

The regular meeting of the San Anselmo Planning Commission was called to order by Vice Chairman Antone Sousa at 8:00 p.m. in the Council Chamber on May 6, 1985. L. Wight of Staff present.

1. ROLL CALL

Commissioners Present: Bergeson, Harle, Heubach, Kroot  
Sousa

Commissioners Absent: Hayes, Sharp

2. APPROVAL OF MINUTES:

March 18, 1985: Page 1, last sentence should be change to read: Rosalind Watkin, 500 Oak Avenue, said R-1-H zoning on these three parcels should curb future proposals for overdevelopment and she favors the zone change.

Page No. 4 is a duplication of 3 and page 6 a duplication of 5.

Titles should be added to V-2042 and V-2041.

M/S Bergeson, Heubach, minutes of March 18, be approved as corrected. Passed unanimously.

April 1, 1985: M/S Heubach, Harle to approved minutes of April 1, 1985 as written. Passed with three Aye votes: Commissioners Kroot and Sousa abstained.

April 15, 1985: M/S Heubach, Harle minutes of April 15, be approved as written. Passed with 3 Aye votes: Commissioners Bergeson and Sousa abstained.

3. WORKSHOP

Review of Procedures and Guidelines for Town Use of Consulting Professionals

Mike Garvey, Town Administrator spoke on the proposal. He said the applicants will be consulted before a consultant is engaged; applicant will be told the approximate cost beforehand. Finally, the Planning Commission will have the final decision of selection.

Commission Harle said while he favored the proposal, he felt it still left a potential for abuse. He felt there should be some limitation that would automatically trigger action by the Town Council. He said he felt uncomfortable with an open-ended policy.

The rest of the Commission agreed with Commissioner Harle's comments. Commissioner Kroot asked "Who will police the Planning Commission?"

It was suggested a list of possible consultants could be presented to the applicant who could choose one, or visa-versa. The Administrator agreed and stated this procedure would have to be practiced for each applicant.

Upon questioning, the Town Administrator stated the Planning Director would make the choice of consultants and the final decision would rest with the Planning Commission. There is no fee proposed for an appeal of his decision.

M/S Heubach, Kroot that we recommend to the Town Council adoption of the procedures and guidelines for Town use in Consulting Professionals, based on the memorandum submitted to the Commission on April 1, 1985. Passed unanimously.

The Administrator asked if he understood the intent was to submit a list consisting of three names of consultants from which the applicant was to choose, and the scope of work is to be defined by staff. The Commissioners agreed.

#### 4. PUBLIC HEARINGS

Chairman announced Item G had been continued to May 20, 1985.

- A. NU-44 - Richard and Julie Caboara
- V-2048 - Richard and Julie Caboara

Staff stated if granted, this will be the last unit in the neighborhood.

Wayne Weddel said he was co-applicant. He had redesigned the dwelling and second unit, keeping in mind comments made by the Planning Commission and audience at the last meeting.

He said he proposed to remove the fruit trees and replace them with Victorian Box to afford privacy.

Joan P. Hood, 21 Sierra asked if there was going to be another story added to existing building. She said a building 29 feet high is essentially three stories. She felt this was too much building for the lot size. She said the parking situation on Sierra has not improved. She further stated there are 11 properties and they own 20 cars between them. Most of the parking is in tandem, therefore, there is a lot of street parking. One of the properties is presently unoccupied.

Mrs. Howard, 27 Sierra, said she has 100 foot frontage and she was denied a deck permit 15 feet from the property line.

Mr. Roland Ross said he does not live in San Anselmo; however he teaches real estate appraisal at the University of California. He said a second unit would have an adverse affect on the value of neighboring properties.

Richard Caboara pointed out that his property is surrounded by R-2 zoning.

The Commission agreed the architect had worked with the comments he received at the last meeting and although he still needed a lot of little things, there was nothing very large that presented a problem. Although the house would be larger than most in the neighborhood, the third story variance was a technicality only and a matter of less than

30 square feet. They could see no adverse impact on the neighborhood.

The proposed deck and fence were discussed, and the applicant said he would rather build a new fence 6 inches in from the property line as a part of the new deck in the one area than rebuild the fence in its present location.

