

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 February 3, 1975. Representing City Staff: T. J. Robbins, Associate Engineer/Planner.

1. ROLL CALL

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

2. APPROVAL OF MINUTES OF JANUARY 27, 1975

M/S Ragan, Fischbein the minutes of January 27 be approved as prepared. Passed unanimously.

Before continuing on with "Old Business", Chairman Goltz read Resolution 1567 commending Cynthia Barrows for the fine job she had done for the City of San Anselmo. This Resolution and a certificate would be presented to her.

3. OLD BUSINESS

A. CONTINUATION OF PUBLIC HEARING

1. Proposed Ordinance Allowing Take-Out Food in C-2 Districts

Commission felt the C-2 area should be restricted to Ross Avenue and Bolinas Avenue. Any action on this proposal should be put off.

M/S Ragan, Fischbein that the Proposed Amendment to Section 10-3.1002(f) of the San Anselmo Municipal Code be referred to the City Council with the recommendation that this item be tabled until completion of our General Plan. Passed unanimously.

B. CONTINUED USE PERMITS/VARIANCES

1. U-370/VAR-598 - Donald Walters, 84 Madrone Ave., Application to construct manager's office. Variance from creek ordinance and from parking space size requirements.

Applicant was present and had reviewed Staff Report.

Applicant stated he and his partner were trying to upgrade this complex. Trees were never cared for, an addition for the manager's apartment was never included (for privacy) and they were trying to accomplish these goals.

Commission felt there was no hardship to justify a variance and did not approve of revising the S-PD.

M/S Ragan, Strassman, U-370 for Donald Walters at 84 Madrone Ave., A/P 6-053-21 application for a revised S-PD Use Permit be denied on the grounds that the revised plan does not provide an acceptable parking arrangement.

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

M/S Ragan, Strassman, application for 34' creek ordinance setback to allow construction of a manager's office within the creek setback distance be denied on the grounds that there is no hardship to justify granting of variance. Passed unanimously.

2. U-349/VAR-574 - The Decoratory, 2222 Butterfield Rd., Application for GPC Use Permit, 10' variance from rear yard setback, 0' front yard setback for carport and variance from creek setback requirements to construct footbridge over creek.

Applicant was not present, but the contractor, Bob Nolan wished to represent the applicant. He stated he was in agreement with everything in Staff Report except for denial of the carport, as he knew applicant wanted it. They would, however, settle with a parking area.

Chairman Goltz thought dual use of the existing footbridge serving the adjacent lot should be considered.

M/S Strassman, Ainsworth that U-349 at 222 Butterfield Rd., 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.

M/S Fischbein, Ragan regarding VAR-574, 222 Butterfield Rd., A/P 5-052-44 to approve a 10' rearward 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' frontyard setback for two parking spaces on the basis of no other space on site available; approve a variance to construct a footbridge because it is the only means of access to the property which would be independent of any easement with adjacent property, provided elevation of the bottom portion shall not be less than 7' above creek bed.

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

M/S Ainsworth, Fischbein to deny VAR-574, application for a carport at 222 Butterfield Rd., A/P 5-052-44 on the basis of conflict with the Creek Ordinance and also wother conditions for a variance do not exist. Passed unanimously.

3. VAR-591 - Carol P. Roberts, 122 Allyn Ave., Application for a 17' frontyard variance to allow construction of an enclosed garage on an existing two-car parking deck.

Applicant was present and had reviewed Staff Report. No one was present in the audience to speak on this application.

Commissioners Strassman and Fischbein felt there were other ways of protecting the house/children then by building a garage.

M/S Fischbein, motioned to deny VAR-591, application for a 3' frontyard setback for construction of an enclosed garage on A/P 7-092-17 at 122 Allyn Avenue, on the basis that conditions to grant a variance are not sufficient.

Motion died for lack of second.

M/S Ainsworth, Ragan to approve VAR-591, application for 3' frontyard setback for construction of enclosed garage on A/P 7-092-17 at 122 Allyn Avenue on the basis that there is a condition of this particular application where safety of neighborhood children is a problem, this variance is necessary for granting property rights of applicant and this application is not detrimental to the health and welfare of the neighborhood.

This application is to be referred to Design Review for construction.

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

4. U-385/VAR-592 - Robert C. Martin, 413 Sequoia Drive, A/P 6-117-07, Application for GPC use permit to construct single family dwelling and 0' frontyard setback for construction of carport.
5. U-386/VAR-593 - Robert C. Martin, 409 Sequoia Drive, A/P 6-117-07 Application for GPC use permit to construct single family dwelling and 0' frontyard setback for construction of carport.

