

The regular meeting of the San Anselmo Planning Commission was called to order by Chairman Hayes at 8:00 p.m. in the Council Chamber on January 17, 1983. L. Wight representing staff and George Davison for Items C and D.

## 2. APPROVAL OF MINUTES

M/S Signorelli, Sharp, minutes of December 20, 1982 be approved as written.

Minutes January 3, 1983: Commissioner Signorelli asked when only an applicant appears on an application, the minutes reflect that no one else was in the audience to comment on the application rather than no one was in the audience to comment on the application

Commissioner McPeak questioned the last paragraph of page 5, saying he thought he made the motion for no more than 16 units on the 25.6 acres; several of the Commissioners thought he said 12, and he opted to leave the motion as written.

Chairman Hayes asked to have Page 5, paragraph 10, amended to read: third line, delete "the entire project" and in its place insert "all 3 parcels"; paragraph 5, lines 6 and 7 should be changed to read: the total acreage would be divided by the total number of units and would yield about 1 unit per 2.3 acres. Page 6, paragraph 3, last sentence should be corrected to read: Chairman Hayes said that the contract work statement should be reviewed to insure that Larry Seeman Associates had performed under the contract.

M/S Signorelli, Harle, minutes of January 3, 1983 be approved as amended.

## 3. PUBLIC HEARINGS

### A. U-584 - Douglas Bullis - The Winery

At the request of the applicant, this item is continued until February 7, 1983.

E. AND F. The Chairman announced Items E and F are to be continued at the request of the applicants.

### B. V-1044 Keith W. Marsh - 32 Sir Francis Drake Boulevard

Staff had no objections to application. Staff stated the second unit on the property is a registered second unit.

Mr. Marsh stated he wished to add to his kitchen and dining areas and the house was too close to the rear property line; because of the situation of his house on the lot, this is the only logical place to make the addition.

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

M/S Harle, McPeak to approve V-1044, application of Keith W. Marsh, 32 Sir Francis Drake Boulevard, A/P 6-191-17, for a five foot rearyard variance to construct a kitchen and nook within 15 feet of the rear property line; granting of the variance is necessary for the preservation and enjoyment of substantial property rights; granting of the variance will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the property-involved, and it will not be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood; variance necessitated by the size of the property and placement of the present building on the property.

Passed unanimously.

P/C 1-17-83

Applicant was notified of the 10-day appeal period.

C-1045 Michael D. Nave 27 Oakwood Court.

Michael Nave present.

Director of Public Works George Davison explained to the audience how these lots came into being, saying the division that created this specific lot was caused when the road was put in. The merger ordinance had combined the two lots, creating one building site only. He explained the proposed dwelling has proper setbacks, and the garage originally had been proposed to also have the proper setbacks; however, that would result in such a tall deck on stilts that it was thought best to bring the deck forward; hence the application for a 20 foot frontyard variance. He pointed

out that the lot line starts 20 feet back from the pavement. There is such a steep downslope it is not practical to widen the street.

Tom Hendricks, 23 Carlson Avenue said his property is at the foot of the downslope. He inquired as to the process to see that adequate soils and hydrological tests are made before the building permit is issued. He said a lot of water flows from the property onto his. He does not want to see a house or parking deck coming down the hill. He said he did not know if an adequate footing could be found for the parking deck. He said he hasn't hit bedrock in his experience.

Dave Scalese, 25 Carlson Court is quite concerned over the drainage aspect. He said streams gather at the top of the hill, are under the soils and come down under his home. He asks the engineering department to look very closely at the proposal.

Rick Shebiakov, 30 Oakwood Avenue said he thought the history of the lot split was questionable; he wondered if the current Town Attorney would concur with the opinion of the former attorney as to the legality of the lot. He said the slope of the hill is dangerous; while it appears to be stable, last year 55 Oakwood had a massive slide. He did not think the soils report addressed the runoff impact on the City street and on Carlson Court. The vastness of the cardeck concerned him. It could mean 5 or 6 cars parked there. He said he had already encountered problems and people blocking the street and parked in his driveway and refusing to move. He asked for a bond by the builder. He thought the builder was concerned with saving money.

