

The regular meeting of the San Anselmo Planning Commission was called to order at 8:00 p.m. on November 19, 1979, by Vice-Chairman Harle in the Town Hall Council Chamber. Lisa Burglin, Planning Assistant, present.

1. ROLL CALL

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

2. APPROVAL OF MINUTES - November 5, 1979

M/S Ragan, McPeak to approve the minutes of November 5, 1979.

Motion carried: AYES: McPeak, Ollinger, Ragan
ABSTAIN: Buckle, Harle, Hayes

3. OLD BUSINESS

A. Z-173 - Ben O'Hare, Redwood Road, A/P Nos. 7-097-02, 7-097-05, and 7-141-04, proposed rezoning from PPD R-1 (Preliminary Plan Development with a presumptive use of Single Family Residential) to SPD (Specific Plan Development) - CONTINUED 12/17/79.

B. NU-13 - Carol E. Throop, 63 Magnolia Avenue, A/P 7-213-55, use permit for a new second unit.

Lee Jordan, representing Ms. Throop, present.

Joyce Wernsman, apartment manager of 60 Magnolia Avenue, said she was also speaking for the owners of 55 and 58 Magnolia Avenue. She is opposed to this application for the reasons that parking is a problem, noise will be created when the applicant remodels the second unit, and there will be an increase in traffic congestion. Ms. Wernsman asked that the applicant not be allowed to do construction work on the weekends. Ms. Burglin noted that per Section 4-7.03(c) of the Municipal Code construction work may be performed on the weekends.

Rita James, 55 Magnolia Avenue, said Ms. Throop's driveway happens to be on her property according to a recent survey and, therefore, she is opposed to the application. Ms. Burglin pointed out that the matter of the driveway will have to be resolved between the two property owners, rather than the Town.

M/S Buckle, McPeak, to approve NU-13 for Carol E. Throop, 63 Magnolia Avenue, A/P 7-213-55, use permit for a new second unit, on the basis that it will not be detrimental to those living in the neighborhood and is necessary for substantial property rights; with the conditions:

1. The proposed second unit shall comply with the Uniform Housing and Building Codes (as adopted by the Town); and
2. A minimum of three legal, off-street parking spaces be provided.

Motion carried: AYES: Buckle, Harle, Hayes, McPeak, Ollinger
ABSTAIN: Ragan

Commissioner Ragan abstained because he was unable to enter the building.

Applicant was advised of the ten day appeal period.

C. V-852 - Patricia Frisch, 37 Cordone Drive, A/P 5-223-09, variances to construct hot tub, deck and tub equipment - CONTINUED 12/03/79.

D. EU-5 - George Noble, 47 Humboldt Avenue, A/P 7-033-01, use permit to allow an existing second unit to remain on change in ownership.

George Noble, applicant, was not present.

M/S Ragan, McPeak, to continue NU-5 to the meeting of December 3, 1979.

Motion passed unanimously.

- E. V-861 - Arthur R. Ciancutti, M.D., 19 Myrtle Lane, A/P 7-172-06, variances to construct an accessory building - WITHDRAWN.
- F. SS-223 - Ronald and Kay Camozzi, 20 Oak Avenue, A/P 7-266-24, lot line adjustment between their lands and lands of 18 Oak Avenue, A/P 7-266-23 - CONTINUED 12/03/79.
- G. V-865 - Don Miguel's Restaurant, 115 San Anselmo Avenue, A/P 7-301-19, parking variance.

Michael Blume, owner/applicant, present.

Mr. Blume said he plans to use one of his present parking spaces and the planting area for outdoor eating. To do so he must provide seven parking spaces; he has six (including one the U. S. Post Office lets him use).

Commissioner Ollinger pointed out that although parking is not a current problem in that area, it may become one. He suggested that rather than providing six spaces at 10 x 20 feet, provide seven spaces at 9 x 20 feet (taking three feet away from the the proposed walkway).

