting of the application is necessary for the preservation and enjoyment of substantial property rights; and that there are exceptional conditions that apply to the land; that is, the property is extensively committed to large and permanent plantings and structures and varying sloping topography are justifying exceptional conditions.

Motion carried: AYES: Buckle, Harle, Kapranos, Olive
NOES: Goltz

Applicant was advised of the ten day appeal period.

- F. V-783 - Benjamin Burtt, Jr., 70 Park Drive, A/P 6-043-08, application for a 4' sideyard variance with a 4' sideyard setback to construct a bedroom on the main floor, and extend a guest room on the basement level, and a 2' sideyard variance with a 4' sideyard setback to construct an open deck.

Benjamin Burtt, Jr., applicant, present.

Mr. Burtt explained to the Commission that he does not intend to construct a new bedroom, rather he plans to extend a bedroom. The lower area of the dwelling was once used for rental purposes, but he would like to use it himself. Therefore, they have proposed to move the existing steep stairwell, which would cut into the existing bedroom.

Commissioner Goltz felt the deck could be decreased in size 2' in order to be within the legal setbacks.

M/S Harle, Kapranos, to approve V-783, application for a 4' sideyard variance with a 4' sideyard setback to construct a bedroom on the main floor, and extend a guest room on the basement level, and a 2' sideyard variance with a 4' sideyard setback to construct an open deck, for 70 Park Drive, A/P 6-043-08, on the basis that this will preserve substantial property rights; will not be detrimental to the neighborhood; and that the condition of the existing structure creates a site hardship to locate construction otherwise.

Motion carried: AYES: Buckle, Harle, Kapranos, Olive
NOES: Goltz

Applicant was advised of the ten day appeal period.

5. MATTER FOR CONSIDERATION

A. Downtown Buffer Rezoning

Commissioner Buckle had provided a draft of an ordinance establishing a proposed "professional" zone. The professional zone is to act as a buffer between commercial and residential zones and would allow uses which are reasonably compatible with adjacent residential and commercial uses.

It was agreed that the uses permitted should be those permitted in R-1 and R-2 Districts, except that living quarters may be permitted only upon the securing of a use permit. Types of professional uses would be accountants, lawyers, engineers and architects. The Commission felt it would be a good idea to require a use permit for medical type uses since they generate more traffic and require more parking.

The Commission said offices should not be open to clients before 8:00 a.m. nor remain open after 6:00 p.m.

Regarding minimum lot size, Mr. Leitzell felt that by not limiting the lot size for legal building sites, it might lead to further subdivisions. However, Mr. Robbins said many lots downtown are not over 5,000 square feet and that requirement, as used in residential zones, might be too strict. Mr. Leitzell said a 25' minimum lot width would be adequate and would include most of the downtown lots.

The Commission agreed that the maximum building coverage in this zone should be 60%. They agreed with the tentative draft that frontyard setbacks should be 20 feet; sideyard setbacks should be five feet adjacent to residential and professional districts, but that no setback or perhaps only three feet should be required adjacent to commercial districts. The minimum rear-yard setbacks, as proposed, would be 20 feet adjacent to residential, and 12 feet adjacent to other professional district lots, and no setback requirement adjacent to commercial districts.

Mr. Leitzell suggested that parking be in conformance with the general requirements in the Code, which are three spaces required for a commercial building and one for every 500 square feet of gross floor area.

The Commission agreed the maximum building height should be two stories, but not to exceed 35 feet, as in residential zones.

Mr. Leitzell said a revised draft would be made of this proposed zone by Town Staff for the public hearing to be set by the Planning Commission.

The Commission agreed to set a public hearing to consider a professional zone on July 17, 1978.

- B. Pine Street Rezoning, A/P Nos. 7-252-14, 7-251-26, 125 and 130 Pine Street.

The Commission was given 40 days by the Town Council on May 23, 1978, to provide a report on the possible rezoning of the above properties. Since a public hearing has been scheduled for July 17, 1978, to discuss possible buffer zoning, Mr. Leitzell said he would report such to the Council.

- C. The Commission agreed to change their regular meeting of July 3, 1978, to July 10, 1978.

6. ADJOURNMENT

The regular meeting of the San Anselmo Planning Commission was adjourned at 12:27 p.m. to the next regular meeting of June 19, 1978.

Lisa Burglin

LISA BURGLIN
PLANNING COMMISSION SECRETARY

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