

THE PLANNING COMMISSION MINUTES OF JULY 5, 1988

The special meeting of the San Anselmo Planning Commission was called to order on July 5, 1988 at 8:00 p.m. in the Council Chamber. The meeting was conducted by Commissioner Harle in the absence of the Chairman and Vice Chairman. Staff present: Lisa Newman, Planning Consultant.

A. ROLL CALL

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

B. CONSENT AGENDA

1. 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. Submittal of roofing material sample.

2. AR-6 Quarry Mountain Incorporated, End of Tomohawk Drive, Nos. 177-250-50, 177-250-40, 177-250-41, architectural review, Unit 11, submittal of revised plans and consideration of resolution of approval.

Commissioner Yarish suggested a wording change on the Memorandum to the Planning Commission dated July 5, 1988 under item #1, from"the southerly property line"... to ..."the southerly edge of the garage door opening".

M/S Julin, Yarish to approve item number 1 and 2 of the consent agenda with the changes as noted.

Ayes: Julin, Yarish, Harle
Abstain: Kroot

3. Approval of Minutes - June 20, 1988.

Commissioner Harle requested the minutes be placed at the end of the Public Hearings.

C. SPECIAL ITEMS

AR-6 Quarry Mountain Incorporated, End of Tomohawk Drive, Nos. 177-220-50, 177-220-40 and 177-250-41, discussion of Town Council action on color selection appeal, establishing resubmittal process for selection of building colors and arrangement of time for viewing colors.

Bruce Burman and Doug Elliott, applicants, present.

Lisa Newman presented the staff report prepared for the meeting of July 5, 1988.

Mr. Burman said they were going to have the paint samples on the buildings by the end of the week and would like the Commission to schedule a meeting at the site at their earliest convenience and vote on the colors the same day. He felt the neighbors should be made aware and said some of the buyers are also interested in viewing the colors. Mr. Burman noted that the Mayor suggested an alternate color of a shade darker also be painted and the colors should be about 4' by 8' feet.

Mr. Elliott suggested that the Commissioners and any interested person might drive to Scenic and view the colors from across the valley.

Lisa Newman felt that because this is such a controversial issue it would be advisable to notice the neighbors.

Commissioner Harle agreed about noticing the neighbors and suggested the Commission convene at the site at 7:00 p.m. to view the color patches prior to the next regular Planning

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Commission meeting on July 18. This would allow for the 10 day noticing period.

Commissioner Julin suggested inviting a Councilmember to the site to view the color patches.

M/S Yarish, Julin to continue discussion of AR-6 Quarry Mountain Incorporated, End of Tomohawk Drive, Nos. 177-220-50, 177-220-40 and 177-250-41, discussion of Town Council action on color selection appeal, establishing resubmittal process for selection of building colors and arrangement of time for viewing colors to the meeting of July 18, 1988 to convene at a special time of 7:00 p.m. to the site and action to be taken that night at the regular meeting.

All ayes. Motion passed unanimously.

D. CONTINUED DETERMINATION OF VIOLATION

Nancy L. Thurmond, Oak Springs Drive A/P 5-291-60, determination of violation of creation of lot in accordance with Section 66499.36 of the Subdivision Map Act. (CONTINUED TO AUGUST 1, 1988)

E. CONTINUED PUBLIC HEARINGS

1. U-621 Church of Divine Man, 1381 San Anselmo Avenue, A/P Nos. 7-052-55, 7-052-55, 7-052-56, 7-052-57, 7-052-58 and 7-052-59, consideration of revocation of the use permit granted in May, 1987, for a church in an R-1 District. (CONTINUED TO JULY 18, 1988).

2. V-2238 Robert W. Brennan, 444 Scenic Avenue, A/P 7-031-12 and 7-031-13, a third story variance, a 9 foot frontyard variance to construct a garage within 11 feet of the front property line, and a 3 foot frontyard variance to construct an open deck within 11 feet of the front property line. (CONTINUED TO JULY 18, 1988).

F. PUBLIC HEARINGS

1. V-2239 - Gary and Fani Hansen, 27 & 37 Indian Rock Road, A/P Nos. 177-250-21 and 177-250-22, variance to construct an access driveway to 27 Indian Rock Road across 37 Indian Rock Road. (CONTINUED TO JULY 18, 1988).

