

The regular meeting of the San Anselmo Planning Commission was called to order on Monday, May 16, 1988, at the Council Chamber by Commissioner Sias. Staff present, John Kottage, Director of Public Works/Planning and Lisa Wight, Planner.

A. ROLL CALL

Commissioners present: Julin, Sias, Yarish, Manning  
Commissioners absent: Harle, Hayes

B. ITEMS FOR DISCUSSION

1. AR - Quarry Mountain, Incorporated, Tomohawk Drive, Units 4, 5, 9 and 10, A/P 177-220-50, 177-250-40, and 177-250-41, set date for public hearing to review roof color.

The Commissioners decided that the application would be heard at a special meeting on Tuesday, May 31, 1988 at 8:00 p.m.

2. PP-10/V-2209 - Lee Cole Properties, The Alameda, South of 443 The Alameda, A/P 177-220-54, review construction of a driveway within the existing easement to provide access to a property located in the County of Marin jurisdiction (required by SAMC Section 10-3.1908(a)); and review of the mitigated Negative Declaration (referred back to Planning Commission by Town Council); and set date for public hearing.

John Kottage gave an in depth presentation of the drainage mitigation proposed for the application which would cost in the neighborhood of \$15,000. He stressed that this would decrease flooding in the area, but not solve the existing problem. The Town staff was able to observe the flooding pattern in the area during the 1986 storm and therefore is making the following recommendations to the Planning Commission based on staff's knowledge. 1) The pipe located under No. 443 The Alameda could be increased in size, from 30" to 48" in diameter and positioned lower to increase its water carrying capacity. The culvert down stream from No. 443 The Alameda in the vicinity of No. 439 The Alameda, is quite a bit deeper and although is also 30", because of its depth, has more water carrying capacity than the #443 culvert. 2.) A debris rack with a larger grate area and a more easily maintainable design is recommended at No. 443 The Alameda. The larger grate will catch more debris before it backs up. Staff is recommending the larger grate be so that will be easier to access during a storm and could be maintained by a back hoe. The ideal solution, but one which would cost approximately \$140,000 to \$150,000 would be to install a 42" to 48" pipe down the center of The Alameda to bring the runoff down The Alameda and directly into Sleepy Hollow Creek. This would be a considerable cost for an applicant applying for only one home. Mr. Kottage went on to say that the proposals require permission from the owners at No. 443 The Alameda but it is his understanding that the neighbors consider the owner of 443 The Alameda responsible for the historic flooding of the area and therefore permission from #443 would probably be received. Staff's proposal should decrease flooding caused by deficiencies in the design of the existing culvert and thereby decrease liability exposure of the owners of #443 The Alameda. Another solution, which is less expensive, but not as effective, would be to put in a retention basin to store the peak of the storm runoff on the property associated with the driveway.

Planning Commission Comments

Commissioner Yarish wondered if the lower pipe is still to be kept at 30", would not the second pipe be subject to

clogging. John Kottage said by using the proposed design, water would breakout at No. 439 The Alameda but it would take a more severe storm to cause this breakout than currently causes the overflow. Further, the improved trash rack would decrease the chance of debris clogging this pipe..

Commissioner Sias asked what staff's calculations on drainage runoff were based on. Mr. Kottage said it includes the driveway, a house the size the applicant is applying for and 3 other additional homes on the site through which the driveway passes.

Mr. Carradine stated that no matter where the homes were located on the site, the amount of runoff will be the same.

Mr. Kottage said there are 129 acres of watershed land feeding into the inlet now located at No. 443 The Alameda. The property involved in the application is only 4.2 acres of this 129 acres watershed.

Commissioner Sias was concerned about the Town's liability. If the street is not Town maintained would it be up to the homeowners to maintain the culvert after completion?

Commissioner Manning asked who would be responsible if the residents did not maintain the culvert and catch basin. The owners of 443 The Alameda would be responsible for pipe maintenance. Mr. Kottage felt under extreme measures the Town could enter into abatement procedures to maintain the pipe. Under emergency powers the Town can clean the catch basin. The normal situation would be that if the neighbors are threatened by flooding, the owner of 443 The Alameda would be put on notice to maintain the pipe, just as they currently have been put on notice. The trash rack improvements will allow more time to maintain the pipe before it becomes clogged.