M/S Heubach, Bergeson to grant V-2048, application of Richard and Julie Caboara, 19 Sierra Avenue, A/P 5-194-30, for a third story variance for the sleeping loft; parking variances for three spaces to be within the north and south side setbacks and the front setback; a four foot rear yard variance to construct additions within 16 feet of the rear property line; a 2'8" south side yard variance to construct a bay window within 5'4" of the south side property line; a 7'6" south side yard variance to construct an open deck within 6 inches of the south side property line; 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; granting of the variance will not decrease the value of property in the neighborhood and will make optimum use of a small building lot; the third story variance is a technicality in the truest sense: Approval based on drawings received by the Town of San Anselmo on May 2, 1985. Passed unanimously. Applicant notified of the 10-day appeal period. P/C 5-06-85

M/S Harle, Heubach to approved NU-44, application of Richard and Julie Caboara, 19 Sierra Avenue, A/P 5-194-30 for a use permit for a new second living unit, having made the findings that it falls within the maximum number of second residential units authorized by resolution of the Council for the single family residential use area in which the unit is located; is located on an Assessor's parcel on which of the owner of record maintains his principal residence; has been granted a variance for setbacks; will be made the subject of a rent guarantee contract between the applicant and the Town, will not cause excessive noise, traffic, parking or overloading of public facilities. Approval granted in accordance with plans received by the Town on May 2 for a garden apartment. Passed unanimously. Applicant notified of the 10-day appeal period. P/C 5-06-85

B. V-2057 Joseph and Vicki Robertson

Staff said this is an after-the-fact application. His contractor did not obtain a permit. A letter of support from the neighboring property owner had been submitted.

M/S Harle, Heubach, to approve V-2057, application of Joseph and Vicki Robertson, 124 Butterfield Road, A/P 5-111-60, for a six foot south side yard variance and a three foot north side yard variance to construct an open deck within zero feet of the south side property line and three feet of the north side property line, on the grounds that the variance will not materially affect adversely the health or safety of persons residing or working in the neighborhood; granting of the variance is necessary for the preservation and enjoyment of substantial property rights and is necessitated by the nature of the underlying terrain. Passed unanimously. Applicant notified of the 10-day appeal period. P/C 5-06-85

## C. V-2058 - Warren C. Heiman

Jeff Land said he was co-applicant and was present to answer any questions.

Peter Paolino said his mother had originally owned the property, and they were in favor of the application.

The Commission felt the lot was so well protected that it cannot be seen from a street and did not see how it would bother anyone.

M/S Kroot, Bergeson to approved V-2058, application of Warren C. Heiman, 119 Calumet Avenue, A/P 6-072-43 for a nine foot frontyard variance and a 14 foot rearward variance to construct a dwelling within 11 feet of the front property line and six feet of the rear property line on the grounds that it 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; granting of the variance is necessary for the preservation and enjoyment of substantial property rights and is necessitated by the unusual and small configuration of the lot, variance based on drawing dated 4-15-85 and revised on 4-30-85, and on the condition that the 30 inch oak tree designated on the plan to be removed stays. Passed unanimously. Applicant notified of the 10-day appeal period.  
P/C 5-06-85

## D. SS-260 - Philip and Barbara Tamarkin

Staff said a recommendation had been made by the Town that a portion of Parcel B be dedicated for private open space; however, it was subsequently discovered there was an old barn on this parcel and Mr. and Mrs. Tamarkin felt they might at some time in the future wish to rehabilitate the barn for a shelter for a horse and hay storage and therefore did not wish to dedicate it for private open space. She also mentioned the applicants had questions the cost of the barrier and who was responsible.

Richard Wiesner, 164 Oak Springs Drive, asked if the barn could be rehabilitated and a horse kept if the space were dedicated for private open space. Staff replied in the negative.

Mrs. Tamarkin said nothing had changed in the application, they did wish to keep the option open although at present they had no plans for a horse.

Commissioner Kroot asked why the easements were being abandoned and staff replied they were no longer needed.

Originally they were for access to lots in Fairfax.

