

The Regular Meeting of the San Anselmo Planning Commission was called to order by Chairman Dan Goltz at 8:00 p.m. in the City Hall on March 3, 1975. Representing City Staff: C. R. Leitzell, T. J. Robbins.

1. Roll Call

Commissioners Present: Ainsworth, Goltz, Fischbein, Strassman, Ragan
Commissioners Absent: None

2. Approval of minutes of February 24, 1975

M/S Ragan, Fischbein the minutes be approved as amended. Passed unahimously.

Amendments: Commissioners present to approve February 18 minutes were two. Commissioner Fischbein was not present during their approval.

Pg. 1, 7th paragraph, 2nd sentence to read: "Although necessary to amend the ordinance to include C-2 zone, it is not necessary for their review by Design Review."

Chairman Goltz announced the item on City Facilities would not be heard (postponed until March 10 meeting). 268 San Francisco Boulevard was postponed until the next regular meeting; and an application for Use Permit to allow a motorcycle repair shop had been withdrawn.

3. Old Business

A. Continuation of Public Hearing on the Proposed Heritage Tree Ordinance

Mr. Robbins gave a brief outline of the purpose of the Tree Ordinance.

Public Hearing was opened.

Mr. Dave Malzahn, Acme Tree Service, P. O. Box 6247, Terra Linda, questioned whether the Public Works Department would issue permits. Yes.

Carl Baumsteiger, 1 Monterey Terrace, objected to the statement in the proposed Tree Ordinance "The necessity of tree removal in order to allow construction of proposed improvements and which could not be reasonably built elsewhere to allow reasonable economic use of the property". He felt a person should be able to build wherever he wanted to. This was just one more requirement, He also believed the 10" diameter was too small.

Myra Walsh, 15 Miwok, questioned how come fruit trees had been excluded. Mr. Robbins explained it was to allow for good agricultural practices. The annual pruning necessary for fruit trees would not require a permit, nor would their removal.

Commissioners Ragan and Ainsworth agreed if a person was within setbacks, and in the absence of conflict with a true Heritage Tree Ordinance, he should be able to build where he wanted.

Commissioner Fischbein noted that the policy list, as discussed at the last meeting, was missing. The wording "unless specifically noted on a species list herein contained" was suggested under the definition of "Tree" in the proposed ordinance.

Mr. Leitzell stated it would be better to list trees the City did not want to control.

Chairman Goltz suggested that we keep a list and make the diameter bigger.

Commissioner Fischbein stated the Heritage Tree Ordinance was not just for prominent trees, but for conservation as well.

Commissioner Strassman stated the Commission had added so many things that the ordinance was now impossible. The Commission should say which trees should be controlled, other species could

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indicate mature size or significant value in screening or in reducing erosion. This would cut the ordinance down.

Commissioner Ragan suggested the Commission address themselves to The Heritage Tree Ordinance. For reference material, see the City of Larkspur's Heritage Tree Ordinance.

M/S Ragan, Fischbein we continue this public hearing to March 10, 1975. Passed unanimously. P/C March 3, 1975

B. Use Permits/Variances

- 1. U-349 - The Decoratory, 222 Butterfield Road, Review of GPC Creek Conservation conflict.

Bob Nolan, representing applicant, was present.

Mr. Robbins told history of this application. A building permit was issued after this use permit was approved last month. However, the Creek Ordinance has now been delayed so this application is again in conflict with the General Plan. A stop work order was issued February 26. Commission was to make determination whether applicant could proceed with house.

M/S Ragan, Strassman U-349 at 222 Butterfield Road, A/P 5-052-44 be approved, application to construct a single family dwelling in a GPC Zone because there is no apparent conflict with the General Plan. Passed unanimously - P/C March 3, 1975.

Motion regarding U-349... construction of the footbridge above creek bed and the General Plan.

Amendment was changed as follows:

M/S Fischbein, Ragan to approve U-349 application to construct single family dwelling because although in conflict with General Plan, the following conditions of footbridge erected with the bottom portion 10' above creek bed will alleviate this conflict.

Motion carried: Ayes: Ainsworth, Fischbein, Ragan, Strassman
Nays: Goltz

M/S Ragan, Fischbein to deny that portion of VAR-574 pertaining to construction of carport at 222 Butterfield Road, A/P 5-052-44 on the grounds that conditions for a variance do not exist. Passed unanimously - P/C March 3, 1975.