Commissioner Yarish asked if the soils report on the road was complete in staff's opinion. Mr. Kottage affirmed that it was and said an additional requirement on any permit would be that the soils engineer be present during the construction and that the engineer certify that work was performed to his satisfaction.

Commissioner Sias asked how wide the grading needed to be. He would like to keep it at a minimum and wondered if staff would require detailed plans. He would like to see paving no more than 14' wide. He asked how the soils engineer could make a decision on the roadway without knowing how much grading was to take place. Mr. Kottage responded, saying that the soils engineer had certified the 18' roadway design as properly designed, that the 14' wide design would have less impact than the 18' roadway. There will be minimum grading outside of the retaining walls. Perhaps the best way to limit the grading is to limit the distance the retaining walls can extend away from the pavement. Additionally, he said that retaining walls were being built using drilled piers which extend into solid rock. In areas where no retaining walls are proposed, the proposed roadway isn't very high above the existing slope. The plan indicates the slope should be 2:1 or less, a very conservative slope.

Commissioner Sias requested a drawing that showed the 14' driveway design, not the original 18' driveway design that has been provided. Mr. Carradine said he does not intend to provide a 14' wide design, saying this will have to be a condition placed on the application by the Town. He feels the driveway width is a life safety issue and it should remain at 18' in case fire or ambulance needed to pass each other on the road. The turnabout proposed by the Town would

only be effective if the vehicles were already at the end of the road. He does not want to take on the liability for the 14' wide design, saying his mandate with the State of California as a licensed architect is to design with the presentation of life and safety in mind and therefore he can not endorse the reduced 14' wide driveway width.

Commissioner Julin stated that A/P 177-220-54 is in the County and wondered if the Ross Valley Fire Department would handle an emergency at this parcel. Mr. Carradine said there has been an agreement with the County and Ross Valley Fire for the F.V.F.D. to provide emergency service because the driveway is in San Anselmo and Ross Valley Fire can respond more quickly to the site than the County can.

#### Public Comments

Jan Back, 439 The Alameda, said she would be adversely affected by the option proposed to increase the culvert to 48". She said the breakout of the flooding would then be moved to her property and she would become liable. No one has asked her permission to make this drainage change. Mr. Kottage said there will be no additional water created by this increase in culvert size. The primary effect of the upsized culvert would be that a larger storm would have to occur before it would flood. She would benefit additionally from the new trash rack which would not clog as quickly as the existing trash rack. She requested a copy of the soils report on the roadway prepared by Earth Science Consultants, dated December 11, 1987, stating she never was aware it was available until last week. She asked whether the 12/11/87 report constituted new information. Mr. Kottage, at the request of Commissioner Sias, gave an overview of the report and stated that the primary thrust of the information provided in the report is to certify that the proposed 18' wide roadway design was consistent with the requirements of the original soils report. To that extent it is not new information.

Gary Nichelini, 343 The Alameda, felt that connecting a 48" pipe to a 30" pipe would create a back up.

Jim Jacobson, 400 The Alameda, proposed connecting the two pipes and building a dyke at the entrance of the upstream pipe to raise the water surface at the entrance thereby increasing the water carrying capacity of the pipes. Mr. Kottage said that it certainly worth considering.

Mr. Kottage suggested that if the Commission was ready to make a motion it should be in the form of a recommendation to staff to prepare a Resolution. He felt it would be wise to consult with the Planning Consultant and Town Attorney on the precise wording of any action. There was discussion of the time constraints associated with this application. It was decided that the Commission had until May 31, 1988 to make a final decision.

Commissioner Sias brought up the matter of the delinquent fees of the applicant. Mr. Kottage stated that the Town Attorney advise that the Planning Commission should proceed with action on the application without requiring immediate payment of the fees because of the time constraints of processing the application.

