

**TOWN OF SAN ANSELMO  
PLANNING COMMISSION MINUTES FOR AUGUST 17, 1992**

The regular meeting of the Planning Commission was called to order at 8:00 p.m. by Chairman Kroot in the Council Chamber. Staff present was Planning Director Ann Chaney and Planning Consultant Delvin Washington.

**A. CALL TO ORDER**

Commissioners Present: Harle, Hayes, Sias, Julin  
Commissioners Absent: None

**B. CONSENT**

- 1) Minutes - May 4, 1992
- 2) Minutes - July 27, 1992 Continued
- 3) Minutes - August 3, 1992 Continued
- 4) **V-9228 - F. Reinhard, 569 Sequoia Drive, A/P 6-119-17, a 9' rearyard variance for a self-contained spa to be within 11' of the rear property line; and a height variance for a fence enclosing the spa and deck to be up to 10' in height above grade, for property located within the R-1 Zoning District (above 150' mean sea level): AFTER THE FACT.**

M/S Sias/Harle to approve Consent Agenda. Motion carried with Julin to abstain on B1. Audience advised of the ten day appeal period.

**C. PUBLIC HEARINGS CONTINUED TO THE MEETING OF AUGUST 31, 1992**

1) **U-9203 - Jean Brunswick and LaMonte Cochran, 22 Magnolia, A/P 7-212-34,** a Use Permit to allow for a residential duplex, on property located within the P (Professional) Zoning District.

2) **V-9226 - Nancy Stewart and David Wilhelm, 53 Hillside Avenue, A/P 7-115-24,** an 8'6" front yard variance to construct a sunscreen/arbor within 11'6" of the front property line on property located within the R-1 Zoning District (Above 150' mean sea level).

**D. PUBLIC HEARINGS**

1) **V-9208 - John Oldfather and Holly Ford, 158 Pine Street, A/P 7-251-31,** 1) an 8' side yard variance and 18' front yard variance to allow two car parking in tandem within 0' of the side yard and 2' of the front yard setbacks on property located within the R-1 Zoning District.

The applicants were present.

Mr. Washington presented the staff report. He stated that staff became aware of the parking situation at the time of the site visit for the proposed addition. The applicants have now modified their plans to comply with the addition but the parking is still an issue. Many people use their garage as storage however in this case the applicants have blocked off the garage access by constructing a fence and garden. Staff is recommending denial.

Mr. Oldfather was very upset about the staff recommendation of denial. He stated that they made an effort to move the addition to within the required setbacks from the previous meeting but felt strongly that the Commission should grant the variance for parking. He indicated that for the nine years that they have lived in the house the garage they have always parked their cars in the driveway and not the garage. They keep the garage as a storage area and want to retain the garden and open space for his family. He stated that the lot was small and he did not see any reason why approval could not be granted. All the families on Pine Street park in the driveways. He also provided a petition of approval from his neighbors, including the neighbor most affected by the addition.

Mrs. Ford stated that there is a hedge between their driveway and the next door neighbor that would have to be significantly cut back if the garage was to be utilized. She stated that they do not have much storage space and the garage is used for their children's toys and bicycles. She also has a vegetable garden that she really would not like to lose.

Christi Corradi, 150 Pine Street, stated that many people park in their driveways, that this is not a detriment in the neighborhood, that the lots are very small and that the families want to utilize as much outdoor space as possible.

Director Chaney stated that if the Commission approved this variance the garage will never again be used as a garage and that this could set the tone in the neighborhood.

Commissioner Sias suggested putting wheels on the fence so that the structure would not be permanent.

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Mr. Washington suggested an alternative which was to deny the variance but allow the applicants to keep their current situation but at the sale of the property, the garage must be made accessible.

Ms. Chaney further suggested that if the Commission desires this, the intent should be recorded so there was no misunderstanding in the future.

That was agreeable with Ms. Ford however Mr. Oldfather felt that the denial was unfounded and that their request was reasonable.

Commissioner Hayes noted that the lot size was similar to other houses in the neighborhood and was unable to make the findings of special circumstances but was amenable to staff's recommendation. He stated that they recently had a project come before the Commission on Ross Avenue and a resident stated that living on Ross Avenue was like living in New York because the houses are so close together. He stated that he can now see the cumulative affect on all the additions and does not want that to happen to Pine Street.

Commissioner Julin supported the variance request on the basis that the lot is approximately 3,000 square feet smaller than the minimum lot size, and that it will not adversely affect or be a detriment to others in the neighborhood. The owners want to make the best use of the house and by utilizing the garage as storage rather than a garage is the best use for them. She felt that cars encroaching into the front setbacks is different than a structure and therefore did not feel this was a detriment.

