

The regular meeting of the San Anselmo Planning Commission was called to order by Vice Chairman Harle on August 20, 1979, at 8:00 p.m. in Room 6 of the Isabel Cook Community Center, 1000 Sir Francis Drake Boulevard. T. J. Robbins, Assistant Director Public Works/Planning, present. 15

1. ROLL CALL

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

2. APPROVAL OF MINUTES - AUGUST 6, 1979

Item 4E, end of first motion, "(This constitutes denial; . . .) - move to end of second motion.

M/S Ragan, Goltz, to approve the minutes of August 6, 1979, as amended.

Motion passed with four ayes; Commissioner Buckle abstained.

3. OLD BUSINESS

- A. Z-168 - Richard Moore, 450 Redwood Road, A/P 7-191-03, use permit and design review under specific plan development for a single family dwelling.

Richard Moore, applicant, not present. CONTINUED 09/17/79.

- B. V-840/V-841 - Richard Allen, 18 and 22 Island Drive, A/P 6-201-03, application for height variances.

Richard Allen, applicant, present.

Mr. Robbins said the previous 10 foot variance that was granted for parking for 18 Island Drive will not be necessary; however, a third story variance is proposed. He also said that since the driveway ramp is on a downslope, a variance will not be needed for parking there. 22 Island Drive will not need additional variances; the variances granted at the meeting of July 16, 1979, will still hold.

M/S Hayes, Goltz, to approve V-840 for Richard Allen, 18 Island Drive, A/P 6-201-03, for a third story variance, on the basis that the land requires this variance; that it is necessary for the preservation and enjoyment of substantial property rights; and that it will not materially affect adversely the health and safety of persons residing and working in the neighborhood. This motion supercedes the motion made on July 16, 1979, regarding V-840.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

- C. Z-170 - Wayne Lowe, A/P Nos. 5-300-24 and 5-300-25 (off Woodside Drive and Cherne Lane), proposed rezoning from PPD R-1 (Preliminary Plan Development with a presumptive use of single family residential) to SPD (Specific Plan Development) for a two-lot development.

Wayne Lowe, applicant, and John O'Brien, architect, present.

Some of the Commissioners expressed concern that the applicant will be required to pave the road to his units at his own expense, and other property owners along the road will benefit at no expense to themselves. It was pointed out, however, that new subdivisions require off-site improvements.

M/S Buckle, Goltz, to recommend to the Town Council that Z-170 for Wayne Lowe, A/P Nos. 5-300-24 and 5-300-25 (off Woodside Drive and Cherne Lane), be rezoned from PPD R-1 (Preliminary Plan Development with a presumptive use of single family residential) to SPD (Specific Plan Development) for a two-lot development; on the basis that this is in keeping with the General Plan and will not be detrimental to the neighborhood.

Motion passed unanimously.

Mr. Robbins suggested that the Commission have the applicant supply estimates for the paving of the road when he submits his tentative map.

- D. V-839 - Pedro Arroyo, 150 Oak Avenue, A/P 7-273-21, application for sideyard and rearyard variances to construct a greenhouse.

John Ellis, contractor, present.

Mr. Ellis said the original application has been changed (see minutes of July 16, 1979) and the proposed greenhouse will be on the second floor of the house.

Mrs. Porter Smith, 15 Vine Avenue, had written a letter expressing concern that this construction may devalue her property. Mr. Ellis said he has spoken to Mrs. Smith since she wrote her letter and she now has no problems with the proposed greenhouse.

M/S Buckle, Goltz, to approve V-839 for Pedro Arroyo, 150 Oak Avenue, A/P 7-273-21, application for a three foot sideyard variance and a 5'7" rearyard variance to construct a greenhouse within five feet of the side property line and 14'5" of the rear property line, on the basis that this variance is not detrimental to those living in the area; it is necessary to allow substantial property rights; and there is a hardship with the steepness of the lot and placement of the existing house.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

- E. V-845 - Daniel L. Ohlson and James Howey, 21 Mariposa Avenue, A/P 7-301-06, application for a parking variance.

Kenneth Boilen, engineer, and a traffic consultant were present.

