

The regular meeting of the San Anselmo Planning Commission was called to order by Chairman Olive on August 6, 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.

1. ROLL CALL

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

2. APPROVAL OF MINUTES -- July 16, 1979

M/S Ragan, Harle, to approve the minutes of July 16, 1979, as written.

Motion passed unanimously.

3. OLD BUSINESS

- A. V-837 - Barry Schenker, 86 Melville Avenue, A/P 7-263-32, application for a 20 foot frontyard variance to construct a trellis and bay window within zero feet of the front property line; a one foot sideyard (north) variance to construct a deck and a 7'6" sideyard (north) variance to construct stairs within five feet and six inches of the side (north) property line, respectively; a 5'6" sideyard (south) variance to construct a deck and an eight foot sideyard (south) variance to construct a trellis within six inches and zero feet of the side (south) property line, respectively.

Barry Schenker, applicant, and his architect were present.

Commissioner Goltz felt the proposed decks are extremely large and the stairway to the garage could perhaps be put in a location that is within the setback requirements. He said there is plenty of room in the backyard for the decks. Commissioner Goltz said the proposed trellis, however, will not be a detriment.

M/S Ragan, Harle, to approve V-837 for Barry Schenker, 86 Melville Avenue, A/P 7-263-32, application for a 20 foot frontyard variance to construct a trellis and bay window within zero feet of the front property line; a one foot sideyard (north) variance to construct a deck and a 7'6" sideyard (north) variance to construct stairs within five feet and six inches of the side (north) property line, respectively; a 5'6" sideyard (south) variance to construct a deck and an eight foot sideyard (south) variance to construct a trellis within six inches and zero feet of the side (south) property line, respectively, for the reason that the configuration and location of the property to the Town right-of-way presents a difficult situation; one which cannot be overcome without approval of variances; that it will not be prejudicial to the best interests of those residing in the neighborhood; and is necessary for the enjoyment of substantial property rights; to be based on the drawing received by the Town on July 10, 1979.

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

Applicant was advised of the ten day appeal period.

- B. Z-180 - Bjork and Powers, 99 Holstein Road, A/P 177-160-04, use permit and design review consideration for the specific plan development for a single family dwelling, and approval of revised carport location.

Richard Bjork, applicant, present.

Commissioner Goltz suggested that the proposed tree, Prunus Laurocerasus (which requires a lot of water) be changed to the tree, Prunus Ilicifolia (which does not need as much water, good in full sun and good around oaks) - this tree is referred to as Honey Leaf Cherry. Commissioner Goltz said this tree is bushy and grows to 10 to 14 feet tall. He also suggested that the liquid amber trees that are proposed be changed to oak trees so that they will blend in with the existing oak trees on the hills.

M/S Goltz, Ragan, to approve design review, landscaping and the use permit for Z-180 for Bjork and Powers, 99 Holstein Road, A/P 177-160-04 for the specific plan development for a single family dwelling and approval of revised carport location per the drawings dated July 20, 1979, with the following changes:

1. The proposed *Prunus Laurocerasus* be changed to *Prunus Ilicifolia* and spaced no further than six feet on center to cover the underpinning of the carport and south deck;
2. that a grove of three trees be planted in the southeast corner of the property; to be of an oak variety, either Valley Oak, Holly Oak or Black Oak; and
3. that the Liquid Amber trees be changed to conform with the other Oaks before mentioned.

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

Mr. Bjork agreed and accepted Commissioner Goltz's suggested change to *Prunus Ilicifolia* to cover the underpinning of the carport and south deck; however, he did not agree with Commissioner Goltz's suggestion that oak trees be planted on the property. Mr. Bjork also said he would rather place his carport in the original location presented at the July 16, 1979, meeting than in the revised location requested by the Commission.

Applicant was advised of the ten day appeal period.

- C. V-839 - Pedro Arroyo, 150 Oak Avenue, A/P 7-273-21, application for a three foot sideyard variance to construct a living addition within five feet of the side property line - CONTINUED 08/20/79.
- D. Z-170 - Wayne Lowe, A/P Nos. 5-300-24 and 5-300-25 (off Woodside Drive and Cherne Lane), application for the 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, single family residential - CONTINUED 08/20/79.