Commissioner Harle was very much against this proposal but would support the compromise. If the Commission approved the variance it would authorize the conversion of a garage.

Commissioner Sias stated the garden was nice and well worth saving but feels strongly that if the variance was granted it would set a precedent within the neighborhood and ultimately change the character of Pine Street. The area could become very congested and in the future and he did not want to see that happen.

Chairman Kroot stated he could approve the variance. The garage was built in the time of horseless carriages and feels the need has changed. He felt that having garages in the rear could really be a detriment because the long driveway could be very noisy and puts cars and their fumes in the backyard. He liked the idea of moving the cars forward.

Mr. Oldfather stated that if they ever sell the property they would have to abate the garden. He did not understand why it was appropriate as a use now but would have to be abated in the future.

M/S Harle/Sias to deny V-9208 - John Oldfather and Holly Ford, 158 Pine Street, A/P 7-251-31, 1) an 8' side yard variance and 18' front yard variance to allow two car parking in tandem within 0' of the side yard and 2' of the front yard setbacks on property located within the R-1 Zoning District. Denial is based on the following: 1. Due to special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the controlling zoning ordinance or regulation deprives such property of privileges enjoyed by other property in the vicinity and under an 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 This lot is smaller than the minimum required 7,500 square feet. This is typical of most of the parcels along this portion of Pine Street. The house was constructed with two off street parking spaces of adequate size. Though these spaces project into the setback, their location in the rearyard has less of an impact than tandem parking located in the front yard. Therefore, staff cannot make this necessary finding to support a request to eliminate these spaces. Furthermore, access to these spaces can easily be maintained without affecting the livability of the property. 2. 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. The approval of the variance such as this one may set a precedent encouraging other neighbors along Pine Street to relocate their required parking to the front setback area. Further, that a recordation be made that the garage be cleared for use as a garage prior to the sale of the property. This is in the event that the garage structure continues that it should be restored to the original use as a garage.

Ayes: Harle, Sias, Hayes

No: Julin, Kroot

Motion carried. Audience advised of the ten day appeal period.

2) V-9225 - George H. and Velma Gregory, 5 Berlin Avenue, A/P 6-051-18, s 1' 2' side yard variance to construct a new bathroom and an addition to an existing bedroom on

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property located within the R-1 Zoning District.

Mrs. Gregory was present.

Mr. Washington presented the staff report.

Mrs. Gregory felt that the staff report was very good with the exception of the request for denial.

Denise Blades, 116 Saunders, said she was the neighbor to the west and she supported the proposal.

Commissioner Julin, Sias and Harle supported the variance.

Commissioner Hayes stated that if the addition was moved to the rear yard it would be difficult because of the wheel chair access, also it would look odd if placed in the rear and would cut off part of the yard. He felt the placement of the addition as proposed was the most logical area and therefore supported the variance.

Chairman Kroot agreed with Commissioner Hayes.

M/S Hayes/Julin to approve V-9225 - George H. and Velma Gregory, 5 Berlin Avenue, A/P 6-051-18, s 1' 2" side yard variance to construct a new bathroom and an addition to an existing bedroom on property located within the R-1 Zoning District. Approval is based on the following findings: 1. Due to special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the controlling zoning ordinance or regulation deprives such property of privileges enjoyed by other property in the vicinity and under an 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 The location of the structure on the lot in any other location would necessitate a variance that would be more of a detriment and because of the need for handicap access the addition as proposed the best location for the addition. 2. 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.

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

3) Water Well Ordinance - Town of San Anselmo - A General Plan Amendment and Ordinance Code Amendment to allow private domestic water systems and the adoption of a well ordinance relative to their construction, reconstruction, maintenance, removal and monitoring.

Director Chaney presented the staff report.

Commissioner Sias questioned the statement on page 2 that states "where is feasible". He wondered if it was definitive enough. Ms. Chaney stated that she will review the wording with the Town Attorney.

Commissioner Sias wondered about the statement of "source yield" on page 3, #3. Ms. Chaney stated that meant number of gallons per minute and this ordinance states there should be double the amount.

Chairman Kroot questioned what is considered "reasonable time". MMWD has been known to keep people on a waiting list for a long time and it is very unclear as to how long that might be.

Ms. Chaney said she will better quantify reasonable time. She also wanted direction on the negative declaration about growth inducement. Chairman Kroot did not see that this ordinance would further growth inducement because the lots already exist. Commissioner Hayes stated this might have more of a stress on the infrastructure but agreed it would not create more density and therefore he felt comfortable with checking "no" on growth inducement.

Chairman Kroot stated that because the Water District fluctuates politically and he was opposed to requiring individuals to hook up to MMWD.

Ms. Chaney thanked the Commission for their direction and asked if she could bring this back one more time for final adoption, perhaps on the Consent Agenda, for the first meeting in October.

