

The regular meeting of the San Anselmo Planning Commission was called to order by Chairman John Sharp at 7:05 p.m. on January 21, 1985. L. Wight of staff present.

1. ROLL CALL

Commissioners Present: Bergeson, Hayes, Heubach, Kroot
Sousa, Sharp

Commissioners Absent: Harle

2. APPROVAL OF MINUTES

Commissioners Heubach and Kroot said they had abstained from approval of the minutes of December 17, 1985. M/S Heubach, Bergeson, the minutes be approved as corrected. Passed unanimously.

3. WORKSHOP WITH PLANNING CONSULTANT JOHN ROBERTO

Mr. John Roberto, Consultant, said he had several incorrect statements in his staff report regarding the General Plan. He said he saw three areas of need: Advance Planning, Current Planning and Planning Education. He said he saw his main roll as that of advance planning with the exception of major projects, preparation of specific plans and specific ordinances. He is trying to put together a work program budget of about \$7,000 and would like to work with the Commission to set priorities.

Mr. Roberto quoted the new Planning law (AB 2038) revisions which became effective January 1, 1985. He said it had combined the seismic safety and safety elements, had thrown out the highway element. The Town is now required to submit technical data to the State; also to send copies of the Housing Element to the H.C.D.

He said action of the Town can be held invalid by Courts unless it conforms to the housing element.

Mr. Roberto went briefly into the ABAG statement of needs for San Anselmo. He said it was never too late to challenge the numbers.

He mentioned the Seismic/Safety element will need to include items concerning landslides, flooding and erosion.

He stated he liked to set up a General Plan by first identifying the issues and working around them. He felt San Anselmo's General Plan needs to be made consistent. The law states the Planning Commission should make a report to the Council once a year on the status of the General Plan.

He asked if the Housing Element was dovetailed with the Land Use element. He thought perhaps the Land Use element might need some change.

Generally, he felt the General Plan is probably not in substantial compliance. He said the law provides two years to bring the Plan into compliance.

When asked how many hours The Commission could count on Mr. Roberto giving to our needs, he said this is what they are talking about. Just how they wish to spend the \$7,000. Mike Garvey, Town Administrator, said they should look ahead to 17 or 18 months. The Administrator is concerned with having the General Plan in compliance with the law.

The Commission was in agreement the plan should be high on the priority list for consideration of legal liability. They felt the faults should be identified and felt they would like to see an outline of what needs to be done to bring the plan into compliance before implementation. They said perhaps a checklist could be prepared for their report to the Council each year. They felt there was no need to revise the whole plan. They felt they needed a sense of priorities and of legal liability--they need to know what the priorities are and what we can afford.

Mr. Roberto asked if the Commission is familiar with the revision process; items such as how to make a decision; what should be written in staff memos and what the minutes should include. He said the law provides for the Commission to request adequate information to make a decision, and adequate scope of information to make a decision on an EIR. He thought the Commission may wish to spend some time on education.

Some immediate things are needed to increase revenues. One such consideration would be fees. An enabling resolution should be passed dealing with fees. He said developers should have to bear the costs of the development including all planning fees. The Commission felt this was not unreasonable, but would like some input. It was suggested that a resolution be put on an agenda for discussion. Town Administrator Garvey said it was appropriate to transfer costs to a beneficiary. He stated planning application fees normally collected usually covers routine matters; however they usually do not covers major project costs. Any fees so incurred which must be borne by the Town will be subtracted from John Roberto's hours. Mr. Roberto said he felt a resolution covering fees has a real high priority. This resolution will be put on the agenda of February 4.

Mr. Roberto asked each Commissioner to write a short list of what he hoped to accomplish as a planning commissioner. The Commission discussed this and felt they would rather prepare a list collectively of what they consider priorities.

At 8:45 p.m. M/S Heubach, Bergeson to continue the discussion until after the balance of the Agenda was heard. Mr. Roberto was advised it would not be necessary for him to stay.