2. U-627 Robin's Nest, 100 Shaw Drive, A/P No. 6-061-14, Use Permit for child care pre-school.

Lisa Newman presented staff report for the meeting of July 5, 1988.

The applicant added that the Robin's Nest is taking the premises of the French School and they do not anticipate an increase in traffic from the previous use.

The Commissioners felt this was a good use for the building.

M/S Yarish, Julin to approve U-627 Robin's Nest, 100 Shaw Drive, A/P 6-061-14, use permit for child care pre-school on the basis: that the establishment, maintenance, or operation of the use applied for 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 that the application is necessary for the preservation and enjoyment of substantial property rights of the petitioner.

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

3. V-2241 Ed Johnson, 26 Rutherford Avenue, A/P No. 5-126-04, a 20 foot frontyard variance to reconstruct a stone retaining wall in order to provide a parking space within the road right-of-way.

Ed Johnson, applicant, present.

Lisa Newman presented staff report prepared for the meeting of July 5, 1988.

Mr. Johnson felt this solution addresses the safety and parking problems.

Commissioner Julin supported the application but would have liked to see approval for two parking spaces.

Commissioner Yarish thought this was a good solution.

M/S Kroot, Yarish to approve V-2241 Ed Johnson, 26 Rutherford Avenue, A/P 5-126-04, a 20 foot frontyard variance to reconstruct a stone retaining wall in order to provide a parking space within the road right-of-way on the basis that due to special circumstances applicable to the property, specifically there is inadequate parking on Rutherford and other properties in the area also have similar off street parking; 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 situated; and 2. The granting of the variance is necessary for the preservation and enjoyment of substantial property rights of the petitioner, specifically that off street parking will be a benefit to the neighborhood; and 3. 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 to be conditioned by the applicant obtaining an encroachment permit from the Town and the step risers as noted in the staff report. This is based on the drawings dated December 4, 1987.

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

4. NU-61 Charles Kirk and Alexandra Ramsburg, 10 Bolinas Avenue, A/P 7-302-18, Use Permit for a second living unit.

Alexandra Ramsburg, applicant, present.

Lisa Newman presented staff report prepared for the meeting of July 5, 1988.

All the Commissioners were in support of this application but Commissioner Kroot questioned why staff recommended a separate water meter be installed.

Lisa Newman said there has been a request from MMWD stating that the water pressure was not sufficient to handle both the main dwelling and the second unit. As a courtesy, staff has included it as a recommendation to the Commission.

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Alexandra Ramsburg said the pressure really is not a problem and would rather not have separate meters at this time but in the future if there is water rationing then perhaps install it.

Commissioner Harle felt it would be an additional expense and thought it would be better if MMWD handled this matter directly with the applicant and not put a condition on this use.

M/S Julin, Kroot to approve NU-61 Charles Kirk and alexandra Ramsburg, 10 Bolinas Avenue, A/P 7-302-18, Use Permit for a second living unit. This approval is based on the findings listed in the staff report on page 2, items 1 through 8 incorporated by reference, with a condition that a building inspection be conducted to insure the second unit meets all applicable building codes. It was amended to include "at the time the unit was established".

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

5. Approval of Minutes - June 20, 1988

M/S Julin, Yarish, to approve minutes of June 20, 1988 with the following changes: Page 3, 4th paragraph, change "brite" to "bright"; Page 3, last paragraph, change "They have proposed earth walls..." to "They have proposed concrete walls, stepped back in two stages in lieu of one large retaining wall."; change "lineal" to "linear"; Page 4, paragraph 6, change"was unsure if" to" did not feel that"; page 4, last paragraph, item (1) change from ..."southerly neighbor" to ..."southerly edge of the garage door opening." page 6, paragraph 6, delete "not".

G. ADJOURNMENT TO JULY 11, 1988 PUBLIC HEARING ON DRAFT GENERAL PLAN AMENDMENT.

The special meeting of the San Anselmo Planning Commission was adjourned at 9:15 p.m. to the next special meeting on July 11, 1988.

BARBARA CHAMBERS
Administrative Secretary/Technician