4. NEW BUSINESS

- A. Memorial Park Parking Lot - Asphalt Paving, review of Negative Declaration.

Carolyn Turner, 152 Los Angeles Boulevard, and Oakley McLaughlin, 150 San Francisco Boulevard, said they were in favor of the asphalt paving; however, they requested that some type of speed control device be put in the lot, i.e., bumps or reflectors. Mr. Robbins explained that the design of the lot is tight and, therefore, it will be very difficult for cars to drive at a high speed.

M/S Goltz, Hayes, to accept the Negative Declaration for the asphalt paving of the Memorial Park Parking Lot, with an addition calling for a mitigating measure to avoid speeding within the parking lot itself, and some devices to slow down cars and the entry/exit.

Motion passed unanimously.

- B. Proposed Amendment to the Zoning Ordinance, providing for the combining of small parcels in common ownership - adjacent hillside parcels having an average natural slope of more than 15 percent, and review of Negative Declaration.

M/S Goltz, Hayes, to accept the Negative Declaration for the proposed amendment to the Zoning Ordinance, providing for the combining of small parcels in common ownership - adjacent hillside parcels having an average natural slope of more than 15 percent.

Motion passed unanimously.

Mr. Robbins told the audience that presently the Town has an ordinance for contiguous lots - if one of the two lots is undeveloped and does not exceed an average width of 50 feet and an area of 5,000 square feet, it is automatically combined with the developed lot. The proposal is to tighten this so that the undeveloped lot must conform to the slope policy. This will not affect lots that have a slope less than 15 percent.

Mr. Robbins told the audience that the Town Council had declined the urgency ordinance for the combining of small parcels and, therefore, if this amendment is approved it will not become effective until 30 days after the second Council hearing.

Some members of the audience questioned why this only applies to lots in common ownership. All someone would have to do is sell off one of the lots to a friend or relative. Mr. Robbins pointed out that the Town would require legal evidence that the transfer was made to a legal entity, not just a family member. He added that if you maintain any interested in property, it is an illegal sale.

M/S Ragan, Harle, to recommend to the Town Council that the Town adopt an Ordinance amending Section 10-3.1908 of the San Anselmo Municipal Code to provide for the combining of parcels on hillside lands as an implementing measure to carry out the following goals contained in the 1976 General Plan:

1. Land Use Element - I A-2. Maintain a high standard of aesthetic and functional quality in housing and associated community resources and services;
2. I B-1. restrict development on the undeveloped hillside areas of the planning areas where there is a probability of unstable slopes, over 30 percent slope, or both, to an overall average density of one unit per ten acres;
3. Housing Element - I C. Maintain a high standard of aesthetic and functional quality in housing and its associated community resources and services;
4. I D. Protect characteristics of the current housing situation found to be important to present residents;
5. Open Space and Conservation Elements - I B. Limits development and density increase as a basis for good land use planning;
6. I E. Protect against earthquakes, erosion, flooding or geologic hazards - and unwise land use which would compound their destructiveness;
7. Conservation Element - I A. Minimize environmental harm and the disruption of natural features, particularly in hillside and unstable soil areas;
8. I C. Establish policies and practical guidelines for the prevention of erosion, the stabilization of soils, and the protection of watershed necessary to minimize excessive water runoff.
9. II C. removal of vegetation on the hillsides should be closely controlled in order to minimize erosion, siltation of water courses, and runoff.

Motion passed unanimously.

M/S Goltz, Harle, to amend the above motion to ask the Town Attorney to investigate legal methods of stopping owners from selling their contiguous parcels before the effective date of this amendment in order to circumvent the intent of the ordinance.

Motion passed unanimously.

- C. NU-4 - Ian MacLeod, 124 Meadowcroft Drive, A/P 5-141-16, application for a use permit to allow a second unit to remain.

Ian MacLeod, applicant, present.

Mr. MacLeod said there are presently two owners of this property and he plans to transfer his share to his partner.

