

The regular meeting of the San Anselmo Planning Commission was called to order at 8:00 p.m. by Chairman Harle on April 7, 1980, in the Town Hall Council Chamber. T. J. Robbins, Acting Director Public Works/Planning, present.

1. ROLL CALL

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

2. APPROVAL OF MINUTES

March 17, 1980

M/S Ragan, Hayes, to approve the minutes of March 17, 1980, as prepared. Motion passed unanimously.

March 19, 1980

Page 3; add the following before the motion, "Regarding PPD, Commissioner McPeak said it establishes no development guidelines and all existing standards are subject to review and modification" - McPeak.

M/S Buckle, McPeak, to approve the minutes of March 19, 1980, as amended. Motion passed unanimously.

3. OLD BUSINESS

- A. Z-169 - Smith, Corrigan and Martinelli, 130 Greenfield Avenue, A/P 6-171-06, review of expired Specific Plan use permit (originally approved on December 4, 1978).

Harold Lezzini, representative for the applicants, present.

Mr. Robbins said the use permit expired in December, 1979; however, staff did not inform the applicant of the one-year expiration period. Therefore, staff recommends that a one-year extension be granted for this application retroactive to December 4, 1979.

M/S Ragan, Hayes, that the use permit for Z-169 for Smith, Corrigan and Martinelli, 130 Greenfield Avenue, A/P 6-171-06, specific plan development, be extended until December 4, 1980.

Motion passed unanimously.

- B. SS-228 - Robert C. Martin, Brookside and Cordone Drives, A/P 5-222-01, lot line relocation - CONTINUED 04/21/80.
- C. V-874 - Herman and Katharina Weihl, 73 Ross Avenue, A/P 7-284-02, a two foot sideyard variance and a 5'6" sideyard variance to construct an open deck and a bay window within four feet and 2'6" of the side property line, respectively - CONTINUED 04/21/80.
- D. SS-230 - John Murphy, The Alameda, A/P Nos. 5-043-16, 5-043-22, 5-043-31 and 177-133-13, lot line relocation - CONTINUED 04/21/80.
- E. C-173 - Douglas Anawalt, 702 San Anselmo Avenue, A/P 7-102-21, design review of a new window.

Doug Anawalt, applicant, present.

Mr. Anawalt said the purpose of the window is for take-out service.

M/S Ragan, McPeak, to approve C-173 for Douglas Anawalt, 702 San Anselmo Avenue, A/P 7-102-21, design review of a new window in a commercial building, as shown on the drawings received by the Town of San Anselmo on February 29, 1980.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

- F. U-539 - Diane Adams, 1382 Sir Francis Drake Boulevard, modification of use permit for home occupation to allow an identification sign in accordance with Section 9-7.302(b) of the San Anselmo Municipal Code.

Diane Adams, applicant, present.

Commissioners Hayes and McPeak said they felt the new proposed sign was an improvement over the original design in that it will not be distracting to drivers.

M/S Hayes, McPeak, to approve U-539 for Diane Adams, 1382 Sir Francis Drake Boulevard, modification of use permit for home occupation to allow an identification sign in accordance with Section 9-7.302(b) of the San Anselmo Municipal Code, on the grounds that it is necessary for the enjoyment of substantial property rights; it will not be detrimental to the welfare of the neighborhood, nor will it be detrimental to property interests in the neighborhood, referring to the submitted drawing marked "First Choice" and received by the Town of San Anselmo on April 7, 1980, showing a hand with the inscription, "Palm Readings."

Motion passed unanimously.

4. NEW BUSINESS

- A. V-878 - David and Carol Souten, 131 Hilldale Drive, A/P 6-154-03, a 1'7" south sideyard variance to construct a second floor addition within 6'5" of the south side property line.

David and Carol Souten, applicants, present.

Harold Shelnutt, 30 Carolina Avenue, presented a "Declaration of Restrictions, Conditions, Covenants and Agreements Affecting Real Property Known as "Hilldale Park, Unit One, San Anselmo, California" to the Commission. This declaration, he claims, states that a second story may not be constructed on any houses in this neighborhood. Mr. and Mrs. Souten said they had not been informed of this "Declaration" when they purchased the property.

Mr. Robbins recommended continuing this item until staff can get a ruling from the Town Attorney as to the legality of the "Declaration."

M/S Ragan, Buckle, to continue V-878 for David and Carol Souten to the meeting of April 21, 1980.

Motion passed unanimously.

- B. SS-233 - Ted S. Smith, 180 Spring Grove Avenue, A/P 6-221-07, review of Negative Declaration and application for a two-lot parcel split.

Ted Smith, applicant, and Laura Carstarphen, owner, present.

Mr. Smith said the two lots will be sizeable and Ms. Carstarphen plans to sell the undeveloped lot to another party who may or may not develop it. Mr. Smith said he is aware of the Fire Department's requirement that a hydrant be upgraded and that this and any other improvements required must be bonded prior to the sale of the property.

M/S Ragan, Buckle, to accept the Negative Declaration as prepared by staff for SS-233, Laura Carstarphen, 180 Spring Grove Avenue, A/P 6-221-07, for a two-lot parcel split.

Motion passed unanimously.