Commissioner Julin felt that one of the difficulties associated with the application was that it seemed to change from meeting to meeting. She wondered if the applicant has made application to the County for development and annexation. The development of the unincorporated parcel is what is necessitating the variance. The access to this parcel crosses land zoned R-1H. The variance becomes "the tail wagging the dog". In the spirit of CEQA she felt the

Commission needs to be able to consider effects of the entire action. i.e. Development of the R-1H easement as well as the single parcel. Therefore she recommends rejection of the application and prior to considering any variance application, that an application be made to the County for annexation, rezoning and that preparation of a Preliminary Plan for R-1H zone development and variance be submitted. Then she felt the Commission would then have a whole package to evaluate. Furthermore, if the Commission chooses to go this route, that a letter be sent to Supervisor Brown outlining this approach.

If this application is rejected, the associated Negative Declaration would become moot.

Commissioner Yarish felt that if the applicant would comply with the seven conditions placed on the project as stated in the Staff Report from John Roberto to the Planning Commissioners dated May 12, 1988, and if a substantial bond of \$25,000 was posted for road improvements, and annexation be required prior to construction then he could approve this application. He felt he could support it because the upgrade of the drainage system and the roadway will be beneficial to the neighborhood.

Commissioner Manning felt that Commissioner Julin's reasoning made sense. It protects both the Town and the neighbors and also protects the applicant in future actions on the parcels involved.

Commissioner Sias agreed with Commissioner Julin. He could not make the findings that this project will not be harmful to the community. Any additional run off in the neighborhood would be too much.

Mr. Kottage felt that since legal counsel was not present it might be wise to put the motion in a form of a direction to staff to prepare a resolution, which would allow the Town Attorney time to review it for consistency with the law.

M/S Julin, Manning to refer the application back to staff to prepare a Denial in the form of a Resolution for PP-10/v-2209 - Lee Cole Properties, The Alameda, South of 443 The Alameda, A/P 177-220-54, review construction of a driveway within the existing easement to provide access to a property located in the County of Marin jurisdiction (required by SAMC Section 10-3.1906(a)); and review of the mitigated Negative Declaration both referred back to Planning Commission by Town Council on the basis that: The variance required is part of larger actions; that action being the development of A/P 177-220-54 located in the County of Marin and that good planning dictates that prior to Town consideration of any variance within its limits, that an application be made to County of Marin for development of A/P 177-220-54, such action to be followed by applications to the Marin County LAFCO for dual annexation to Town of San Anselmo and appropriate Fire and/or Districts other special rezoning and preparation of a Preliminary Plan under R-1H and reapplication to the Town of San Anselmo for variance under the Preliminary Plan. Furthermore, the Planning Commission finds that granting such variance, under the circumstances of the particular case will materially effect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant, and will be materially detrimental to the public welfare and injurious to property or improvements in such neighborhood. The Planning Commission further requests that the Town of San Anselmo submit a letter to the Marin County Board of Supervisors regarding this action, and that no action on the environmental document is necessary by virtue of section 15270a of the State EIR guidelines. Finally We

request this resolution to be brought before the Planning Commission on a special meeting on May 31, 1988.

Commissioner Sias to amend, adding "specifically the application will add runoff to an already overburdened drainage system despite the documentation from the experts."

There was discussion as to whether or not the Commission should take a vote at this time. Councilmember Colteaux, a member of the audience, suggested the Commission wait to take formal action on this until legal Council is consulted. The Commission decided to take this advise and suggested that the Town Attorney review the resolution prior to the special meeting of May 31, 1988.

C. PUBLIC HEARINGS

1. U-626 - Joe Garbarino, Marin Recycling, 100 Redhill Avenue, a/P 6-167-06, review of use permit granted in 1987 for a recycling center.

Patty Garbarino, daughter, present.

Lisa Wight presented staff report dated May 16, 1988.

M/S Manning, Yarish, to approve U-626 - Joe Garbarino, Marin Recycling, 100 Redhill Avenue, A/P 6-167-06 on the basis that the Commission having received no complaints and this appears to be an appropriate use, we feel the use should be continued.

All ayes. Motion passed unanimously. Applicant advised of the ten day appeal period.