The traffic consultant agreed that a retail commercial use would require more than the proposed 18 parking spaces; however, this storage facility would not need the required 67 parking spaces and 18, he feels, would be adequate.

Commissioner Goltz said the applicant is doubling the size of an already large building and the parking variance is a self imposed hardship. Commissioner Goltz feels that if another business were to take over the building in the future, this parking variance which is being requested would set a precedent.

M/S Ragan, Hayes, to approve V-845 for Daniel L. Ohlson and James Howey, 21 Mariposa Avenue, A/P 7-301-06, application for a parking variance from the 67 spaces required to 18 proposed, on the grounds that the application is of a nature that it is according to Code; that 18 parking spaces are sufficient for this operation; that it will not be detrimental to those residing in the neighborhood; that it is necessary for the enjoyment of substantial property rights; and that this variance applies specifically to this application only and is not to be transferred to any other business on the property.

Motion carried: AYES: Harle, Hayes, Ragan  
 NOES: Goltz  
 ABSTAIN: Buckle

Applicant was advised of the ten day appeal period.

Commissioner Goltz said he thinks this is an illegal motion in that a variance cannot be granted for a specific use. He requested that staff check this out with the Town Attorney.

#### 4. NEW BUSINESS

- A. NU-2 - Ila W. Osborne, 89 Magnolia Avenue, A/P 7-213-03, application for a use permit to allow an existing second unit to remain.

Ila Osborne, applicant, present.

Ms. Osborne said the unit has a kitchen, bath and bedroom.

M/S Buckle, Ragan, to approve NU-2 for Ila W. Osborne, 89 Magnolia Avenue, A/P 7-213-03, application for a use permit to allow an existing second unit to remain, on the basis that it will not be

detrimental to those in the neighborhood; and that it is necessary for substantial property rights; with the following conditions:

1. That a smoke detector be installed in the second unit;
2. that the applicant enter into a Rental Agreement with the Town within 30 days from the date of this hearing; and
3. that the owner agree to live on the property within one year from the date of this hearing.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

- B. V-847 - John Young, 340 Laurel Avenue, A/P 7-121-52, application for an 18 foot frontyard variance, a 7'6" sideyard (south) variance and a 3'6" sideyard (north) variance to construct a garage within two feet of the front property line, six inches of the side (south) property line and 4'6" of the side (north) property line.

John Young, applicant, and Sheldon Donig, owner, present.

Mr. Robbins said that if the variances are approved, then the property lines will have to be surveyed.

Dr. Donig said his mother is confined to a wheelchair and requires physical therapy. He plans to park one car in the proposed garage and use the remaining space for therapy equipment. Dr. Donig said there is physically no other place to put the proposed garage on the lot than up by Hillside Avenue.

M/S Goltz, Buckle, to approve V-847 for John Young, 340 Laurel Avenue, A/P 7-121-52, application for an 18 foot frontyard variance, a 7'6" sideyard (south) variance and a 3'6" sideyard (north) variance to construct a garage within two feet of the front property line, six inches of the side (south) property line and 4'6" of the side (north) property line, on the basis that the lot is extremely steep; that the shape is very unusual; that it will not be detrimental to those living in the neighborhood; and that it is necessary for the enjoyment of substantial property rights; to be based on the drawing dated July 6, 1979, Sheet 1, prepared by John Young; with a limit on the southerly overhang - that it be cut down in size from that shown on the aforementioned drawing so that it does not extend onto the next door property line.

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

Applicant was advised of the ten day appeal period.

- C. V-848 - Kristopher G. O'Connor, 119 Brookmead Court, A/P 5-130-10, application for three foot sideyard variances to construct a second story addition within five feet of the side property lines.

Kristopher O'Connor, applicant, present.

Mr. O'Connor said that if the addition were moved within the setbacks, his neighbor's light and air would be blocked.

M/S Hayes, Buckle, to approve V-848 for Kristopher O'Connor, 119 Brookmead Court, A/P 5-130-10, application for three foot sideyard variances to construct a second story addition within five feet of the side property lines, on the grounds that it is necessary for the enjoyment of substantial property rights; that it will not materially affect adversely the health and safety of persons in the neighborhood; that there is a condition of the lot that it is small; and that the small size of the house necessitates these variances.