M/S Ragan, Harle, to approve NU-4 for Ian MacLeod, 124 Meadowcroft Drive, A/P 5-141-16, application for a use permit to allow a new second unit to remain, with the following provisions:

1. That a smoke detector be installed in the second unit;
2. that a Rent Guarantee Agreement be entered into with the Town within 30 days from this hearing, or the owner will be scheduled for a revocation hearing; and
3. that the owner agree to live on the premises within one year from the date of this hearing.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

- D. NU-5 - John Hare, 56 Rosemont Avenue, A/P 5-071-53, application for a use permit to allow an existing second unit to remain.

John Hare, applicant, present.

Mr. Hare said the second unit is below ground and his son presently lives there and pays no rent.

M/S Ragan, Hayes, to approve NU-5 for John Hare, 56 Rosemont Avenue, A/P 5-071-53, application for a use permit to allow an existing second unit to remain, with the following provisions:

1. That a smoke detector be installed in the second unit;
2. that a Rent Guarantee Agreement be entered into with the Town within 30 days from this hearing, or the owner will be scheduled for a revocation hearing; and
3. that the owner agree to live on the premises within one year from the date of this hearing.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

- E. Z-181 - Ray Hornsby, 15 Bank Street, A/P 6-251-19, proposed rezoning from R-1 (Single Family Residential) to R-2 (Two Family Residential) and review of Negative Declaration.

Robert Howell, attorney representing the applicant, present.

Eric Swenson, 31 Lincoln Avenue, disagreed with some comments made by staff in the environmental checklist, i.e., Item 8 (Land Use), Item 13 (Transportation/Circulation) and Item 21 (Mandatory Findings of Significance), he feels should have been answered yes rather than no.

M/S Ragan, Goltz, to accept the Negative Declaration for Z-181 for Ray Hornsby, 15 Bank Street, A/P 6-251-19, proposed rezoning from R-1 (Single Family Residential) to R-2 (Two Family Residential)

Motion passed unanimously.

Mr. Robbins said staff recommends very strongly against this rezoning application. The Commissioners felt that the second unit on the property (has use permit approval) provides low income housing because of rent control; however, the rezoning to R-2 would not be in accordance with the General Plan's Housing Element

Mr. Howell said the neighborhood is very bad for residential use and the Hornsby's wish to move from the property, which they cannot do if the property remains zoned R-1 and the second unit is rented.

M/S Ragan, Harle, to recommend to the Town Council that Z-181 for Ray Hornsby, 15 Bank Street, A/P 6-251-19, proposed rezoning from R-1 (Single Family Residential) to R-2 (Two Family Residential) be denied on the grounds that it is contrary to the goals of the General Plan. (This constitutes denial; applicant may request to be reheard by the Council.)

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

- F. V-842 - Ray Hornsby, 15 Bank Street, A/P 6-251-19, application for a 20 foot sideyard (west) variance for parking within zero feet of the side (west) property line.

Mr. Robbins said this parking variance is not required as the zoning was denied.

M/S Ragan, Harle, to take no action on V-842 for Ray Hornsby, 15 Bank Street, A/P 6-251-19, application for a 20 foot sideyard (west) variance for parking within zero feet of the side (west) property line.

Motion passed unanimously.

- G. V-843 - Craig Nikitas, 34 Elm Avenue, A/P 7-053-02, application for a 4'2" sideyard variance to construct a kitchen addition within 3'10" of the side property line.

Craig Nikitas, applicant, present.

M/S Hayes, Ragan, to approve V-843 for Craig Nikitas, 34 Elm Avenue, A/P 7-053-02, application for a 4'2" sideyard variance to construct a kitchen addition within 3'10" of the side property line, on the grounds that it is necessary for the preservation of substantial property rights; that it will not materially affect adversely the health and welfare of persons living or working in the neighborhood; and that the situation of the house on the lot and the steepness of the lot makes it necessary that this variance be granted; to be based on the drawing received by the Town on July 19, 1979.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

- H. V-844 - Mr. and Mrs. Looper, 169 Oak Avenue, A/P 7-271-03, application for a 20 foot frontyard variance to park within zero feet of the front property line, and a variance of one foot in width for parking space size.