2. V-2232 - Arthur Hedvall, 14 Madera Avenue, A/P 6-116-11, a 5 foot frontyard variance and an 11'4" rearyard variance to construct a two story garage and workshop within 15 feet of the front property line and 8'8" of the rear property line.

Arthur Hedvall, applicant, and Jeff Lamb, Architect, present.

Lisa Wight presented staff report.

Jeff Lamb gave an overview of the proposed project.

Commissioner Yarish wondered if the applicant was conducting a business at the site as stated in the staff report. Mr. Hedvall said he was however he also has an office inn San Rafael. There have been no complaints from the neighbors about his business and the 6 neighbors he has showed his plans to are in support of his project. Commissioner Yarish thought the lot coverage was getting a little large however he feels what the applicant is asking for is a reasonable request.

Commissioner's Manning, Julin and Sias were in support of the application.

M/S Yarish, Julin, to approve V-2232 - Arthur Hedvall, 14 Madera Avenue, A/P 6-116-11, a 5 foot frontyard variance and an 11'4" rearyard variance to construct a two story garage and workshop within 15 feet of the front property line and 8'8" of the rear property line on the basis that due to special circumstances applicable to the property, specifically size, shape and the topography of the land the strict application of the controlling zoning ordinance or regulation deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning c; and the granting of a variance will not constitute a grant

of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated, specifically that the garage is difficult to access due to the steep downslope of the driveway, which is only 10 feet in length. The granting of the variance is necessary for the preservation and enjoyment of substantial property rights of the petitioner, specifically that the applicant feels it is necessary to provide a garage that is more easily accessible for vehicular parking, while at the same time provide additional living area and a workshop below the new garage. The granting of such variance, under the circumstances of the particular case, will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not be materially detrimental to the public welfare or injurious to property or improvements in such neighborhood, specifically the two story addition will be situated quite a distance from the adjacent properties and a two story dwelling exists and that one of the two oak trees will remain to partially screen the new construction. This is in reference to drawings as presented to the Planning Commission on May 16, 1988.

All ayes. Motion passes unanimously. Applicant advised of the 10 day appeal period.

3. V-2233 - Raymond and Doreen Aquirre, 3 Hooper Lane, A/P 7-012-13, a 3 foot southwest sideyard variance to construct a two car garage within 5 feet of the southwest side property line; and a 1 foot southwest sideyard variance to construct an open porch within 5 feet of the southwest side property line; with an 18 inch roof overhang (existing dwelling to be demolished and reconstructed).

Raymond and Doreen Aquirre, applicants, present.

Lisa Wight presented staff report.

Commissioner Julin could support the application but suggested they consult with an arborist to preserve the heritage tree. The owner responded that they have already done so.

Commissioner Yarish suggested that the applicant might consider a foundation that needs no excavation around the area of the tree roots.

M/S Manning, Yarish, to approve V-2233 - Raymond and Doreen Aquirre, 3 Hooper Lane, A/P 7-012-13, a 3 foot southwest sideyard variance to construct a two car garage within 5 feet of the southwest side property line; and a 1 foot southwest sideyard variance to construct an open porch within 5 feet of the southwest side property line; with an 18 inch roof overhang on the grounds that: due to special circumstances applicable to the property, specifically the configuration of the lot and location of the heritage tree, the strict application of the controlling zoning ordinance or regulation deprives such property of privileges enjoyed by other property in the vicinity and other properties in this area were developed at a time when an 8 foot sideyard setback was not required; and the granting of a variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated, specifically as previously mentioned; and The granting of the variance is necessary for the preservation and enjoyment of substantial property rights of the petitioner; and The granting of such variance, under the circumstances of the particular case, will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not

be materially detrimental to the public welfare or injurious to property or improvements in such neighborhood. This is in reference to plans attached to the application, consisting of four pages.

All eyes. Motion passes unanimously. Applicant advised of the ten day appeal period.

C. CONTINUED OR WITHDRAWN PUBLIC HEARINGS

1. EU-11 - Uma Silbey, 28 El Cerrito Avenue, A/P 5-242-11, a use permit for a second living unit to remain upon change of ownership - CONTINUED TO JUNE 6, 1988.

