

**PLANNING COMMISSION MEETING  
NOVEMBER 21, 1988**

The Planning Commission meeting of November 21, 1988 was called to order by Commissioner Sias at 8:00 p.m. in the Council Chamber. Staff present: Lisa Wight.

**A. ROLL CALL**

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

**B. CONTINUED PUBLIC HEARINGS**

1. V-2260 - Howard Phillips, 70 Forest Avenue, a/P Nos. 7-013-04 and 7-013-05, a 20 foot frontyard variance on forest Avenue to construct a parking deck within 0 feet of the front property line (should the variance be granted, the applicant must enter into an encroachment agreement for the approach ramp to extend over the right of way); and a variance for a retaining wall on Creek Road - CONTINUED TO DECEMBER 5, 1988.

Although this was a continued hearing, the applicant came forward requesting the Planning Commission reevaluate whether or not this application needs to come before the Commission. He said he had an agreement with the Town that his home could be reconstructed as long as it was reconstructed substantially the same. The discretion was left up to the Director of Public Works. Mr. Phillips feels it can be handled administratively.

Since this is a continued hearing, Commissioner Sias did not feel there really should be a discussion on this matter until the next scheduled meeting. Commissioner Harle said the concerns seemed to be legal issues and should be addressed by Mr. Phillips' Attorney and the Town staff or Town Attorney. Those issues should be resolved prior to coming to the Planning Commission.

**C. PUBLIC HEARINGS**

1. V-2262 - Robert and Judith Desmond, 48 Santa Barbara Avenue, A/P 5-204-30, an 8'6" rearyard variance and a 5'6" west sideyard variance for a hot tub and lattice to be within 11'6" of the rear property line and within 2'6" of the west side property line.

Judith Desmond was present.

Lisa Wight presented the staff report.

All the Commissioners were in support of the application.

M/S Kroot, Julin, to approve V-2262 - Robert and Judith Desmond, 48 Santa Barbara Avenue, A/P 5-204-30, an 8'6" rearyard variance and a 5'6" west sideyard variance for a hot tub and lattice screen to be within 11'6" of the rear property line and within 2'6" of the west side property line on the basis: 1. Due to special circumstances applicable to the property, specifically the small size of the lot and this is the most private spot, 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 classification; 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 located; and 2. The granting of the variance is necessary for the preservation and enjoyment of substantial property rights of the petitioner; specifically it is a practical location for a small hot tub; and 3. The granting of such variance, under the circumstances of the particular case will not materially affect adversely the health or

**PLANNING COMMISSION MEETING  
NOVEMBER 21, 1988**

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 landscaping and fence are to minimize the impact and the support from the neighbors in writing. This is based on drawings viewed at the meeting of November 11, 1988.

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

2. NU-62 - Larry and Girija Brilliant, 165 Crescent Road, A/P 7-171-44, use permit for a second living unit (this second unit has been considered legal, nonconforming. The applicant desires to obtain a use permit to make the unit legal and conforming so that he can make structural alterations).

Sharon Anderson, representing the applicant was present.

Lisa Wight presented the staff report.

Commissioner Kroot abstained from this application.

All the other Commissioners were in support of the application.

M/S Harle, Julin, to approve NU-62 - Larry and Girija Brilliant, 165 Crescent Road, a use permit for an existing registered second living unit in an R-1 district on the basis: 1. 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; 2. Is located on an Assessor's parcel or parcels on which the owner of record maintains his principal residence; 3. does not encroach upon required setbacks, or cover land in excess of 40 percent, or necessitate vehicular parking within required setback, unless a variance is granted; 4. Meets all applicable codes in effect at the time of the establishment of the unit; 5. Has been made the subject of a rent guarantee contract between the applicant and the Town; 6. Does not cause excessive noise, traffic, parking, or overloading of public facilities; 7. The use will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the Town; and 8. The granting of the application is necessary for the preservation and enjoyment of substantial property rights of the petitioner. This is to make the facilities suitable for the occupants and conditioned upon a rent guarantee agreement. Drawings received are dated October 8, 1988.

Ayes: Harle, Julin, Sias  
Abstain: Kroot

The motion carried. Audience advised of ten day appeal period.

**D. WORKSHOP**

Discussion of Setting a Public Hearing to consider revising the Municipal Code to Consider Removing the Maximum Number of Stories in Residential, Professional and Commercial Districts.

General comments were that there were advantages to a two story height limit and if a 35 foot height limit existed without a story limit, people would tend to go up. On flat land, the 35 foot is quite high. Commissioner Kroot

PLANNING COMMISSION MEETING  
NOVEMBER 21, 1988

suggested possibly just rewording the existing definition and follow the same guidelines as we have always had. Commissioner Harle was in favor of eliminating the stories because the bulk and space seem to be the big issues.

The consensus was to hold a public hearing, to be held at the end of the December 5, 1988 meeting, assuming staff has adequate time to have the notice posted in the newspaper, otherwise the item will be on the December 19th meeting.

E. APPROVAL OF MINUTES - November 7, 1988 - Continued

F. ADJOURNMENT

The regular meeting of the San Anselmo Planning Commission meeting was adjourned at 9:00 p.m. to the next regular meeting of December 5, 1988.

BARBARA CHAMBERS  
ADMINISTRATIVE SECRETARY/TECHNICIAN