M/S Ragan, Ainsworth to approve VAR-574, 222 Butterfield Road, A/P 5-052-44 a 10' rear yard variance to allow construction of the dwelling within 10' of the rear property line on the justification of saving mature trees in the front yard; approve a 0' front yard setback for two parking spaces on the basis of no other space on site available. Passed unanimously - P/C March 3, 1975.

- 2. U-385/VAR-592 and U-386/VAR-593, 409 and 413 Sequoia, A/P 6-117-07 and 6-117-06, Application for GPC use permit to allow construction on one single family dwelling on each of two adjacent lots and 20' front yard variance to allow construction of an approach ramp and carport.

Applicant was present. Staff reviewed reasons why this application had been returned to the Planning Commission.

Richard M.D. Childs, questioned whether there would be

any tree removal. No. He was also concerned with their design. Peter Hulk, 250 Sequoia felt carport variance for 409 Sequoia is dangerous. The granting of this variance would create a threat to the safety in the area.

Mr. Signorelli was disturbed about previous mention of the point system. This did not apply to San Anselmo, as yet. Also, single family dwellings were excluded. Commissioner Goltz stated the point system was part of San Anselmo General Plan Housing Element and the San Anselmo City Council has voted to participate with county.

M/S Ainsworth, Ragan to approve U-385 and U-386 application for construction of single family residential dwelling in a GPC Zone on A/P 6-117-06, 413 Sequoia and A/P 6-117-07, 409 Sequoia on the basis that while there is a substantial probability that the proposed use will be inconsistent with the General Plan (Open Space and Health & Safety in regards to slope stability in our General Plan, with policy statements in the Open Space Element regarding visual and aesthetic conditions, with the Safety Element with regard to fire and with the Circulation Element with regard to access in the street) may be eliminated by the following conditions:

1. That a special engineering and soils report satisfactory to the Director of Public Works be furnished by applicant;
2. That plans be subject to review by Design Review Committee;
3. That a new fire hydrant be installed near Parcel 07; and
4. That street improvements with curb and gutter be required.

Motion carried: Ayes: Ainsworth, Goltz, Ragan, Strassman
Nays: Fischbein

M/S Ragan, Strassman to approve VAR-592 and VAR-593 for A/P 6-117-06 and 07, 406 and 413 Sequoia for 0' frontyard setback at these addresses on the basis that steep slopes constitute hardship and that these variances are justified.

Further move that the car deck on A/P 6-117-07 be so located to save mature oak tree shown on drawing dated 12/20/74.

Motion carried: Ayes: Ainsworth, Goltz, Ragan, Strassman
Nays: Fischbein

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3. U-376 - Geoff and Laura Johnson, 43 Indian Rock Court, A/P 177-250-06 Application to construct a single family dwelling.

Applicant was present. Staff explained situation of this application.

Applicant stated he was not in conflict with the Proposed Trails in the General Plan.

Mr. Carl Baumsteiger, 1 Monterey Terrace stated he did not feel the use permit should be subject to proposed ridgetop ordinance. He felt it was not legal.

Commissioner Ragan could not agree with conflict of ridgetop ordinance. Commissioner Ainsworth did not feel house built in the upper elevation anyway.

Chairman Goltz felt the specific conflicts were: Ridgetop, stability, Health & Safety and Open Space.

M/S Fischbein, Strassman to approve GPC use permit for A/P 177-250-06 for Geoff and Laura Johnson on the basis that although there is a substantial probability of conflict with the General Plan in terms of this parcel falling within 75' limit proposed in special Ridgetop Ordinance and this parcel being in the Health & Safety slope stability (4), these conditions can be overcome with the following requirements:

1. That the building site be located below the 280' elevation

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line so as not to be in conflict with the proposed Ridgetop Ordinance;

2. Soils engineer and geologic report be submitted by an engineer chosen by Public Works Department; and,
3. That the building be brought before Design Review Committee for approval.

Motion failed: Ayes: Fischbein, Goltz
 Nays: Ainsworth, Ragan, Strassman
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Mr. Ed Poser, 57 Indian Rock Court told Commission the City could get into trouble if applicant was asked to hire an independent soils engineer.