2. V-2225 - Eric Ainsworth, 95 Tamalpais Avenue, A/P 5-242-11, a 12 foot rearyard variance to construct a two car garage and second story addition within 8 feet of the rear property line with a six inch roof overhang - CONTINUED TO JUNE 6, 1988.

3. V-2172 - Libby Hayes, 14 Elm Court, A/P 7-081-15, a 15'3" rearyard variance and a 4'11" east sideyard variance for an accessory building addition to be within 4'9" of the rear property line and within 3'1" of the east side property line, with an 18 inch roof overhang - CONTINUED TO JUNE 6, 1988.

D. APPROVAL OF MINUTES - MAY 12, 1988 - CONTINUED

E. ADDITIONAL BUSINESS

Commissioner Sias is requesting from staff that there be a policy on how to handle the applicants that have not paid their fees on time. Ms. Wight said that should be in a form of a written recommendation to the Town Council.

Commissioner Manning felt that the Commission should just send their intent and that it is not necessary to be in a form of a Resolution.

By general consensus the Planning Commission is requesting staff to submit to the Town Council a request to recommend the Town Council recommend a late fee in the amount of 1 1/2 % per month for any planning application which will accrue 30 days after the bill has been submitted.

The regular meeting of the San Anselmo Planning Commission was adjourned at 10:50 p.m. to the next special meeting on Tuesday, May 31, 1988.

Barbara Chambers  
Administrative Secretary/Technician

clogging. John Kottage said by using the proposed design, water would breakout at No. 439 The Alameda but it would take a more severe storm to cause this breakout than currently causes the overflow. Further, the improved trash rack would decrease the chance of debris clogging this pipe..

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permit did not condition that there shall be a specific number of people.

Mr. Roth said inquiry is not focused on the content of the activity but on the impact of the activity on the surrounding neighborhood. The Commission has the authority to place limits to restrain activities which have a detrimental impact on the community.

Mr. Corlie said the information taken over the phone by the planner was not part of the signed application. He did concur with the Town Attorney however that the Planning Commission has the power to abate a nuisance, but in doing that it the requirements should be clearly defined.

Chairman Hayes said the question of the use came up at the last hearing and it was the unanimous consensus of the Commission that the use described originally had changed. We determined that it was over intensity of use and at that time said there needed to be an application to have an amended use. That is not forthcoming..

Mr. Corlie said he did not know what was contemplated in the minds of the Planning Commission when the use was granted. We said that we had a small church and we did hope to grow. The Commission did not imply if the church grew then it would have to come before the Commission again. There was never a condition placed on the number of people. He said the Church needs the Commission to establish the limits and make a judgement call. He did not think the law permits a judgement call to revoke the vested right. But if it is a nuisance because of traffic and noise, then it would be within your rights to give notice to abate the nuisance or revoke the permit.

Mr. Roth said "anything offensive to the senses" can be considered a nuisance under the law. The Commission will have to determine that there is a negative impact on the neighborhood. There is nothing to prevent the Planning Commission from acting tonight.

Julie Valenti, 84 Elm, wanted to know what conditions were placed on the use and did it address number of cars in the area. She wanted to know if the Church was considered a community Church and were the parishioner all from Marin.

Mr. Cortie said he had no problem providing that information.

John Kottage said there were conditions that talked about cars but not the number of cars in the parking lot.

William De Bisschop, 91 Elm, wanted the staff report read to the public. Chairman Hayes read the staff report

Mr. Kottage said that on the application forms the Church stated there were 30-50 parishioners. Additional information provided by the Church officials in telephone calls were written up in the staff report provided for the Church of the Devine Man use permit hearing. That the applicants were at the hearing and made no statement that the staff report misrepresented their phone conversations. Further that the annotated application was part of the planning package presented at the original use permit meeting.

Chairman Hayes said that an attachment to the June 6 meeting is the "Berkeley Basic Healing" dated November 87 and it indicates the number of activities during the week. There are meeting each night from 7-9 p.m. and on Sundays.