M/S Ollinger, Ragan, to approve V-865 for Don Miguel's Restaurant, 115 San Anselmo Avenue, A/P 7-301-19, for a parking size variance so that seven parking spaces be provided at the size of 9 x 20 feet within the area designated by the drawing dated October 18, 1979; on the basis that the configuration of the lot is such that to park elsewhere on the property is not possible; that it is necessary for substantial property rights; and will not be prejudicial to the best interests of the neighborhood.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

- H. U-535 - Tim O'Shea, 1437 Sir Francis Drake Boulevard, A/P 5-191-02, home occupation use permit for real estate and ecology information center - SIX MONTHS REVIEW.

Ms. Burglin told the Commission that there have been no complaints regarding parking or traffic congestion to the Police Department.

M/S Ragan, Ollinger, to continue U-535 for Tim O'Shea, 1437 Sir Francis Drake Boulevard, A/P 5-191-02, home occupation for real estate and ecology information center with no change as originally issued.

Motion passed unanimously.

- I. EU-15 - Marilyn Root, 86 Hawthorn Avenue, A/P 5-129-19, second unit use permit - SIX MONTHS REVIEW.

Marilyn Root, applicant, present.

Ms. Burglin told the Commission that Ms. Root has rented two parking spaces in the area at the corner of Sir Francis Drake Boulevard and Butterfield Road through August, 1980; and she has entered into a Rental Agreement with the Town.

Ms. Root questioned why she had to rent two spaces when she has one on her property. Ms. Burglin said the previous applicant's use permit stated that two parking spaces be rented also. The reason being that there is only one space on the lot and with a second unit, three are necessary.

M/S Ragan, Hayes, to continue EU-15 for Marilyn Root, 86 Hawthorn Avenue, A/P 5-129-19, second unit use permit, with the provision that the annual two parking spaces stipulation be continued, as stated in the original motion; and that the six months review be excluded.

Motion passed unanimously.

4. NEW BUSINESS

- A. U-540 - Peter Pomilia, 21 Tamalpais Avenue, A/P 7-212-19, use permit for fish delivery - CONTINUED 12/03/79.
- B. U-541 - Marion H. Cain, 70 Monterey Avenue, A/P 6-013-29, use permit to rent lower floor of house (bedroom/bath).

Marion Cain, applicant, present.

Ms. Cain said her tenant will share the kitchen with her; he has a car, but she does not drive and, therefore, will never own a car.

M/S Buckle, Ragan, to approve U-541 for Marion H. Cain, 70 Monterey Avenue, A/P 6-013-29, use permit to rent the lower floor of the house (bedroom/bath), on the basis that it will not be detrimental to those living in the neighborhood; and is necessary for substantial property rights.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

- C. V-867 - Willat and Kubichek, 111 Woodside Drive, A/P 5-300-01, 7'6" and 5' rearyard variances to construct a building and swimming pool within 12'6" and 3' of the rear property line.

Messrs. Willat and Kubichek, applicants, present.

Ms. Burglin told the Commission that Messrs. Willat and Kubichek plan to build one single family dwelling on A/P Nos. 5-300-01 and 5-300-14. A/P 5-300-14 was split off from A/P 5-300-15 without Town concurrence. The applicants will have to go through the parcel split procedure to make this split legal. The applicants plan to combine A/P Nos. 5-300-01 and 5-300-14 into one building site, which will involve dissolving the line between the two lots. As it stands now, the applicants' proposed construction is closer to the property line between these two parcels, than is allowed without a variance. The applicants are applying for a variance at this time so that they can get started on construction. The parcel split is a considerably longer process and if they wait for that to go through, they feel it will hold up construction too long. When the split is made legal and the line between the two parcels, A/P Nos. 5-300-01 and 5-300-14, is dissolved, the variances will not be needed, as the construction will be well within the required setbacks.

M/S Hayes, Ollinger, to approve V-867 for Willat and Kubichek, 111 Woodside Drive, A/P 5-300-01, 7'6" and 5' rearyard variances to construct a building and swimming pool within 12'6" and 3' of the rear property line, subject to the following:

1. That the property lines between A/P Nos. 5-300-01 and 5-300-14 as shown on the map received by the Town of San Anselmo dated November 8, 1979, be removed through appropriate actions;

on the basis that it is necessary for substantial property rights; the hardship is the existence of the property lines between the two lots; and that it will not be detrimental to those living in the neighborhood.