M/S Sias/Hayes to continue Water Well Ordinance - Town of San Anselmo - A General Plan Amendment and Ordinance Code Amendment to allow private domestic water systems and the adoption of a well ordinance relative to their construction, reconstruction, maintenance, removal

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and monitoring. This is continued to October 5, 1992. Motion unanimously passed.

4) **Bald Hill Specific Plan Discussion** - General discussion on various aspects of a specific plan and its advantage and disadvantages.

Ms. Chaney said that she has received a letter from Hugh Cadden, one of the property owners on Bald Hill. He has indicated that without proper noticing to all the property owners on Bald Hill, he did not feel the Commission could discuss the issue. She stated that she discussed this with the Town Attorney and he felt that because it was agendaized it would be fine to discuss Bald Hill very generally, but not site specific. She said that she had a conversation with the Fire Chief and the Town Administrator and it was felt that it might be a good idea to have a joint meeting and include the Fire Department, Town Council, Planning Commission, Open Space and the property owners of Bald Hill.

In view of the Town Attorney's comments, the Commission decided to proceed as long as the discussion was general.

Ms. Chaney stated that she has included in her report the definition of a specific plan and the pros and cons of a specific plan. She also included her letter to MMWD regarding the 120,000 water tank.

Commissioner Julin asked if any of the contiguous parcels in Ross were in the process of developing in the near future.

Chairman Kroot wondered what the advantages were in developing a specific plan. Ms. Chaney stated that at the current time there is only one access in and out of the parcels and by developing a specific plan perhaps alternative routes could be made. A specific plan could also address open space access, water and sewer. The cost would be very expensive but could be charged as an assessment district to the new homeowners.

Commissioner Julin stated that a specific plan would be beneficial to the homeowners because there would only need to be one environmental document for the entire project and it would lift the burden and cost off of each property owner in that many of the controversies could be worked out up front. The project would be looked at as a whole rather than piece meal.

Commissioner Hayes wondered if the cost could be identified. He did not want to increase the road access to the site of the houses if there was an environmental impact on the area. He was not in favor of allowing development to be expedited on Bald Hill. Therefore the alternative was to do nothing.

Maryann Cowperthwaite, 141 Oak Avenue, questioned the total number of potential houses on Bald Hill. Ms. Chaney stated that the General Plan has allowed for anywhere from 35 to 40 homes in that area.

Jim Cowperthwaite, 141 Oak Avenue, suggested that Fairfax also be included in any future discussions. Because of the cost factor of a specific plan, would it be feasible to provide a minimal plan that includes open space.

Michael Gill, 663 Oak Avenue, stated that in light of Ms. Chaney and Commissioner Julin's discussion it seems like it would be an advantage for the property owners to have the specific plan. He has spent a lot of time and money and it has created a lot of staff time and Commission time just to get through one project. So in that light, he sees the advantage of a specific plan for future developers. He said that when he purchased his property he researched the area and he felt that the potential growth in this area would only be 15 houses, the rest of the homes staff referred to were below 450 feet and would not fall into this specific plan.

Jonathan Braun, 479 Scenic, felt that good planning is very important for the development of Bald Hill and a specific plan would be favorable. He felt it would be important on how the environmental review was structured. He said that he sat through the R-1H public hearings and it was clear to him that there was no discussion of the infrastructure. He favored the joint meeting with the various entities.

Commissioner Sias expressed that he wanted this to go forward cautiously.

Commissioner Julin favored the joint meetings.

Chairman Kroot favored the joint meetings, was concerned about the cost and was interested in the fire safety issues.

M/S Sias/Julin to direct staff to have a public meeting sometime in the future with Police Department, Fire Department, property owners, the Town Council, Planning Commission, Fairfax, Ross, property owners and the Town Engineer. Motion unanimously passed.

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**D. GENERAL DISCUSSION**

Ms. Chaney stated that the Council will be reviewing all Town Fees. She said that she normally would present this to the Commission first but because of the deadline will not have time.

**E. OPEN TIME FOR PUBLIC DISCUSSION**

**F. REPORT OF UPCOMING APPEALS TO TOWN COUNCIL**

Ted Posthuma, 379 Oak Avenue was heard at the last Council meeting and the Council continued the meeting for redesign.

The property owners of 165 Crescent were granted approval for the variance to increase the maximum 5,00 square feet at the last Council meeting.

Norman Charles, 25 South Oak Avenue, was appealed to the Council.

Michael and Linda Gill, 663 Oak Avenue was appealed to the Council.

**G. ADJOURNMENT**

The regular meeting of the San Anselmo Planning Commission was adjourned at 10:45 p.m. to the special meeting on August 31, 1992.

BARBARA CHAMBERS