Nancy Olson, 1329 San Anselmo Avenue, said the use is now different than that of the Church of the Nazarene. There is a marked increase of cars and the noise and additional traffic has made a negative impact on the neighborhood. The cars leave the neighborhood after 10:00 p.m. at times.

Mary Ann Smythe, 28 Elm, felt it was ok for the Church to grow but the neighborhood is too small for the Church.

Cornelius Keane, 51 Elm, questions the Church's responsibility to the neighborhood by taking out the playground. Obviously they needed the extra parking.

Lorraine Ferrarese, 24 Elm, said she called one month after the use was granted on the Church because she noticed an increase from the beginning. The neighborhood fought hard to get the conditions on the original use and we were promised the playground could stay. She did not feel this was a neighborhood Church, it is not for children. She feels she lives across from a 75 car parking lot. She presented photographs to the Commission. She said it was her understanding that the Church was going to propose an amended use and a current use.

Betty Burrowes, 8 Elm, wanted to know if the Church will rebuild the playground.

Janet Badouin, 1336 San Anselmo Avenue, wants to have the gate opened so the deer can go through.

Mary Ann Marsili, 26 Elm, said her street is narrow with many curves and having 68 cars leaving at 10 p.m. can really cause quite a commotion.

Irene Busch, 82 Elm, would like to request that the neighborhood be noticed, more than the 300 feet if necessary, for issues relating to their neighborhood.

Commissioner Harle said he would like to have all the minutes pertaining to this use. When voting, the Commission take it in context and expects people to live by what is represented by phone or in a contract. When this use was granted it was granted to a church not an evening school that meets 7-10 each night. That was in no way contemplated. He is well acquainted with the use of the playground and always envisioned it to be available to the neighborhood. He understands the Church has a right to grow if on Sundays but it is a change in the use to have meetings during the week.

Commissioner Julin felt the evidence shows a negative impact on the neighborhood but wondered how to be specific in a motion for denial without monitoring the neighborhood.

Mr. Roth said the neighborhood could be monitored but there has to be factual basis for a decision set forth as findings.

Mr. Kottage noted that written testimony from the neighbors could be used.

Commissioner Julin said she will wait until the past minutes are presented.

Commissioner Harle felt previous records are needed for the purpose of defining the agreement.

Commissioner Yarish feels he has a clear understanding and the use is more intense than it was in the beginning. The applicants have refused to submit new information which leaves us in a position to revoke the use or ask for the information to get to an agreed maximum use of the site. He

would like staff review the deed restrictions for the use of the playground.

Commissioner Sias agreed with Commissioner Harle. He thought they were going to get another church with the same use. Perhaps the night classes are causing the cars and the noise.

Chairman Hayes agreed with Commissioner Harle to determine what was approved initially. He again questioned the attachment from the "Berkeley Basic Healing" newsletter.

Mr. Corlie had no problem giving staff what they need for the next meeting and said that he received the staff report but did not receive an attachment. He would like a copy of it so he could review it and discuss it with the Pastor.

Chairman Hayes felt the use probably does exceed the conditioned use. He asked staff to put together a letter from the people in the neighborhood and give to the Commission for the next meeting

Mr. Roth said the applicants have acquired certain rights by being there pursuant to the use permit. The Commission must provide a factual basis of the negative impact in the neighborhood. An intentional increase in use even though not detrimental could be the basis for revocation of a permit.

M/S Sias, Yarish, to continue to the meeting of June 20, 1988 to consider additional material concerning the use permit. All ayes. Motion passed unanimously.

2. V-2234 - William Bluechell, 114 Alder Avenue, A/P 7-041-20, a 3'9" southwest sideyard variance to construct a garage within 4'3" of the southwest side property line with a 2 foot roof overhang; and a 1'6" northeast sideyard variance to construct a bathroom and second floor addition within 6'6" of the northeast side property line with a 3 foot roof overhang.

William Bluechell, applicant, Jared Polsky, Architect, present.

John Kottage presented staff report dated June 6, 1988.

Jared Polsky said the house is an odd shape, they will be keeping the architecture the same for the additions and the additions is necessary as the house is relatively small. Many cars in the neighborhood have a two car garage and he did not feel it is endangering the health and safety of the neighborhood.

