

The regular meeting of the San Anselmo Planning Commission was called to order by Chairman George Buckle at 8:00 p.m. on April 3, 1978, in Room 6 of the Isabel Cook Community Center. Representing Town staff: T. J. Robbins, Associate Engineer/Planner, and Lynn McGovern, Planning Technician.

1. ROLL CALL

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

2. APPROVAL OF MINUTES - MARCH 20, 1978

M/S Goltz, Ragan, to approve the minutes of March 20, 1978, as written.

Motion passed unanimously.

3. OLD BUSINESS

A. EU-17 - M. Massey and E. Saunt, 34 Elm Avenue, A/P 7-053-02, application to allow an existing second unit to remain. CONTINUED TO 04/17/78

B. 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 04/17/78

C. U-504 - Hood Chatham, 25 Tamalpais Avenue, A/P 7-212-18, application to allow living quarters in a commercial area.

Hood Chatham, applicant, present.

Mr. Chatham explained that he had previously come before the Commission with an application for a parking variance for one space and a variance for three spaces in size. He now proposes to move the building back 18 feet in depth and, therefore, is able to provide eleven legal size parking spaces (the required number for this building).

Mr. Chatham said the building will include shops and boutiques on the first two floors and the top floor will be a one bedroom apartment, if approved by the Commission. He brought photographs and drawings of the structure to show what he plans to do, i.e., moving and altering the building.

Ms. McGovern said that a one unit apartment over a commercial use usually calls for moderate rent. It also offers easy access to the downtown area. She said that it is not necessary for the applicant to enter into a Rental Agreement with the Town; however, the Commission can require such.

Ms. McGovern also said that she felt the new parking plan will result in many cars backing out into Tamalpais Avenue, which is a congested street.

Commissioner Ragan said that despite this traffic problem, the new plan is better because the structure is being moved back from the street.

Commissioner Goltz said that the new plan will meet all the requirements in C-2 zoning. He mentioned the possibility of having Design Review advise the applicant to put plants in between the parking stalls.

Mr. Robbins explained that if the Town permits the applicant to have access to his parking area over the Town owned Magnolia Street Parking Lot, and then at a future time the Town's parking lot is used for something other than a parking lot, the applicant's permit for this access will be revoked.

M/S Ragan, Goltz, to approve U-504, application for a use permit to allow living quarters in a C-2 zone, for Hood Chatham, 25 Tamalpais Avenue, A/P 7-212-18, on the basis that it is not detrimental to the neighborhood because previously the use had been residential in a predominantly low density residential neighborhood; and that it is necessary for the preservation and enjoyment of substantial property rights.

The rights granted under this permit are personal to the applicant

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and are not transferable or assignable to any person or legal entity whether any person or legal entity does or does not own a contractual or property interest in the particular property.

Further move to request the Design Review Committee to consider the possibility of landscaping the front parking area when the plans are submitted to them.

Further move to recommend to the Town Council to grant the applicant permission for access to his parking over the Town owned Magnolia Street Parking Lot.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

- D. V-769 - Thomas and Melinda Spencer, 17 Sunnyside Avenue, A/P 7-263-29, application for sideyard and rearyard variances to add living space and a deck, a variance to allow a third story, and a parking variance.

Jerry Smania, architect representing applicants, present.

Mr. Robbins explained to the Commission that although the existing garage and greenhouse encroach onto Town property, the structures belong to the property owner.

Commissioner Goltz said there is a hardship to warrant approval of the sideyard and rearyard variances; however, he asked the applicant what the hardship was with regard to the third story addition. Mr. Smania said there is a natural spring on the property and when it rains the water goes through the garage and area around the house so it would not be desirable to build there. Mr. Smania also mentioned the views that would be available to the applicants if they had a third story.

Douglass Lathrop, 41 Sunnyside Avenue, said he has a common boundary with the Spencer's. He has inspected the plans and site and feels the additions will not have an impact upon his property or life style.

M/S Goltz, Ragan, to approve V-769 for Thomas and Melinda Spencer, 17 Sunnyside Avenue, A/P 7-263-29, covering the following variances:

1. A 4' sideyard variance to allow a dwelling addition 4' from the south property line;
2. A 19' rearyard variance to allow a dwelling addition 1' from the northwesterly property line;
3. An 8' rearyard variance to allow a new deck 6' from the northwesterly property line;
4. A variance from the maximum of two stories to allow a third story;
5. A variance from the requirement of two legal (on-site) parking spaces when adding living area to a dwelling.

These variances are granted on the basis that the site is of an unusual shape and is steep; and that the size of the lot is relatively small compared to those in the neighborhood; and that it is required for the applicant to exercise his property rights and it will not be detrimental to those in the neighborhood.

Motion passed unanimously.

Applicants were advised of the ten day appeal period.

- E. SS-209 - Mike Gompertz and John Moller, 25 Rancho Drive, A/P 5-062-93, application for a four-lot parcel split.

Mike Gompertz, applicant, present.

