

The regular meeting of the San Anselmo Planning Commission was called to order by Vice-chairman Mary Olive at 8:10 p.m. in the Council Chamber, Isabel Cook Community Center. Representing the Town Staff: T. J. Robbins, Lynn McGovern. February 6, 1978.

1. ROLL CALL

Commissioners Present: Goltz, Kapranos, Ollinger, Olive

Commissioners Absent: Buckle, Harle, Ragan

2. APPROVAL OF MINUTES - January 16, 1978

Page 5, Item C, paragraph 5, line 7, delete word "because" and insert the word "and".

Page 8, Item A (1) paragraph 2, line 7, change "inoculating" to "innocuous".

Page 8, Item A (1) paragraph 2, strike out line 7, and the first three words of line 8. Instead, add, "prepare and take out its basic and generally accepted goals".

Page 8, Item A (1) paragraph 5, line 4, strike out line 4 and add the following: "implementation for the conservation element, and this Committee shall be advisory".

Page 8, last paragraph, delete entire last sentence.

Page 10, Item 5 (B), paragraph 2, delete "parallel" and insert "perpendicular".

M/S Goltz, Ollinger, minutes of January 16 be approved as amended. Passed unanimously.

3. ANNOUNCEMENTS

A. U-500 DERMACULTURE, INC 32 Lincoln Avenue

Mr. Robbins announced that U-500 Dermaculture, Inc. application to permit home occupation of training persons who plan to purchase a franchise, has been withdrawn permanently. P/C 2/6/78

B. SS-206 J. A. TONINI 1361 San Anselmo Avenue

Mr. Robbins announced that this application has been withdrawn by virtue of the Town Attorney's opinion that two lots legally exist. P/C 2/6/78

4. OLD BUSINESS

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

Present: Mike Gompertz and John Moller, applicants.

Mr. Robbins explained that parcel 4 is 1,591 s. f. short of the lot slope policy requirement; however, no useful purpose would be served by angling a lot line simply to include additional square footage. Mr. Robbins also said the Town is desirous of doing away with private drains like the open ditch proposed in this subdivision. He reported the Town would prefer all drainage to be underground and to empty into the storm drain system.

Mr. Gompertz said they intend to move the building shown on the proposed lot line between parcel 1 and 2 to parcel 1. The structures on parcel 1 will become a potting shed and an artists studio. Result will be one dwelling and two accessory buildings on parcel 1.

Mr. Ed Croece, 11 Rancho Drive, said he and his wife were mainly interested in the drainage ditch since they live below this subdivision.

Commissioner Goltz said he felt there should be a turn-around at the end of the street.

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M/S Goltz, Ollinger that the Planning Commission refer back SS-209 25 Rancho Drive A/P 5-062-93 application for a four-lot subdivision to applicant for a study of the turn-around, a condition required by staff, and that they present a plan that has the approval of the Town Staff. Tentative approval of a four-lot subdivision, giving the exception of 1,591 square feet from the Lot Slope Policy for parcel 4, and also allowing the exception for 3 water meters, excepting the one water meter as it is justified on the basis of the MMWD Water Moratorium; further the Planning Commission tentatively making the exception to allow a 16.5 foot frontyard setback for the existing dwelling on parcel 1 which is justified by the fact that it is an existing development and condition of the building on the site, as shown on the tentative parcel map dated December 1977 by Hool and Lockett, licensed surveyors.

Passed unanimously

P/C 2/6/78

5. NEW BUSINESS

- A. U-499 Joe S. Paz 151-157 San Anselmo Avenue
A/P 7-301-07, application to permit the storage of autos
towed by Red Hill Mobil

Mr. Paz estimated he will be towing 2 or 3 cars a day and parking them at this location. He could give no estimate for a weekend traffic period. He said there would be no repairs on the site.

Wynn Welch, 153 San Anselmo Avenue, said she objected to this application; it is totally unacceptable; it would be a blight on her life to look out on a parking lot for damaged cars. The use is very undesirable.

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

Commissioner Goltz said it is impossible to park 22 cars on the lot. At the most, he estimated 13 cars to be the limit. He said this would be an all night operation; that this is the wrong place for this type of storage lot.

Commissioner Ollinger said he agreed it would be a 24-hour service which would not be quiet because of radios and operators using the towing equipment.

M/S Kapranos, Ollinger, that the application, U-499 to permit the storage of autos towed by Red Hill Mobil Service, be granted with the proviso that the main access entrance be set on Mariposa Avenue; the existing gate entrance on San Anselmo Avenue remain as an emergency access only; on the basis that the use will not be detrimental to the neighborhood because the lot is well screened from the public view; no on-street parking will be permitted; access will be from Mariposa Avenue; the number of cars stored will be limited by the space, and it is necessary for the applicant's enjoyment of substantial property rights. The rights granted under this permit are personal to the applicant and are not transferrable or assignable to any other person or legal entity whether any person or legal entity does or does not own a contractual or property interest in the particular property.