Charles Kucserka, 110 Alder, said he is the neighbor that would be affected by the addition and he had no objection.

Commissioner Julin felt she could make the findings on the garage but had trouble with the first and second story addition. She felt it was over building the neighborhood and too much mass.

Commissioner Yarish felt there was too much bulk in the front and could not support the garage and would much rather see it in the back. The addition is set back and would be screened by landscaping. He felt the Japanese Maple should not be compromised for the garage.

Mr. Bluechell also had misgivings about the tree and was thinking of moving it to another spot on the property but at this time only one car can fit in the garage and they need

additional covered, off street parking. He is going to put additional landscaping in the front and sides.

Commissioner Sias was unable to make the necessary finding as the applicant should explore the possibility of building in the back and not encroaching on the side property.

Mr. Bluechell said the land is two different levels and could only be accomplished if dirt were trucked in and built on piers.

Commissioner Harle said the addition is only encroaching 1 1/2' and only in the front and therefore could support it but was concerned about the 2nd story facing the adjacent neighbor's second story. Regarding the garage, he supports off street parking, does not see bulk being much of a factor and feels the tree belongs to the owners and not the neighbors

Chairman Hayes felt the familyroom addition will have an affect on the house at No. 110 although he did agree that the encroachment is only 1 1/2'. He could reluctantly support the addition. He wondered where else the garage could be placed if the pool was going to be built where the old garage was. He would reluctantly support the garage too.

M/S Yarish, Harle, to approve V-2234 - William Bluechell, 114 Alder Avenue, A/P 7-041-20, a 1'6" northeast sideyard variance to construct a bathroom and second floor addition within 6'6" of the northeast side property line with a 3 foot roof overhang on the basis that: Only 75 square feet of this second story addition will be in the setback, and the majority of this encroachment is the three foot roof overhang. It would be possible to conform the structure to the required 8 foot eastside yard setback however it would necessitate a jog in the building which would not afford the adjacent neighbor at 110 any additional privacy or light; The granting of this variance would not be a granting of special privileges as the adjacent dwelling at 110 is two stories and is within 6'3" of the side property line. The granting of the variance is necessary for the preservation and enjoyment of substantial property rights of the petitioner specifically that the applicants desire to have a third bathroom and a guest room in the dwelling; the granting of the variance under the circumstances of the particular case will not affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not be materially detrimental or injurious to property and improvements in the neighborhood or the general welfare of the Town specifically that the east side neighbor at 110 has windows that currently view the open deck area and will now view the second story addition. It does not appear this second story will affect their light and windows proposed on the eastside of this addition should not affect their privacy. The rear yard neighboring dwellings are across the creek and setback a substantial distance from this addition. Due to heavy foliage this addition may not be visible to the rear neighbors. This is not to approve the addition of the garage as it is located however without prejudice for applying for a garage either within the set backs or in another location on the property. This is in reference to drawings received by the Town dated April 21, 1988.

Ayes: Harle, Yarish, Hayes  
Noes: Julin, Sias

Motion carried.

M/S Yarish, Sias, to deny a portion of V-2234 - William Bluechell, 114 Alder Avenue, A/P 7-041-20, a 3'9" southwest

sideyard variance to construct a garage within 4'3" of the southwest side property line with a 2 foot roof overhang on the grounds that there are no special circumstances applicable to the property, specifically there are other areas available to put a garage on the property. The strict application of the controlling zoning ordinance does not deprive such properties privileges enjoyed by other property in the vicinity and under identical zoning classification. The granting of the variance will constitute a grant of special privileges with the limitations on other properties and zone in which such properties are situated specifically most other houses built in the setbacks do not have alternatives for deciding placement of the garage; the granting of the variance is not necessary for the preservation and enjoyment of substantial property rights of the petitioner and the granting of such variance under the circumstances will materially affect adversely the health and safety of persons residing in the neighborhood.

Ayes: Sias, Julin, Yarish  
Noes: Harle, Hayes

Motion carried. Applicant advised of the 10 day appeal period.