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

Applicant was advised of the ten day appeal period.

- D. Z-182 - Charles F. Kurtz, 5 Santa Barbara Avenue, A/P 5-211-30, proposed rezoning from PPD R-1 (Preliminary Plan Development with a presumptive use of single family residential) to SPD (Specific Plan Development) for a single family dwelling, and review of Negative Declaration.

Charles Kurtz, applicant, present.

Mr. Robbins said this is a lot of record and the slope policy will not apply since the 'merger ordinance' became effective after Mr. Kurtz submitted his application.

M/S Buckle, Ragan, to accept the Negative Declaration, as prepared by Town staff, for Z-182 for Charles F. Kurtz, 5 Santa Barbara Avenue, A/P 5-211-30, proposed rezoning from PPD R-1 (Preliminary Plan Development with a presumptive use of single family residential) to SPD (Specific Plan Development) for a single family dwelling.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

M/S Ragan, Goltz, to recommend to the Town Council approval of Z-182 for Charles F. Kurtz, 5 Santa Barbara Avenue, A/P 5-211-30, to rezone from PPD R-1 (Preliminary Plan Development with a presumptive use of single family residential) to SPD (Specific Plan Development) for a single family dwelling.

Motion passed unanimously. It was announced that this application will be heard by the Town Council on August 28, 1979.

Applicant was advised of the ten day appeal period.

- E. Richard L. and Myra G. Hardwick, 52, 56, 60, 66 Cordone Drive, A/P 5-222-01, review of Negative Declaration for proposed four single family dwellings on four lots of record.

Richard and Myra Hardwick, applicants, present.

Mr. Robbins said the 'merger ordinance' became effective after this application was submitted; therefore, the slope policy does not apply to these lots.

David Brusati, 48 Cordone Drive, Nikki Camilleri, 55 Cordone Drive, and Joyce DeMartini, 5 Brookside Drive, expressed concern about traffic and drainage from this project.

Mr. Robbins said that the Negative Declaration includes the following mitigations: adequate underground culverts shall be provided to take run-off to Town drainage system; and as an existing foot/bicycle path would be eliminated by the development, this is proposed to be mitigated by a dedication to the Town of a five foot wide pedestrian easement.

M/S Goltz, Buckle, to accept the Negative Declaration, as prepared by Town staff, for four single family dwellings on four lots of record for Richard L. and Myra G. Hardwick, 52, 56, 60, 66 Cordone Drive, A/P 5-222-01.

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

Applicant was advised of the ten day appeal period.

- F. C-165 - U. Pax Riedel, 198 Sir Francis Drake Boulevard, A/P 6-252-01 design review of awning.

Jennifer Rasumussen, representing applicant, present.

M/S Goltz, Ragan, to approve C-163 for U. Pax Riedel, 198 Sir Francis Drake Boulevard, A/P 6-252-01, for an awning as designed on the drawing submitted on August 6, 1979.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

## 5. DISCUSSION

Mr. Robbins said the Town Council is requesting that the proposed ordinance amending Section 10-3.1908 of the San Anselmo Municipal Code combining adjacent hillside parcels having an average natural slope of more than 15 percent be amended making the last two lines of Section (b) read " . . . Town Engineer that all lots or parcels meet or by lot line adjustment meet the following area and width requirements."

M/S Buckle, Ragan, to amend Section (b) of the ordinance amending Section 10-3.1908 of the San Anselmo Municipal Code combining adjacent hillside parcels having an average natural slope of more than 15 percent, to read " . . . Town Engineer that all lots or parcels meet or by lot line adjustment meet the following area and width requirements:"

Motion passed unanimously.

## 6. ADJOURNMENT

The regular meeting of the San Anselmo Planning Commission was adjourned at 11:40 p.m. to the next regular meeting on September 17, 1979.

*Lisa Burglin*

LISA BURGLIN  
PLANNING ASSISTANT