Motion denied by the following tie vote:

AYES: Kapranos, Ollinger
NOES: Goltz Olive

Commissioner Goltz voted no for the reasons stated above. Commissioner Olive voted no because she felt the Municipal Code required a use of this type to be inside a building rather than outdoor storage, which she feels is prohibited by the Municipal Code.

P/C 2/6/78

- B. V-759 Robert and Kaaren Maise 48 Sequoia Drive
A/P 6-165-06, application for a parking variance to allow tandem parking

Lynn McGovern said a variance was granted to the Maise Family at a previous meeting; however, a variance was omitted for the tandem parking.

M/S Ollinger, Kapranos, V-759, application for a parking variance to allow tandem parking at 48 Sequoia Drive, A/P 6-165-06 be approved on the basis that no alternative parking situation exists thus constituting a condition of the site; it will not be a detriment to the neighborhood as it currently exists and is necessary for the preservation and enjoyment of substantial property rights in allowing a reasonable development.

AYES: Kapranos, Olive, Ollinger
ABSTAIN: Goltz

Commissioner Goltz abstained because this application is a good case of where granting of the variance is necessary only because it is unrealistic and senseless. It is quite obvious that cars can be parked within the setbacks. He cannot vote either way for a variance that is counter to variance law when the reason for having the variance hearing is not specifically called for in the Code, in his opinion. P/C 2/6/78

- C. V-762 Don and Dorothea Schultz 2 Meadowcroft Drive
A/P 5-185-10, application for a 3'11½" sideyard variance

There was no one in the audience to comment on the application. Mr. Schultz explained they needed the variance as they had no other access to their attic storage space. He said other homes in the neighborhood had similar entrances.

M/S Ollinger, Kapranos, to approve V-762 for a 3'11½" sideyard variance to permit an 8'½" sideyard setback as shown on the drawings received January 10, 1978 by the Town of San Anselmo, Department of Public Works, to allow construction of an access to a new stairwell leading to the attic for 2 Meadowcroft Drive, A/P 5-185-10, on the basis that the small size of the house and inadequate storage is a condition of the building and creates a hardship; that average storage space is necessary for the preservation and enjoyment of substantial property rights and it will not be detrimental to the neighborhood.

Passed unanimously P/C 2/6/78

- D. V-768 Terrence V. Clements 37 Sequoia Drive
A/P 6-163-04, application for a 4' sideyard variance to allow a 2' sideyard setback and a 2' sideyard variance to allow a 4' setback

Mr. Clements said his home is very small; he lives there with his wife and three children. He would like to enlarge the living area by adding the two balconies.

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

M/S Goltz, Kapranos to approve V-768 for 37 Sequoia Drive A/P 6-163-04 application for a 4 foot sideyard variance to allow a 2 foot sideyard setback for construction of one balcony on the west side of the property and for a 2 foot sideyard variance to allow a 4 foot sideyard setback for construction of a balcony on the west side of the property and for a 2 foot sideyard variance to allow a 4 foot sideyard setback for construction of a balcony on the east side of the property for the reason that the front of

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the lot and the rear of the lot constitute 66% of the total lot which is very steep and that to require the applicant to bring the decks into the setbacks would mean covering the only flat area which is presently used for play for his children; this would constitute a condition of the land and that granting of this variance is necessary for the applicant to enjoy his substantial property rights and that granting of this variance will not be detrimental to those living or working in the neighborhood.

Passed unanimously. Applicant was notified of the 10 day appeal period. P/C 2/6/78

6. MATTERS FOR CONSIDERATION

A. ACCESS STRUCTURES ON STEEP DOWNSLOPING LOTS

M/S Ollinger, Kapranos to recommend to the Town Council that the following amendment be made to Section 10-3.444 of the San Anselmo Municipal Code:

"Section 10-3.444 "Structure" is hereby amended to insert the following after the second sentence: "Approach ramps to required parking spaces on steep downslope lots shall not be considered structures as used in this chapter provided said parking spaces meet all other requirements."

Passed unanimously. There was no one in the audience to comment on the action. P/C 2/6/78

B. SPECIAL MEETING--March 13, 1978; REGULAR MEETING--March 20.

Lynn McGovern announced a special meeting of March 13, 1978 at which time a public hearing will be held. A regular meeting will be held on March 20, 1978 contrary to the published schedule on which there was an error. P/C 2/6/78

C. REZONING DOWNTOWN STREETS

Commissioner Ollinger recommended that discussion of rezoning downtown streets of Tamalpais Avenue and San Rafael Avenue be continued to the March 6, 1978 meeting. P/C 2/6/78

D. LEAGUE OF CALIFORNIA CITIES CONFERENCE

Commissioner Olive reported on the League of California Cities Conference she attended for new Planning Commissioners. Both she and Commissioner Buckle attended. She said there were tapes available that present various aspects of the material presented at the Conference and she recommended the Planning Commission request the purchase of these tapes. P/C 2/6/78

7. ADJOURN - The meeting adjourned at 10:15 p.m.

MARY OLIVE, VICE-CHAIRMAN

By Thelma Foster
Thelma Foster
Acting Secretary

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Passed unanimously. Applicant was notified of the 10 day appeal period. P/C 2/6/78

6. MATTERS FOR CONSIDERATION

A. ACCESS STRUCTURES ON STEEP DOWNSLOPING LOTS

Staff reported that an additional motion was needed to implement the action that was approved at the public hearing held on this item at the meeting of January 16, 1978; at which time it was agreed to delete the need for a variance to construct an approach ramp on steep downsloping lots where the parking itself was within setbacks.