Chairman Hayes felt that the only alternative to the applicant was to place the garage where the existing garage is, and therefor move the proposed pool to another location or along the side property which would also mean a variance. By denying the application the applicant will have to resubmit, and another fee would have to be paid. Perhaps the Commission should consider a continuance rather than denial if Mr. Bluechel could come up with another alternative that would move the garage farther off the street.

M/S Yarish, Harle, to reconsider the motion of denial for V-2234 - William Bluechell, 114 Alder Avenue, A/P 7-041-20, a 3'9" southwest sideyard variance to construct a garage within 4'3" of the southwest side property line with a 2 foot roof overhang and continuance to the meeting of June 20, 1988.

All ayes. Motion passed unanimously.

3. NU-60-Eugene Guiliani, 26 Cordone Drive, A/P 5-222-10, use permit for a second living unit.

Eugene Guiliani, applicant, present.

John Kottage presented staff report.

The applicant stated this property has been in the family for years and he is hoping a family member could rent the second unit.

M/S Sias, Julin, to approve NU-60 - Eugene Guiliani, 26 Cordone Drive, A/P 5-222-10, use permit for a new second living unit in an R-1 District on the grounds 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; It is located on an Assessor's parcel or parcels on which the owner of record maintains his principal residence; does not encroach upon required setbacks, or cover land in excess of 40 percent, or necessitate vehicle parking within required setbacks; meets all applicable codes in effect at the time of the establishment of the unit; Has been made the subject of a rent guarantee contract between the applicant and the Town; Does not cause excessive noise, traffic, parking, or overloading of public facilities; The use permit will not be detrimental to the health, safety, peace, morals, comfort,

and general welfare of persons residing or working in the neighborhood of the property of the applicant, or be detrimental or injurious to property and improvements in such neighborhood; and The granting of the use permit is necessary for the preservation and enjoyment of substantial property rights of the petitioner as it is small and thus not too imposing to other properties and will not change the character of the neighborhood.

Motion passed unanimously. Applicant advised of the ten day appeal period.

4. C-217 - David Bell, 25 Tamalpais Avenue, A/P 7-212-18, design review of a garage and carport addition in a C-2 District.

V-2235 - David Bell, 25 Tamalpais Avenue, A/P 7-212-18, variance for five required on-site parking spaces to be substandard in size due to the construction of a garage and carport and the desire for an increase in the number of on-site parking spaces.

David Bell, applicant, present.

John Kottage noted that the staff report addressed the plan dated March 30, 1988 and the applicant is proposing changes as shown on the drawing dated April 2, 1988.

Commissioner Sias would prefer to see a new staff report before proceeding. Commissioner Harle would be willing to approve, as the requested parking is over the required parking and will be used for the applicant.

Commissioner Julin said she did not react positive to metal roofs. With regards to parking, wondered if staff could check on the turning radius to see if it is workable and asked about placing the garage on the westerly side of the building. She hoped the applicant would not use the entire garage as a storage shed.

Commissioner Yarish was concerned about squeezing in 5 parking spaces but perhaps is manageable. He did not like corrugated metal roofing and would like to see more details on the colors.

Mr. Bell cited many structures in Marin County that have corrugated roofs that are tastefully done and he would order the roof already painted.

Commissioner Sias did not feel a red corrugated roof was in keeping with the neighborhood.

Chairman Hayes indicated that the color samples do not match up with the staff report and an updated staff report to reflect the new drawings.

M/S Julin, Harle, to continue C-217 - David Bell, 25 Tamalpais Avenue, a/P 7-212-18, design review of a garage and carport addition in a C-2 district and V-2235 for five required on-site parking spaces to be substandard in size due to the construction of a garage and carport and the desire to increase the number of on-site parking spaces to the regular meeting of June 20, 1988 to allow staff time to review the current plans.

All ayes. Motion passed unanimously.

E. APPROVAL OF MINUTES - MAY 31, 1988 - CONTINUED.

F. ADJOURNMENT

The regular meeting of the San Anselmo Planning Commission was adjourned at 1:00 a.m. to the next regular meeting of June 20, 1988.

Barbara Chambers  
Administrative Secretary/Technician