Commissioner Buckle, referring to the drawings submitted by the applicant for the tentative map, said that the drawing should be

on one sheet without addendums and, therefore, advised continuing this application until one complete drawing is submitted.

Mr. Gompertz agreed to this; however, he explained to the Commission that he wants to know what he can do with regard to the drainage, turnaround in the cul-de-sac, and the setbacks, and then he will turn in a tentative map.

Mr. Gompertz, referring to the turnaround, said he would like to have a hammer-head type rather than a full circle because it will not take quite as much space (approximately 80 feet is necessary for a full circle). Commissioner Buckle showed a drawing of another alternative to a full circle, which looked like a half circle.

Mr. Gompertz demonstrated how the hammer-head type turnaround would work and explained that 43' is required for this type and there is 52' to work with.

The Commissioners expressed concern about how visitors, not familiar with the area, could drive up the street and turn around easily.

Commissioner Goltz said there is a preconceived variance for a future building on one of the parcels if this hammer-head type turnaround is applied. This is improper because the Commission cannot visualize the structure yet and, therefore, cannot know if a variance would be necessary; and the lot is immense, and the shape of the house could be different so as not to require a variance.

Regarding the drain line, Mr. Gompertz explained that the drain ditch would remain open for architectural and aesthetic reasons. It is to be improved as per Hoffman and Albritton, Civil Engineers, with staff agreement to handle the water flow. The drain line is to be increased from 15" to 30" and will carry the water from the property line to Town lines. A "grizzly" (trash rack) will be placed on each lot to assure proper cleaning of the ditch.

Commissioner Olive said she would prefer it if the drain line came down the street, rather the private property, because the "grizzlies" get many leaves in them during storms. Since there will be development above, the vegetation will be removed, and the properties will get more water flow.

Mr. Robbins pointed out that the drain line proposal is contingent on the property owners agreement with the applicant.

Commissioner Goltz said there were three alternatives for the applicant: (1) leave the drain line the same as it is now; (2) design it the way it was done the first time; and (3) connect the pipe at the beginning of the open ditch so that the ditch only drains a portion of the land above it.

The Planning Commission agreed to refer the application back to the applicant for restudy.

F. Downtown Rezoning Study - Specifically San Rafael and Tamalpais Avenues

The Planning Commission agreed to set up a special workshop meeting on April 24, 1978, to discuss the rezoning of the above two streets.

4. NEW BUSINESS - PUBLIC HEARING

A. Criteria For Residential Parking Required When Additions Are Made to Dwellings

Al Creighton, 56 Bella Vista Avenue, said that the Town would be losing control over the amount of additions a property owner can make if additional parking is not required in residential areas. Restrictions are necessary because people will not have enough off-street parking spaces and too many cars, and single family homes will have second units, etc.

Mr. Robbins explained that the legal amount of parking is required when adding living quarters, i.e., a carport could be closed and made into a bedroom unless there was adequate legal parking existing.

Jim McDonald, 509 The Alameda, gave an example of a home that has had a garage and parking area for 20 to 30 years, which has been considered conforming, and now that the property owner is proposing to add a hot tub and extend a dining room, a parking variance is required; therefore, the use originally granted by the Town is now non-conforming.

Commissioner Ragan mentioned that perhaps it would be more appropriate to ask Hadden Roth, Town Attorney, to research further and perhaps come up with another interpretation of the parking requirements when additions are made to dwellings.

Commissioner Goltz said that rather than ask Hadden Roth to change his interpretation, perhaps the Planning Commission could suggest to Hadden Roth that parking is not a use, which would then mean his opinion did not apply.

M/S Ragan, Goltz, to continue the public hearing for criteria for residential parking when additions are made to dwellings until May 1, 1978, and request that staff inform the Town Attorney that the Planning Commission would like him to be present at that meeting.

Motion passed unanimously.

- B. U-506/V-771 - James and Nancy Hage, 16 Monterey Avenue, A/P 6-013-10, applications to allow a home occupation, a small scale warehousing and wholesaling operation of Amway products, and a 3' sideyard variance to allow a 5' sideyard setback to permit an existing storage shed to remain.

James and Nancy Hage, applicants, present.

Mr. Hage explained that the storage shed was built in March, 1975, for tools and materials for hobbies. The Amway business started one year later in July, 1976, and products were not stored in the shed until January, 1977.

Mr. Hage, referring to the staff memo, said he was aware that he was suppose to have a building permit and variance approval before building the shed, but because of economic reasons, he did not make the applications. However, he was not aware that a use permit was necessary for this home occupation.

Mr. Hage said he was not aware that his business was a nuisance to those in the neighborhood; and now that he realizes the main problem is traffic, he will agree to cancel all Wednesday and Saturday meetings (which bring approximately 25 persons to their home). He said there are deliveries to his home via U-Haul trucks on Fridays, which takes 15 to 20 minutes in the morning, and eight individuals pick up these products between 3:00 p.m. and 6:00 p.m. the same day.

Mr. Hage said his primary occupation is a school teacher. Amway is an in-home occupation which requires him to distribute and sell products.