M/S Bergeson, Harle to accept the Negative Declaration for SS-260, application of Philip and Barbara Tamarkin, 168 and 170 Oak Springs Drive, A/P 5-011-64, for the two-lot parcel split based on the tentative map received by the Town on April 16, 1985, drawing dated March 28, 1985 as it is in keeping with the General Plan and initial preliminary review. Passed unanimously. Applicant notified of the 10-day appeal period.

M/S Bergeson, Heubach to recommend to the Town Council approval of abandonment of the 50 foot roadway easement and a 15 foot slope easement on the basis it is consistent with the General Plan and will not have a detrimental affect on traffic circulation in San Anselmo. Passed unanimously.

Carol Robles, Oak Springs Drive asked about development on the abandon right-of-way.

E. SS-261 Dr. and Mrs. Roger Hedin

Commissioner Kroot stepped down from the Commission to present the application. He said there was a total of 67,000 s.f. and they proposed a split in the most natural place, the creek; this would result in one lot of 24,350 s.f. and one 42,620 s.f. The Hedin's have lived there 30 years and now they wish to have a smaller home. Mr. Kroot said J. Nelson, Soils Consultant, had been engaged and he had found extremely hard rock 2 - 5 feet down. He said it is an excellent area for building since there is no possibility of slippage.

There was no one in the audience to comment

M/S Heubach, Harle to accept the Negative Declaration covering SS-261 for Dr. and Mrs. Roger Hedin, 182 Oak Avenue, A/P 7-231-32 for a two-lot parcel split. Passed with 4 Aye votes: Commissioner Kroot abstained.

M/S Heubach, Bergeson, to grant SS-261, application of Dr. and Mrs. Roger Hedin, 182 Oak Avenue, A/P 7-231-32, for a two-lot parcel split on the basis that it is consistent with the General Plan, and is based on drawings received by the Town of San Anselmo 4/8/85. Passed with 4 Aye votes: Commissioner Kroot abstained. P/C 5-06-85

F. Z-236 Karl H. Baeck

Mr. Baeck said he would like to increase the density of his property by three units. Presently he has 16 units which are essentially rented to elderly people who find it convenient to town and moderately priced for rentals.

Mr. Jerry Frank said he and his brother own 8 units directly east of Mr. Baeck's property. He said the proposed construction would block the view and light of most of his apartments.

Mr. Baeck said he hoped to improve the appearance of the whole complex. He intends to do some landscaping and painting.

It was suggested perhaps the apartments could be moved back five feet which would leave more of a view and let a little more light in.

Mr. Frank said he does not object to the additional units, only the impact on his property. He thought perhaps an additional setback and perhaps a flat roof would help.

M/S Heubach, Harle to continue Z-236, application of Karl Baeck, 36 Ross and 29 & 35 Woodland Avenues, A/P Nos. 7-282-17 and 7-282-19, rezoning from R-3 to SPD; 3 additional units, and the initial environmental review, to the meeting of June 3, 1985. Passed unanimously. P/C 5-06-85

- H. Amendments to San Anselmo Municipal Code to bring lot merger ordinance into compliance with State mandated law, and initial environmental review.

Staff explained the minor changes to the ordinance and stated the wording had been changed to make portions of the ordinance clearer.

M/S Heubach, Bergeson to recommend approval to the Town Council. Passed unanimously.

5. WORKSHOP

- A. Distribution of Material from Applicants and Public

M/S Bergeson, Heubach to approve Distribution of Material from Applicants policy as encompassed in staff memo of April 2, 1985. Passed unanimously.

- B. Review of Affordable Housing Site Study and Recommendation to Town Council

There was a discussion of setting a special meeting for this discussion; however, it was decided that each Commissioner would prepare written remarks and deliver it to Town Hall in time for distribution for the next meeting instead.

The Chairman continued the item to the next regular meeting.

- C. Discussion of Possible Future Uses of Red Hill School site

This item was continued until the next regular meeting due to the lateness of the hour and an lack of a full Commission.

6. ADJOURN

At 11:40 P.M. The meeting adjourned to the next regular meeting of May 20, 1985.

Thelma Foster