M/S Ollinger, Kapranos to recommend to the Town Council that the following amendment be made to Section 10-3.444 of the San Anselmo Municipal Code:

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Passed unanimously. There was no one in the audience to comment on the action. P/C 2/6/78

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MARY OLIVE, VICE-CHAIRMAN

By Thelma Foster
Thelma Foster
Acting Secretary

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Minutes of the adjourned meeting of the Town Council January 31, 1978 - Workshop Meeting with Planning Commission

Mayor Toal convened the meeting with Councilmen Reed, Colteaux, Signorelli and Capurro present. Planning Commissioners Harle, Olive, Ollinger, Goltz, Ragan and Buckle present. Commissioner Kapranos absent.

1. School District request for Corporation Yard Space.

Mayor Toal and Councilman Capurro reported on the action of the School Board at their meeting of January 26, 1978 approving the Town's offer of use of the Corporation Yard for their maintenance facilities and in particular the relocation of the two maintenance buildings now at Isabel Cook School.

M/S Reed, Signorelli to permit relocation of district maintenance facilities at the Town Corporation Yard under the terms and conditions set forth in staff memorandum of January 28, 1978, further requesting the Town Attorney and School District Attorney to jointly prepare an appropriate agreement incorporating these terms and conditions. Passed unanimously.

2. Approval of Change Orders Town Hall Reconstruction.

Director of Public Works reported that Change Order No. 1 was not yet ready for approval by the Council since costs had not yet been agreed upon. Change Order No. 2 will involve work to correct unforeseen deteriorated members in the old tower. Director of Public Works is recommending that the work be done on a time and material basis in order to resolve the cost question.

M/S Reed, Colteaux to authorize the Director of Public Works to proceed with the work involved in the tower provided the total cost does not exceed \$3,000 for Change Order #2. Passed unanimously.

Staff was instructed to keep the Council posted as to the total cost of change orders and the balance remaining in the contingency fund on a regular basis.

3. Workshop with Planning Commission

a. Discussion, Town Attorney's opinion of June 25, 1977 re parking requirements for addition of living space.

Commissioner Goltz stated he had not requested this item to be on the agenda but that he did not agree with the Town Attorney's opinion regarding parking as a use. He also stated that he was abstaining on variances which required a vote on a parking variance connected with living space additions.

After discussion, the Council requested staff prepare a recommendation to the Planning Commission for the next agenda which would only require a variance if the addition to the building was significant. Methods discussed included basing the criteria on the square footage of the addition, the addition's square footage as a percentage of the existing living area square footage, and number of bedrooms or other rooms which would be likely to add to the requirements for parking.

b. Criteria for use permits and variances.

The Town Attorney reviewed the criteria for use permits and variances with specific emphasis on setback variances as they relate to size and shape of the lot and location of existing structures on the property. It was pointed out that on lots under 50' wide, which were mostly developed with 5' setbacks, there might be justification to deviate from the now required 8' setbacks. Each application should be examined independently and variances granted if justified by the conditions on that particular property.

c. Planning decisions overturned.

After discussion, it was concluded that most of the decisions of the Planning Commission being overturned related to parking in the downtown area where additions were being made to commercial buildings.

Staff pointed out possible inequity between someone constructing a new building who was required to provide the necessary parking and someone permitted to enlarge an existing building who had perhaps no parking at all. No action was taken on this item but downtown parking will be further discussed by the Planning Commission in the future.

d. Number of ordinance changes proposed.

After discussion concerning the possibility that the Town was overreacting to individual problems, it was concluded that perhaps conditions are changing, which requires ordinance changes.

e. Staff workload.

Council suggested that staff should not be hesitant to point out to the Planning Commission and Council when an instruction would involve additional work load which could not be handled with present staff.

f. Level of enforcement of Planning and Zoning Ordinances.

Staff pointed out that priority was given to zoning violations and that otherwise most enforcement had to be based on complaints of the citizens rather than staff seeking out violations.

g. Commission comment on recently issued guidelines for community service.

Commissioner Goltz objected to criteria in "10b". He stated he did not feel there was a conflict. Commissioner Olive felt that with regard to criteria No. 2 that members of the commission should live in San Anselmo. The Council pointed out that it was difficult to obtain competent persons for boards and commissions and that the policy simply left the possibility open but all efforts are made to appoint persons who live in Town.

h. Possible elimination of design review for minor residential additions in Conservation Zone.

This matter was referred to staff for review and recommendation to the Planning Commission.

Some Council members expressed a desire to meet with the Director of Public Works and architect at the Town Hall tower site at 2:00 p.m. Friday to examine the situation which requires Change Order No. 2

Meeting adjourned 10:30 P.M. to regular meeting February 14, 1978.

CHARLES R. LEITZELL, P.E.

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