M/S Ragan, Ainsworth that U-376 for Geoff H. and Laura Johnson, A/P 177-250-06, 43 Indian Rock Court, (Indian Rock Subdivision 2) be approved on the grounds that there is a probability of conflict with Health & Safety in Zone 4 and that these conditions can be resolved by the following conditions:

1. That a special soils report acceptable to City Engineer be provided by applicant;
2. Applicant's plans for dwelling be submitted to Design Review for their review and approval.

M/S Fischbein, Goltz to add: The use also falls within a conflict with the General Plan, specifically with the Proposed Ridgetop Ordinance and to overcome this conflict the applicant would be restricted to building below his 175' wline, specifically, no higher than 280'.

Amendment failed: Ayes: Fischbein, Goltz
 Nays: Ainsworth, Ragan, Strassman

Motion carried: Ayes: Ainsworth, Ragan, Strassman
 Nays: Fischbein, Goltz
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4. U-388 and U-389, Jim Reed, 46 and 54 Miwok, A/P 177-263-02 and A/P 177-263-01, Application to construct single family dwelling. Applicant was present

Commissioners observed noticeable slippage in front of lots.

Commissioner Strassman felt these two lots were in conflict with Open Space Element. These would be the first lots to an unencroached canyon.

Conflict includes streams, safety, seismic stability and open space.

M/S Ragan, Strassman we refer back U-388 and U-389, 46 and 54 Miwok Drive, A/P 177-263-02 and A/P 177-263-01, Zoned R-1 back to the applicant Mr. James Reed to be heard April 7, 1975, for the purpose of determining exact location of the rear property line and to consider the possibility of combining Lots 01 and 02 into one building site.

Motion carried: Ayes: Ainsworth, Fischbein, Goltz, Ragan, Strassman
 Nays: None

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5. U-390 and U-391, 19 and 11 Indian Rock Road., A/P 177-250-20 and A/P 122-250-19, Application to build single family dwelling.

M/S Ragan, Ainsworth, U-390, A/P 177-250-20 part of Indian Rock Unit I, a resubdivision of a portion of Short Ranch Unit 1 and 2 be approved on the grounds that while in conflict with the General Plan, insofar as soil stability is concerned, that this can be overcome by the applicant being required to submit a special soils report to the City Engineer for his approval and also that the plans for the dwelling be submitted to Design Review Committee for their scrutiny.

Motion carried: Ayes: Ainsworth, Fischbein, Goltz, Ragan Strassman
Nays: None

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M/S Ragan, Ainsworth, U-391, A/P 177-250-19 part of Indian Rock Unit I, a resubdivision of a portion of Short Ranch Unit 1 and 2 be approved on the grounds that while in conflict with the General Plan, insofar as soil stability is concerned that this can be overcome by the applicant being required to submit a special soils report to the City Engineer for his approval and also that the plans for the dwelling be submitted to Design Review Committee for their scrutiny.

Motion carried: Ayes: Ainsworth, Goltz, Ragan, Strassman Fischbein
Nays: None

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Commissioner Fischbein excused herself from meeting.

6. U-392, Jim Reed, 49 Indian Rock Court, A/P 177-250-07, Application to construct a single family dwelling.

Ed Poser, 57 Indian Rock Court felt there should be an access corridor to the ridge.

M/S Ainsworth, Ragan to approve U-392, A/P 177-250-07, 49 Indian Rock Court, Lot 49 on the grounds that while there is substantial probability of conflict with the General Plan, slope stability and the Open Space and Conservation Element requirement that natural drainage channels be maintained, these conflicts may nevertheless be satisfied by applicant satisfying following conditions:

1. Providing special soils report satisfactory to City Engineer;
2. That plans and specifications be referred to Design Review Committee with special attention invited to screening;
3. Any drainage problems which may occur from construction be resolved to satisfy the City Engineer.

Motion carried: Ayes: Ainsworth, Ragan, Strassman.
Nays: Goltz

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7. U-393, Jim Reed, 10 Indian Rock Court, A/P 177-250-15, Application fo construct a single family dwelling.

Chairman Goltz announced a letter had been received from Robert and Elsie Maddux, 18 Indian Rock Court opposing this application (copy of which can be found in file U-393).

M/S Ragan, Strassman, U-393, A/P 177-250-15, 10 Indian Rock Court be approved despite the fact it is in conflict with the General Plan regarding soil stability and conservation, however, these problems can be overcome by applicant being required to:

1. Provide City Engineer with a competent report by soils specialist which is acceptable to the City Engineer.

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2. Submitting to Planning Commission, tentative plans for April 7 meeting, prior to construction showing location of the dwelling with particular reference to location of trees on the property;
3. That the plans for dwelling be referred to Design Review for their scrutiny.