4. PUBLIC HEARINGS

A. V-2034 - Dean and Hollis Williams

At the applicant's request this item has been permanently withdrawn.

B. V-2038 - Jeffrey Kroot

Commissioner Kroot stepped down as a Planning Commissioner to become an applicant. He said he had sold the dwelling and the family who purchased it had need for another bedroom. The space below the house lends itself to this construction. He said the buyers are willing to construct a fence in accordance with the wishes of the rear property owners the Oswalds.

There ensued a discussion of special circumstances and how this particular construction differed from any other hillside construction.

M/S Bergeson, Sousa to approve V-2038, application of Jeffrey Kroot, 677 Redwood Road, A/P 7-182-10 for a third story variance to construct additional living area in the lower portion of the house based on the findings that the granting of this variance 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 the neighborhood; granting of the variance is necessary for the preservation and enjoyment of substantial property rights; special circumstances being the existing structure is such that any addition to the house would best be done in the lower area in which it is proposed since it is within the existing structure: Condition of granting will be that a fence be provided by the applicant on the property line as it is shown on the drawing dated January 1985, prepared by Jeff Kroot, this being agreeable to the adjacent property owner. Passed with five Aye votes. Commission Kroot abstained. Applicant notified of the 10-day appeal period.

P/C 1-21-85

B. Z-176 - Jeffrey Kroot

M/S Heubach, Bergeson to approve Z-176, application of Jeffrey Kroot, 677 Redwood Road, A/P 7-182-10, amendment to Single Family Residential use permit approved in 1983 to construct additional living area within the enclosed lower portion of the house, including the installation of windows, patio door and open deck in conformance with plan submitted 12-13-84 on the basis that it will not be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood, or be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the Town, and that the granting of the application is necessary for the preservation and enjoyment of substantial property rights of the petitioner; special circumstances justifying the addition: the existing structure is such that any addition to the house would best be done in the lower area in which it is proposed since it is within the existing structure, conditioned upon the erection of a fence as depicted in drawing dated January 85 and located on the property line between this property and that of Mr. and Mrs. Oswald. Passed unanimously. Applicant informed of the 10-day appeal period.

P/C 1-21-85

C. SR-345 - Leonard J. Loveseth, Marin County Fish and Poultry

Geno Relampheos was present with the applicant.

Staff reported the large logo sign is proposed for the large wall on the parking lot. The application is 74 sq. ft. over his sign allotment with this application.

Commissioner Sharp said he could find no special circumstance to support the application.

M/S Heubach, Bergeson, to approve SR-345, application of Leonard J. Loveseth, Marin County Fish and Poultry, 34 Greenfield Avenue, A/P 6-251-09, a sign variance to permit a third sign on the west side of the building, 80 square feet in size, as depicted on drawing by applicant and received by the Town of San Anselmo January 1985, on the grounds that the variance is necessary because the strict application of the provisions of the sign ordinance would result in unreasonable practical difficulties or in unnecessary hardships for the application, which difficulties or hardships are unique to the particular applicant and his use and are not present generally; the strict application of the provisions of the sign ordinance would bring about results

inconsistent with the purposes and intent of the Code and the granting of this application will not adversely affect the public health, safety, or welfare or be detrimental to or endanger or depreciate the property located in the surrounding area; special circumstances being the unique location of the property and the fact that the west wall is realistically the only one which is likely to receive public viewing exposure. Applicant notified of the ten-day appeal period. Passed with 5 aye votes. Commissioner Sharp voted No. P/C 1-21-85

At 9:45 p.m. the meeting resumed to discuss presentation of the Planning Consultant.

It was the consensus of the Commission that an agenda should be prepared for the Consultant to follow. Staff was instructed to request Mr. Roberto to go through the General Plan and identify the inconsistencies.

At 10:05 p.m. the meeting adjourned to the next regular meeting of February 4, 1985.

Thelma Foster