This approval is only for the construction of the pool and house.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

- D. V-866 - The Friendly Foam Shop, 27 San Anselmo Avenue, A/P 7-302-15, parking variance (constructing second story addition).

John Young, applicant, present.

Mr. Young said the proposed six parking spaces on the lot will be for employees only.

The Commissioners felt the project is overdevelopment and the parking variance is needed because of a self-imposed hardship.

M/S Ragan, Ollinger, to continue V-866 for The Friendly Foam Shop, to the meeting of January 7, 1979.

Motion passed unanimously.

- E. C-168 - The Friendly Foam Shop, 27 San Anselmo Avenue, A/P 7-302-15, design review of second story addition CONTINUED 01/07/79.

- F. SR-322 - Jeffrey L. Springfield, 1508 San Anselmo Avenue, A/P 7-015-10, variance to put sign above eave of roof.

Jeffrey Springfield, applicant, present.

Mr. Springfield says that due to large trucks parking on the side of his building, customers cannot see his existing sign for the business.

M/S Ollinger, McPeak, to approve SR-322 for Jeffrey L. Springfield, 1508 San Anselmo Avenue, A/P 7-015-10, variance to put sign above eave of roof (on the southerly side) subject to the following:

1. The sign shall have a blue border with a white background;
2. the caligraphy to be in accordance with the design submitted to the Town of San Anselmo dated November 19, 1979;
3. the sign shall be no larger than 16 inches high x ten feet long;

on the basis that the visibility of the sign is restricted by trucks parking on the side of the building; that it will not endanger those in the neighborhood; and that it affords substantial property rights.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

- G. C-167 - William Hendrickson, 638-730 San Anselmo Avenue, design review to paint building.

Mr. Hendrickson, applicant, present.

Mr. Hendrickson pointed out that a section of the building has been painted as a sample. He said the arbor for 69 Center Boulevard will be the same color as the arbor in front of 638-730 San Anselmo Avenue.

M/S Ragan, McPeak, to approve C-167 for William Hendrickson, 638-730 San Anselmo Avenue, design review to paint building with the conditions:

1. That the color of the arbor at 69 Center Boulevard be the same as the arbor at 638-730 San Anselmo Avenue;
2. that the colors painted on the sample be carried around to the other sides of the building.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

- H. Design Review - Creek Park Bus Stop, and consideration of Negative Declaration.

The Commission asked that staff provide drawings before they consider the above.

M/S Buckle, Ragan, to continue this item to the meeting of December 3, 1979.

Motion carried; AYES: Buckle, Harle, Hayes, Ollinger, Ragan
 ABSTAIN: McPeak

Commissioner McPeak abstained because he did not have adequate information.

- I. Consideration of Negative Declaration For Signalization Improvements on Sir Francis Drake Boulevard from Bank Street to Bolinas Avenue in the Town of Ross.

M/S Buckle, Ragan, to accept the Negative Declaration for Signalization Improvements on Sir Francis Drake Boulevard from Bank Street to Bolinas Avenue in the Town of Ross, as prepared by staff.

Motion passed unanimously.

Audience advised of the ten day appeal period.

5. DISCUSSION ITEMS

- A. Schedule date for downtown rezoning workshop - Belle Avenue and Tunstead Avenue.

M/S Buckle, Ollinger to set the date for the downtown rezoning workshop for December 12, 1979, at 8:00 p.m. in the Council Chamber.

Motion passed unanimously.

- B. Schedule date with citizens to consider Citizens' Committee Report.

M/S Buckle, McPeak to set the date for the consideration of the Citizens' Committee Report (workshop) for November 28, 1979, at 8:00 p.m. in the Council Chamber.

Motion passed unanimously.

The Commission requested that staff prepare an oral or written report on this proposed ordinance for that meeting.

6. ADJOURNMENT

The regular meeting of the San Anselmo Planning Commission was adjourned at 11:10 p.m. to the special meeting on November 28, 1979.

Lisa Burglin

LISA BURGLIN
 PLANNING ASSISTANT