Mr. and Mrs. Looper, applicants, and Robert Martin, engineer, present.

Norman Ginsberg, 170 Oak Avenue, said he spoke to Mr. Martin who agreed that the concrete retaining wall be colored and that the garage will be removed. He also suggested that the contractor be insured and bonded so that the job is not left half finished. Mr. Robbins said bonds are not normally taken for single family residences; this is controlled through the building permit procedure.

M/S Harle, Ragan, to approve V-844 for Mr. and Mrs. Looper, 169 Oak Avenue, A/P 7-271-03, application for a 20 foot frontyard variance to park within zero feet of the front property line, and a variance of one foot in width for parking space size, with consideration given to the agreement that the retaining wall be colored concrete and the garage be removed; on the grounds that this will allow the enjoyment of substantial property rights; that it will not materially affect adversely the interests of those living in the neighborhood; and that the nature of the land makes this solution for parking the most feasible.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

- I. U-536 - Bob Bertram, 69 Center Boulevard, A/P 6-102-21, application for a use permit to allow outdoor eating and the on-sale of beer and wine.

Bob Bertram, applicant, present.

Mr. Bertram said the hours will be 7:00 a.m. to 7:00 p.m. initially and will basically be a fast food operation.

M/S Ragan, Hayes, to approve U-536 for Bob Bertram, 69 Center Boulevard, A/P 6-102-21, application for a use permit to allow outdoor eating and the on-sale of beer and wine, on the basis that it will enable the applicant to enjoy sufficient property right and will not be injurious to property.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

- J. SS-220 - Jeffery Kroot, A/P 7-182-02 (across from 600 Redwood Road), subdivision application for two-lot development and use permit/design review hearing.

Mr. Robbins said the applicant would have to submit additional drawings for the use permit and design review hearing. The applicant indicated that he just wants the subdivision approval at this time.

M/S Harle, Goltz, to approve SS-220 for Jeffery Kroot, A/P 7-182-02 (across from 600 Redwood Road), subdivision application for two-lot development in accordance with the tentative map received by the Town on July 20, 1979; on the basis that it is in accordance with the General Plan.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

- K. U-537 - Daniel L. Ohlson and James Howey, 21 Mariposa Avenue, A/P 7-301-06, application for a use permit to allow a storage and service facility.

Daniel Ohlson and James Howey, applicants, and Kenneth Boilen, engineer, present.

Mr. Boilen said they plan to add a second story and build storage units (approximately 268) and have some parking on the first floor (for 18 cars). He said traffic is very minimal; studies show this type of use only generates two or three cars per hour, as people seldom go to their storage unit.

M/S Hayes, Harle, to approve U-537 for Daniel L. Ohlson and James Howey, 21 Mariposa Avenue, A/P 7-301-06, application for a use permit to allow a storage and service facility on the basis that it is necessary for the enjoyment of substantial property rights; that it will not materially affect adversely the health and welfare of those residing and living in the neighborhood; and will not be injurious to property or improvements in the neighborhood, with the following stipulations:

1. That the storage lockers/rooms have no facilities for anything excepting storage, i.e., no electrical receptacles and light sockets which prevent plug in use;
2. that the Fire Department shall be allowed on at least an annual basis to make a routine inspection of a number of lockers chosen by them; and
3. the responsibility for inspecting stored items as they enter the building be placed upon the applicant to prevent storage of hazardous items.

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

Commissioner Olive abstained because she has use for such a facility with her business.

Applicant was advised of the ten day appeal period.

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

Mr. Robbins said 67 spaces are required for this building. The applicant proposes to have 18 parking spaces; however, there are only 28 trips per day anticipated.

Commissioner Goltz said the applicant is doubling the area of building and should provide at least 24 or 25 parking spaces. He is concerned that this building could be turned into a mall with many shops and there would be inadequate parking in the future. Mr. Robbins said a shopping mall would entail expanding the use and, therefore, a new parking variance would be required at that time.

The Commission said they would like to see a parking plan rather than the submitted sketch.

M/S Ragan, Hayes, to refer V-845 for Daniel L. Ohlson and James Howey, 21 Mariposa Avenue, A/P 7-301-06, application for a parking variance, back to the applicant for submittal of a parking plan; to be continued to the meeting of August 20, 1979.

