

The regular meeting of the San Anselmo Planning Commission was called to order by Chairman John F. West at 8:00 p.m. on April 14, 1969 in the City Hall, after having been postponed on April 7, 1969. Representing the City Staff: John O'Rourke

1. ROLL CALL

Commissioners Present: Creighton, Gue, Perry, West  
Commissioners Absent: Heinecke, Moore, Tusler

2. APPROVAL OF MINUTES OF MARCH 17, 1969

Commissioner West asked to have the minutes of March 17, 1969 corrected as follows: Page No. 2, line 32, omit the words "a little". Page No. 3, line 18, should read: "the San Anselmo Avenue property. That the use on the Saunders".

With the above corrections, Commissioner Gue moved the minutes of March 17, 1969 be approved, seconded by Commissioner Perry and unanimously approved.

3. OLD BUSINESS

None

4. NEW BUSINESS

A. USE PERMIT

- (1) U-157 DR. GAR C. MAY. Application for additional independent living quarters for domestic help at 24-28 Ash Avenue. A/P 5-194-23

Staff reports were read. An objection to the use by Mrs. Naomi Martin, which had been received via the telephone, was read.

Dr. May said the driveway was too steep for his cars and he intended to remodel this, subsequently going through Design Review, but the reason he was applying for the use permit was to enable his baby-sitter - maintenance couple to live in an already existing studio apartment on the ground floor of the duplex, the building having two other dwelling units on the main floor. The lot is zoned R-2.

Commissioner Perry thought the questions seemed to be whether this application would, in effect, change the zoning of the property from R-2 to R-3.

Dr. May said he had no idea of using the third unit as a rental unit, now or ever.

There was no one in the audience to speak on the application.

Commissioner Perry said he had no objection as far as the multiple use was concerned; there is other multiple use in the area; however, he was worried about the parking problem which is inadequate for the existing duplex use.

Commissioner Gue said he felt this would be allowing a tri-plex in a duplex zone with inadequate off-street parking.

Commissioner West pointed to the fact at our present ordinance requires a 20 foot setback for garages, plus 2 parking spaces for each unit of a duplex; he felt favorable action on this application would be to grant de facto R-3 zoning by use permit, and he felt a proper approach would be to request rezoning. He pointed out that the lot size is approximately 4,300 square feet which is well below the 7,500 minimum lot size under the present ordinance.

Commissioner Gue moved that U-157, application of Dr. Gar C. May for additional living quarters for domestic help at 24-28 Ash Avenue be denied because to approve this application would, in effect, rezone the lot to R-3 from the present R-2; it would compound an inadequate off-street parking situation that presently exists.

Motion seconded by Commissioner Perry and Unanimously approved.

The applicant was informed of his right to appeal the decision to the City Council within ten days.

#### B. VARIANCE APPLICATIONS

- (1) ADJ. 394 EUGENE DEPRADO. Application for a 20 foot variance in frontyard setback and an 8 foot to 0 variance in sideyard setback to construct an approach ramp at 243 Redwood Road.  
A/P 7-095-39

Staff report was read. Mr. dePrado explained the 5 foot easement alongside the property was actually a 5 foot sewer easement on the Johnson property; he also said his development would not require the use of this particular sewer easement. He said the driveway easement across his property was held by Mr. William Scalapino as access to his lot, and he had spoken to Mr. Scalapino, who was unwilling to relinquish this easement. Mr. dePrado said the grade of the lot was too steep to use a regular driveway access, and there were some very old oak trees on the lot which he wished to preserve, and this was the reason he was requesting a variance to construct an approach ramp and for the parking deck to encroach approximately 4 feet into the frontyard setback. The narrowness of the lot, together with Mr. Scalapino's easement necessitates the sideyard variance request.

Commissioner West said he thought it would be possible, with careful work, to construct a driveway down onto the property from the roadway and this would achieve a beneficial effect for the neighborhood. He said he felt Mr. Scalapino was involved in Mr. dePrado's problem, and said he felt the two owners should get together to work out a common access for both lots.