M/S Buckle, Ragan, to approve SS-233 for Laura Carstarphen, 180 Spring Grove Avenue, A/P 6-221-07, a two-lot parcel split, on the basis that it is not in conflict with the General Plan, based on the tentative map received by the Town on March 21, 1980.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

- C. V-879 - Mr. and Mrs. Donald Snyder, 59 Woodside Drive, A/P 5-261-01, a 5'6" rearyard variance to construct a dining room addition within 14'6" of the rear property line.

Harold Wagstaff, representative for the applicants, present.

Mr. Wagstaff said his partner had considered putting the addition in another location on the lot but it would look down on a neighbor's pool and terrace. He said the addition will allow the property owner to have a formal dining room.

M/S Buckle, McPeak, to approve V-879 for Mr. and Mrs. Donald Snyder, 59 Woodside Drive, A/P 5-261-01, a 5'6" rearyard variance to construct a dining room addition within 14'6" of the rear property line, on the basis that it is necessary for substantial property rights; it will not be detrimental to the neighborhood; that it is necessary because of the unusual shape of the lot; that it is a minor infraction in nature; and that it is the most reasonable location for such an addition.

Motion passed unanimously.

Mr. Wagstaff was advised of the ten day appeal period.

- D. V-880 - Jim and Linda Prentice, 120 Brookmead Court, A/P 5-131-04, a three foot north sideyard variance to construct a room addition within five feet of the north property line.

Jim and Linda Prentice, applicants, present.

M/S Hayes, Ragan, to approve V-880 for Jim and Linda Prentice, 120 Brookmead Court, A/P 5-131-04, a three foot sideyard variance to construct a room addition within five feet of the north property line, on the grounds that it is necessary for the enjoyment of substantial property rights; that it is not detrimental to the neighborhood; that it is necessary because of the placement of the house on the lot and the floor plan of the house; and that because it is a continuation of the existing structure, it is a minor infraction in nature.

Motion passed unanimously.

Applicants were advised of the ten day appeal period.

- E. U-545 - Livio Freitas, 210 Greenfield Avenue, A/P 6-173-04, use permit for the outdoor display of building supplies (fencing, garden supplies, wheelbarrels, rakes and lumber) for sale.

Livio Freitas, applicant, and Carl Shapiro, attorney, present.

Mr. Shapiro said the property has historically been used for the sale of building supplies. He said his client wants to sell lumber to the "home improvers" and, therefore, it will not be large scale. Mr. Shapiro said his client has a five year lease on the building.

Assistant Fire Chief/Fire Marshall Rick Mollenkopf pointed out various code violations on the property. The Commission and Mr. Shapiro were given a copy of the Fire Department's requirements (see file).

Chief Mollenkopf asked that the Commission grant a use permit for the outdoor display of building supplies conditional upon Mr. Freitas correcting the code violations. If Mr. Freitas agrees to these corrections, then a timetable can be worked out and he can open for business immediately. If Mr. Freitas will not agree to correct the violations then he will have to delay opening his business and go through abatement proceedings.

The majority of the Commissioners felt it improper to use the use permit for outdoor display as a mechanism for enforcing the Building and Fire Codes.

Mr. Shapiro and Mr. Freitas told the Commission and staff that the applicant does not have sufficient funds to make all the corrections that the Fire Marshal is requiring.

Ken Shmear, Sofa Bed Conspiracy, 216 Greenfield Avenue, said the building at 210 Greenfield Avenue has not had a fire and it is not a hazard.

Commissioner Ragan told the applicant that he would be foolhardy to open a business in a building that was a fire hazard. Mr. and Mrs. Freitas said they don't want a fire either, but they don't think the Fire Marshal should impose all these requirements.

It was stated that when the Bank of America (trustees for the deceased owner's estate) found out about the Fire Marshal's requirements, their first reaction was to cancel Mr. Freitas' five-year lease; however, this has not been done.

Mr. Shapiro suggested the Planning Commission grant the use permit with a three month review date to see if progress is being made in working out with the Fire Marshal a timetable for correcting the violations.

Mr. Robbins and Chief Mollenkopf left the room to discuss the requirements. A recess was called.

Upon return to the meeting, Mr. Robbins read the requirements that he and Chief Mollenkopf had agreed upon (see following motion).

M/S McPeak, Ragan, to approve U-545 for Livio Freitas, 210 Greenfield Avenue, A/P 6-173-04, use permit for the outdoor display of building supplies (fencing, garden supplies, wheelbarrels, rakes and lumber) for sale, subject to the following conditions:

1. Bring new work up to Code in the old building and close the openings in the old building with proper permits;
2. remove all material from the illegal building within two weeks;
3. reduce lumber to Code quantity (2,500 BFM) within two weeks;
4. no use of the existing rear building until it is brought up to Code or demolished.

"Code" to mean those that were applicable at the time of construction; on the basis that with these corrections, it will not be detrimental to the health and safety of persons residing and working in the area; and that it will not be detrimental to property in the neighborhood.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

5. ADJOURNMENT

M/S Ragan, Hayes, to adjourn the regular meeting of the San Anselmo Planning Commission to April 21, 1980.

Lisa Burclin

LISA BURGLIN
PLANNING ASSISTANT