These two applications were heard simultaneously. Applicant was present and had reviewed Staff Report.

Commissioner Ainsworth asked whether it was known whether this area

13

fell into Health & Safety Open Space. Staff stated that a soils and geologic report would be required before a building permit was issued. Mr. Martin had already supplied Staff with a soils report.

Commissioner Strassman stated that the lots were most difficult to build upon. He had no objections to the lots being used, but the thing that bothered him was the lack of imagination used on the design of the house. It would be the most difficult type of house to hide.

M/S Fischbein, Ainsworth to deny U-385 and U-386 applications for construction of single-family residents in a GPC Zone on A/P 6-117-06 (413 Sequoia Drive) and A/P 6-117-07 (409 Sequoia Drive) on the basis that there is a substantial probability that the proposed use will be in conflict for the following reasons:

1. That these marginal lots in the proposed Control Growth Plan and point system, might rate a low priority and
2. That these applications may be in conflict with the proposed Health & Safety Open Space implementation due to soil conditions, and steepness of lots.

Passed unanimously.

4. NEW BUSINESS

A. PUBLIC HEARING: Proposed Heritage Tree Ordinance

Mr. Segale, 21 Holstein Rd., asked the Commission whether this ordinance included fruit trees. He did not want to have to ask permission each time he wished to rotate his crop. Chairman Goltz agreed with this.

Mr. Segale asked who was liable if permission to remove or alter a tree was denied.

Staff was asked to indicate to Hadden Roth that the Commission would like a list kept in the Public Works Dept., as referenced in the ordinance; if referenced legal. (Later decision by Planning Director: Legal - City Attorney's opinion not required.)

M/S Fischbein, Strassman to return the ordinance referring to Chapter 13 of Title 4 of the San Anselmo Municipal Code back to the City Attorney for updating per the recommendations made by the Planning Commission and to include under "tree" reference to a list of trees or a policy statement for a list of trees to be maintained by the Director of Public Works. This list to include species with their growth rate of maturity.

This public hearing is to be continued to the meeting of March 3, 1975.

Passed unanimously.

B. USE PERMITS

1. U-387/VAR-594 - Chai Wang Chan, 340 Sir Francis Drake Blvd., A/P 6-251005. GPC use permit to allow remodeling for chinese restaurant and variance from parking requirements.

Representative for applicant was present. Staff report had not been reviewed.

M/S Ragan, Strassman that U-387, application for a GPC use permit to change a commercial zone and construct a building addition at 340 Sir Francis Drake, A/P 6-251005, Zoned C-3 be approved on the basis of no apparent conflict with the future General Plan. Passed unanimously.

M/S Ragan, Ainsworth that VAR-594, application for variance from parking requirements for an enlarged operation in a commercial zone for Chai Wang Chan, 340 Sir Francis Drake, A/P 6-251-05 and as outlined on the alternate Plot Plan dated Feb. 3, 1975 be approved on the grounds that no reasonable parking is available and that the use will not be detrimental to people or property in the neighborhood. Passed unanimously.

2. U-394 - Jose Pons, 87 Red Hill Ave., A/P 6-201-02, Application For fish and wine market. Zoned C-3

Applicant was present and had reviewed Staff Report.

Commissioner Ragan asked Staff whether or not it was true that this work had been started last Fall and there was a lot of pre-construction without a permit. This should have been mentioned in the Staff Report. Commissioner Ragan also mentioned that he had talked to the people next door whose business had been hurt because this applicant had gone ahead without a building permit.

M/S Ainsworth, Strassman to approve U-394, application for the off-sale business of selling alcoholic beverages and fish in a GPC Zone for Jose Pons, 87 Red Hill Avenue, A/P 6-201-02.

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

C. VARIANCES

1. VAR-595 - Bruce R. Hall, 29 Tamal Avenue, A/P 6-042-17, Application for 2' sideyard setback to construct two floor addition.

Applicant was present and had reviewed Staff Report. Applicant stated that no one in the neighborhood had had objections.

Commissioner Ragan felt there was no justification based on the size of the lot.

Commissioner Ainsworth felt a 2' setback was too small, it should be moved back.

Commissioner Fischbein agreed with Commissioner Ainsworth. She felt it was compounding errors and it would be detrimental to the neighborhood.

Commissioner Strassman also agreed with Commissioners Ainsworth and Fischbein and stated he would not vote for the 5' variance either.

One neighbor was present, his name was not recorded, who was all in favor of the application.