Motion passed unanimously.

- M. V-846 - Joan Doubleday, 192 Butterfield Road, A/P 5-101-17, application for a frontyard variance to construct a new, raised roof on an existing shed - after-the-fact.

Joan Doubleday, applicant, present.

Ms. Doubleday said she was unaware that she was required to get permits to repair her roof.

M/S Harle, Hayes, to approve V-846 for Joan Doubleday, 192 Butterfield Road, A/P 5-101-17, application for a 17'4" frontyard variance and a three foot sideyard variance to repair and raise a roof within 2'8" of the front property line and five feet of the side property line, on the grounds that it will allow the enjoyment of substantial property rights; that it will not materially affect adversely the interests of those in the neighborhood; and that the modification to the existing structure is simply repair work.

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

Applicant was advised of the ten day appeal period.

- N. SS-221 - Murphy and Pedrick, 831 Sir Francis Drake Boulevard, A/P 6-081-05, application for a four-unit condominium project.

Mr. Enomoto, architect, present.

Mr. Enomoto said the existing building will be demolished and the four condominiums will each have two bedrooms. Mr. Robbins said the proposal conforms to all setback and parking requirements. The location on Sir Francis Drake Boulevard is not too bad because there is not an island in front of the property. He told the Commission they can recommend to the Traffic Safety Committee that a right turn only sign be installed in the driveway.

M/S Goltz, Ragan, to approve SS-221 for Murphy and Pedrick, 831 Sir Francis Drake Boulevard, A/P 6-081-05, application for a four-unit condominium project, on the basis that it complies with the General Plan; with the stipulation that there are access and egress problems with left turns off of and into Sir Francis Drake Boulevard and this should be reviewed by Town Engineers for appropriate means of control of the left turns.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

- O. V-847 - Lawrence Manning, 13 Sheila Court, A/P 5-021-12, application for a 20 foot frontyard variance to park within zero feet of the front property line; a variance to park in tandem; and a two foot variance in length for parking spaces.

Lawrence Manning, applicant, present.

Mr. Robbins said there is presently 962 square feet in the house and by converting their garage (existing parking) to living space

they are required to provide two legal parking spaces or obtain a parking variance.

M/S Goltz, Hayes, to approve V-847 for Lawrence Manning, 13 Sheila Court, A/P 5-021-12, application for a 20 foot frontyard variance to park within zero feet of the front property line; a variance to park in tandem; and a two foot variance in length for parking spaces, because of conversion of the garage to living space; on the basis that the rearyard of the house is relatively steep and it is unreasonable to require the construction there; that it is necessary for the applicant to enjoy substantial property rights in that the house is only 962 square feet in area; and that it will not be detrimental to those residing or working in the neighborhood.

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

Applicant was advised of the ten day appeal period.

- P. C-163 - Thomas Zeller, 625 San Anselmo Avenue, A/P 7-212-26, design review of exterior alterations to a commercial building.

Thomas Zeller, applicant, present.

M/S Ragan, Harle, to approve C-161 for Thomas Zeller, 625 San Anselmo Avenue, A/P 7-212-26, design review of exterior alterations to a commercial building, based on drawings dated June 5, 1979.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

- Q. C-164 - Steve Haramis, 223 - 231 San Anselmo Avenue, A/P Nos. 7-284-15, 7-284-16 and 7-284-17, design review of new commercial building.

Two alternative designs had been submitted; the Commission liked both and decided to leave the decision up to the applicant.

M/S Harle, Ragan, to approve C-162 for Steve Haramis, 223 - 231 San Anselmo Avenue, A/P Nos. 7-284-15, 7-284-16 and 7-284-17, design review of new commercial building, with the choice of either alternative at the option of the applicant; based on drawings dated July 10, 1979.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

5. ADJOURNMENT

The regular meeting of the San Anselmo Planning Commission was adjourned at 11:50 p.m. to the next regular meeting on August 20, 1979.

Lisa Burglin

LISA BURGLIN
PLANNING ASSISTANT