Ms. McGovern said there are some circumstances in the yard that could constitute a hardship, but if the applicants had come before the Planning Commission or Town staff before the shed was built, perhaps the Town could have suggested an alternate site and, thus, a variance would not have been required.

The applicants insisted they had weighed the many alternate spots for the shed and this location, they felt, was the best. This shed affords the applicants privacy from their neighbors.

Laurene McLane, 20 Monterey Avenue, who wrote an extensive letter to the Planning Commission, said the business has had a big impact on her property and feels the only hardship is the imposition on her property.

Commissioner Ragan asked Ms. McLane why, if she had lived at this address when the shed was being constructed, she did not question the activity. Ms. McLane said she was not aware how close the shed was to her property.

Pam Stempel, 12 Monterey Avenue, said her backyard faces the shed and she feels it is well constructed. She said any complaints about the shed should have been filed at the time of construction, rather than now, three years later. She agreed that traffic is a problem, but acknowledged that the Hages have taken measures to alleviate that.

Mr. Hage said they are thinking of leaving the neighborhood because of the complaints. They may move their business or home, which is a hardship in itself.

Commissioner Ragan said this business is of such a magnitude that it cannot be considered a home occupation. It is a commercial enterprise and should be in a commercial zone. He also said he could not condone the variance for the shed because he does not see the hardship.

Commissioner Buckle agreed that the business should be relocated to a commercial area; however, he felt a hardship exists for the shed because there is a deck in the yard which makes it awkward to build around it.

Commissioner Goltz said the shed could have been spun around to fall within the setbacks and, therefore, there is no hardship to grant the variance. The conditions of the land and building do not warrant a hardship finding and the neighbors have valid objections.

M/S Ragan, Harle, to deny U-506, application for a use permit for a home occupation to conduct a small scale warehousing and wholesaling operation, for James and Nancy Hage, 16 Monterey Avenue, A/P 6-013-10, on the basis that the business is larger and more highly visible in the neighborhood than a home occupation is intended to be; and the resulting noise and parking problems from the business are detrimental to the neighborhood.

Motion passed unanimously.

Applicants were advised of the ten day appeal period.

M/S Goltz, Ragan, to deny V-771, for 16 Monterey Avenue; A/P 6-013-10, application for a 3' sideyard variance to allow a 5' sideyard setback for the existing storage shed on the basis that there is no condition of the land or building that justifies a variance.

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

Applicants were advised of the ten day appeal period.

- D. V-770 - Jay P. Judin, 119 Redwood Road, A/P 7-083-30, application for a 20' frontyard variance with a 0' frontyard setback, and a 4'6" sideyard variance with a 3'6" sideyard setback to replace and enlarge an existing, deteriorating one-car carport.

Jay Judin, applicant, present.

Mr. Judin explained to the Commission that because of the storms this winter, his garage is ready to collapse; therefore, he feels it would be a good idea to make his present garage larger.

The Commissioners agreed this was a good idea.

M/S Ragan, Olive, to approve V-770, an application for a 20' frontyard variance to permit a 0' frontyard setback, and a 4'6" sideyard variance to permit a 3'6" sideyard setback, for 119 Redwood Road, A/P 7-083-30, for the construction of a two-car garage on the basis that there are conditions, an upsloping lot and present location of house on the site, which constitute a hardship;

that the granting of this variance is necessary for the preservation and enjoyment of substantial property rights in that the applicant needs off-street parking; and that the granting of this variance will not be detrimental to the neighborhood as the surrounding neighbors have similar parking situations.

Further move that the applicant obtain an encroachment permit from the Town for the portion of the garage that is in the public right-of-way based upon the drawing with attached supplement prepared by Schaaf-Jacobs-Vinson, Incorporated, received by the Town on March 16, 1978. The garage door is to receive approval of Town staff.

Motion carried: AYES: Buckle, Harle, Olive, Ragan  
ABSTAIN: Goltz

Applicant was advised of the ten day appeal period.

6. MATTER FOR CONSIDERATION

A. Pine Street Rezoning

Erwin Berliner, 129 Pine Street, the second house up from the Pine Street Parking Lot which is zoned C-2, said he is concerned about what happens on the lots on Pine Street which are currently zoned for commercial use, but used as residential. Since no one has used these lots for commercial use, the neighbors would like it to be rezoned to R-1. Mr. Berliner had submitted a petition signed by 25 neighbors on the street requesting this rezoning.

M/S Goltz, Olive, to request staff to advertise for a public hearing for May 1, 1978, to rezone the C-2 properties on Pine Street to R-1 as proposed by Town staff.

\*Staff note: These properties are 125 Pine Street, A/P 7-252-14,  
129 Pine Street, A/P 7-252-13, 130 Pine Street,  
A/P 7-251-26, and 140 Pine Street, A/P 7-251-27.

Motion passed unanimously.

7. ADJOURNMENT

The regular meeting of the San Anselmo Planning Commission was adjourned at 11:34 p.m. to the next regular meeting of April 17, 1978.

*Lisa Burglin*

Lisa Burglin  
Planning Commission Secretary