M/S Ragan, Fischbein to refer VAR-595 application for two story addition at 29 Tamal Avenue, A/P 6-042-17, back to the applicant, Bruce R. Hall, for consideration of constructing the addition 5' from the property line and resubmit for Commission's consideration.

Applicant stated he preferred having a decision tonight and would settle for a 5' sideyard setback.

M/S Ragan, Ainsworth that VAR-595, Bruce R. Hall, 29 Tamal Ave., A/P 6-042-17 application for a 3' variance to allow construction of a two floor dwelling addition 5' from the property line be approved with the stipulation that the proposed floor plan and site plan, as modified at the meeting of Feb. 3, 1975, dated August, 1974, be utilized for the reason that the narrowness of the lot justifies the variance and will not cause any hardship or adverse effect to the neighborhood.

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

3. VAR-597 - Harold Dougan, 135 Woodside Drive, A/P 5-272-03, 5' sideyard variance and 10' frontyard variance for swimming pool.

Applicant was present and had read Staff Report.

There were no objections to this application.

M/S Ragan, Ainsworth to approve VAR-597 for Harold Dougan at 135 Woodside Drive., A/P 5-272-03 application for a 3' sideyard variance and a 10' frontyard variance to allow construction of a swimming pool 5' from the side property line and 10' from the front property line on the basis that a site hardship exists in that the only area that would allow the pool without a variance (rearyard) is constricted by a steep, rock slope; that this would afford property rights consistent with Code requirements at the time of the subdivision; and that the pool will not be a detriment to the neighborhood.

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

5. MATTERS FOR CONSIDERATION

Commission was requested to hear six GPC Use Permits prior to the next regular Planning Commission meeting as there had been a mix up which prevented them from being heard at this meeting. It was decided they would be heard March 3, 1975.

6. CORRESPONDENCE

None

7. ADJOURN

M/S Ragan, Fischbein to adjourn to the Special Meeting of February 10, 1975 to discuss Open Space, Trails and Bikeways with Advance Planner

DAN GOLTZ, CHAIRMAN
SAN ANSELMO PLANNING COMMISSION

By Catherine Carpenter
Catherine Carpenter
Planning Secretary

16
A quorum was not met, no official action could be taken at the meeting of February 18, 1975. The following is a brief outline of what was covered between Dan Goltz, Lyn Fischbein, David Strassman and Al Solnit at that date.

Open Space

Al Solnit stated that since we were unhappy with the present Open Space Element some changes should be made. The present Open Space was based on Health and Safety.

Two areas for public Health and Safety would be, the unstable areas (determined by the survey made by the Division of Mines and Geology designated 3 and 4) and areas having a slope over 30%.

Open Space Districts for San Anselmo and Sleepy Hollow combine with the County Open Space. The San Anselmo Plan will have the same concept as the County regarding ridges, except that San Anselmo has finger ridges which are also important.

Some lots cannot be restricted by Health & Safety, but the Advance Planner felt there were other restrictions such as access, fire, water, etc.

Mr. Solnit recommended that the building policy on unstable lands be very restrictive; low density and a geologic engineer to prove a safe site.

Mr. Baumsteiger stated he thought the map presented, showing areas of instability, placed a stigma on these lots.

Trails and Bikeways

The Advance Planner stated that there was a right-of-way bordering the Tamalpais cemetery which would provide a bike trail connecting Red Hill School to Sun Valley area in San Rafael.

The Advance Planner also felt that Bald Hill should be acquired. This is still private land and connects to the Water District land.

Another good road for bikes would be The Alameda which runs parallel to Butterfield Rd. Although most of this is unaccepted by the City it could provide for a good road.

Those persons representing Sleepy Hollow wanted to make it safe for bikes to use Butterfield Rd.

The Advance Planner stated that the smaller trails would, through practicality, be used primarily by neighborhood residents. Streets were the starting points of the trail system going into Open Space lands. The purpose is to keep the vehicles away from Open Space areas. Where a trail may touch on private property the City would have to get an easement. No condemnation, but negotiate where possible.

Commissioner Goltz stated that the proposed trails were usually an extension of what already exists; trails off lots that point to key ridges or open space areas.

Commissioner Strassman stated the Commission was trying to show acknowledgement of the concept of trails. If negotiation with a particular landowner is not possible then keeping in mind we want to get to a certain point we have to realign our thinking. Commissioner Strassman hoped the language would indicate that the trails was only a concept; that locations now shown was a way to get to a desired point.

Commissioner Goltz felt the Permanent Open Space areas should be reflected on the trail map.