Motion carried: Ayes: Ainsworth, Goltz, Ragan, Strassman
Nays: None

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8. U-396, Bouquet Al Carte (Milton Delaney), Applicant 100 Center Boulevard, A/P 6-101-04, Application for the outdoor display and retail sale of cut flowers.

Applicant was present.

M/S Ragan, Strassman to approve U-396, application for outdoor display and sale of cut flowers at Guasco Market (located immediately to the right of the entry way and under the existing building overhand) for Milton Delaney, 100 Center Boulevard, be approved on the basis that this operation is not a detriment to the neighborhood.

Motion carried: Ayes: Ainsworth, Goltz, Ragan, Strassman
Nays: None

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9. U-397, Ned Dillon, 89 Woodside Drive, A/P 5-273-03, Application to construct a single family dwelling.

Applicant was present.

M/S Ainsworth, Ragan to approve U-397, A/P 5-273-03, 89 Woodside Drive, on the grounds that while there is a substantial probability of conflict with the General Plan with respect to Health & Safety Open Space, slope stability, policy and conservation of vegetation, these conflicts may be eliminated by the following conditions:

1. Applicant submit a special soils report and foundation design satisfactory to City Engineer;
2. Leave existing vegetation on the ancient slide area undisturbed.

Motion carried: Ayes: Ainsworth, Ragan, Strassman
Nays: Goltz

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10. U-398, Stop 'N Go Market, 807 San Anselmo Avenue, A/P 7-162-17, Continued store hours between 11:00 p.m. and 6:00 a.m.

Applicant was present.

J. Paxton, Attorney for National Convenience Stores was present. He stated they wanted to reinstate store hours. They have really improved landscape, signs. Mr. Paxton submitted a petition to the Commission signed by customers of the store.

M/S Ragan, Strassman to approve U-398, application for a conditional use permit to continue operation between the hours of 11:00 p.m. and 6:00 a.m. for the Stop 'N Go Market, 807 San Anselmo Avenue, A/P 7-162-17, on the basis of no detriment to the neighborhood, and to provide substantial property rights of the applicant subject to the following conditions:

1. That the property and surrounding area be kept

clean of store and merchandise debris;

- 2. ~~That landscaping be adequately maintained and dead or dying plants be replaced as necessary.~~
- 3. That, as necessary, private policing of the outdoor areas be provided during the 11:00 p.m. and 6:00 a.m. hours to prevent disturbances to the neighborhood resulting from the late hour operations;
- 4. Use permit to be reviewed in three months or upon violation of any above condition or if the late hour operation creates a nuisance in the neighborhood.

Motion carried: Ayes: Goltz, Ragan, Strassman
 Nays: Ainsworth

P/C March 3, 1975

C. Variances

- 1. VAR-596, J. W. Rowley, 10 Oak Avenue, A/P 7-266-21, request 5' sideyard and 5' frontyard setback to construct addition to house.

Applicant was present.

Commissioner Strassman questioned applicant as to what he thought the extraordinary conditions were which would justify the granting of a variance.

Mr. Rowley replied it was a small house and the one it was hard on was his wife (who had to live in it all day).

M/S Strassman, Goltz that VAR-596, for J. W. Rowley, 10 Oak Avenue, A/P 7-266-21 be denied on the basis that we cannot find that there are exceptional or extraordinary conditions applying to the land, building, or use referred to in the applications, which circumstances or conditions do not apply generally to other land, buildings, and/or uses in the district; or that the granting of the application is necessary for the preservation and enjoyment of substantial property rights of the petitioner.

Commission told applicant that if he wanted to put over this application they might be willing to retract motion.

Applicant was willing. Commissioner Strassman withdrew motion, Chairman Goltz withdrew second.

M/S Ragan, Goltz this matter be held over to our meeting of April 7, 1975. Passed unanimously.

P/C March 3, 1975

4. ADJOURN

M/S Strassman, Ragan we adjourn. 2:00 a.m.

DAN GOLTZ, CHAIRMAN
SAN ANSELMO PLANNING COMMISSION

By Catherine Carpenter
Catherine Carpenter
Planning Secretary

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