Commissioner McPeak pointed out the drainage question was independent of the variance request; he thought regarding the legality of the lot, it would have to be accepted as a building site.

Mr. Davison said a ruling was made a number of years ago by then Town Attorney, John Buresh, and he felt he must issue a building permit if all other conditions of issuance were met.

Mrs. Phyllis Ostrander, 45 Oakwood said this is a narrow one-way street with a blind corner. She did not want to add at least 2 more cars to the use of the street.

Commissioner Harle said he would be concerned about anything that would inhibit passage on a road; however, it seemed the addition of a 3 car parking deck with a 20 foot approach ramp might improve the road condition somewhat.

Commissioner Sharp said the variance seemed reasonable to him; he is troubled by the legality of the lot split.

Commissioner Signorelli asked if a wooden deck would be permitted. Regarding the legality of the lot, he said there may be litigation if the Commission isn't careful.

Staff informed the Commission Mr. Nave had engaged a respected soils engineer who will be present when the drilling is being done. He said any property owner has an obligation to see no damage occurs to neighboring properties. He said the building coverage is very small for the lot.

Mrs. Ostrander said she had read the report. She stated there had been no change in ownership of the lot. She also stated she understood the builder was a speculator.

Mr. Hendricks suggested the legality of the lot be explored with the Town Attorney; he questioned the vesting since no improvements had been made. He also asked if hydrological reports could be required.

Mr. Davison said he did not see any problems with the drainage that the house is going to change or impact. He said he had no leverage to require a drainage report. He said they would be as careful as they can and will keep an eye on the project.

Commissioner Hayes felt the Commission had little choice if this is a legal building site. He said the variance would serve to lessen the impact.

Commissioner Sharp said if there is a vesting issue, by granting a variance, the Commission may encourage the applicant's reliance on the legality of the lot which may have some influence on the vesting issue.

Mr. Davison said he felt if he gave the Town Attorney a memo the following day, he would have an answer within the 10-day appeal period.

The Chairman asked the applicant what he was willing to do to reassure the neighbors concerning the construction. Mr. Nave replied that his material would come up in small loads, and he had only 1 other construction worker than himself. He said the house will not affect the drainage; there will be no walls to divert water. He agreed to make the soils report available to neighboring property owners.

Commissioner Signorelli said he was going to have a dickens of a time with parking and the mud truck, etc. during construction.

M/S McPeak, Signorelli to approve V-1045, application of Michael D. Nave, 27 Oakwood Court, A/P Nos. 5-062-80 and 5-062-83, for a 20 foot frontyard variance to construct a three-car parking deck within zero feet of the front property line; variance is necessitated by the steepness of the slope; granting of the variance is necessary for the preservation and enjoyment of substantial property rights; will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the property involved and will not be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood; variance will be contingent upon the Town Attorney finding that this is a legal building site. Passed unanimously. P/C 1-17-83

The applicant was notified of the 10 day appeal period.

D. Proposed Amendment to Zoning Ordinance - To establish parking space size as a clear area of 9 feet wide by 19 feet long and 7 feet high.

Mr. Davison explained that this was a cleanup of the Municipal Code which had several definitions of parking space. This would conform definitions.

M/S Sharp, Harle that we recommend proposed amendment to the Zoning Ordinance to the Town Council as per the attached Planning Commission Memo of December 27, 1982. Passed unanimously. P/C 1-17-83

#### Discussion of Density Ordinance

After some discussion, it was decided to hold another workshop meeting before setting a public hearing. January 24 was set for the workshop with an eye toward holding the public hearing on February 14th. Commissioners were to put their ideas on paper and bring them to the meeting.

At 10:00 p.m. the meeting adjourned to the workshop of January 24, 1983.

Thelma Foster