Commissioner Creighton said he did not feel it was a practical approach to try to get down on the ground with a driveway on an 18 foot section, he felt egress from a driveway of this nature would be unsafe.

Commissioner Gue said he thought a 6 foot retaining wall with fill might solve the approach problem.

Mr. dePrado said he had applied for a similar variance several years ago, and at that time he was told by the Planning Commission to see if he and Mr. Scalapino could get together to work out a solution to the problem; he said this time he had contacted Mr. Scalapino, and he had refused. Mr. dePrado said also, that to ramp down would create a very dangerous situation in backing out of the lot, since one would be backing uphill. For safety sake, he would like a level ramp to the parking deck, and to save the large oak tree at the corner of the proposed house, he would like to be allowed to construct his regulation size parking deck 16 feet from the property line rather than the required 20. He said he has studied the terrain thoroughly and almost all of the neighboring properties had used a similar approach.

Commissioner West said he felt the Commission should consider the future development of adjacent property (Mr. Scalapino's property) now.

Commissioner Perry moved that the application of Eugene dePrado for a 0 frontyard and 0 sideyard setback to accomplish the construction of a parking deck and access ramp pursuant to the amended plan of April 10, 1969 be approved on the grounds that there is a hardship presented by virtue of the topography of land and the limited use of the parcel because of an easement serving the Scalapino property, and that the proposal presents an apparent solution to what might otherwise be a safety problem in getting on and off Redwood Road.

Motion seconded by Commissioner Creighton and failed to pass with a tie vote.

AYES: Commissioners Perry and Creighton

NOES: Commissioners Gue and West

4/14/69

Commissioner Gue voted no because he said he thought maybe alternate solutions could be developed, and he didn't like to see the loss of off-street parking by the shortening of the ramp as proposed in the plan.

Commissioner West said he voted no for the reason that he felt that access could be developed on the ground by use of retaining walls and other methods. Further he stated that should such access be developed, he would be prepared to consider variances, if need were properly demonstrated for the structure itself.

The applicant was informed that his application was denied and of his right to appeal the decision to the City Council within 10 days.

- (2) ADJ. 395 WILLIAM E. RAUDIO. Application for a 5 foot variance in frontyard setback and a 3 foot variance in sideyard setback to construct a second story above the carport at 50 Florence Avenue. A/P 7-014-30

Mr. O'Rourke read the staff report and said the lot is level, and there is apparently no hardship from a building standpoint since there was adequate space in the rear yard for an addition.

Letters were read from Mrs. Marjorie C. McDonald, 34 Florence Avenue and Herbert M. Christian, 46 Florence Avenue, stating they had no objection to this application.

When asked about the proposed use for the room, Mr. Raudio replied that it would either be a playroom for the children or an extra bedroom. The plan did show a sink area and a bathroom, and Mr. Raudio said he would be willing to delete the sink if the Commission desired. Mr. Raudio said the room had no interior entrance to it, but would have access by means of a stairway which would end on their front porch. He said the reason for this was in order not to cut down on floor space in the interior of the building. He would prefer not to enclose the front porch area. He stressed that this addition was for the use of his family only, and was not intended as a studio apartment.

Commissioner Perry said he did not see that there was a requisite building hardship or justification. He wondered about the overall impact on the neighborhood of having a structure elevated so close to the front yard.

Commissioner West asked if any parking would be eliminated by the stairway, and Mr. Raudio said there would be room under the stairway to pull a car up all the way into the carport.

Commissioner Creighton said he felt there was adequate room in the rear yard for the addition. He said Florence Avenue is only 18'6" wide, and he thought this would give the appearance of crowding.

Commissioner Perry said since he did not see the required hardship that would justify varying from the ordinance at this point, he thought the plan should be referred back to the applicant so the applicant could give the Commission more information on the interior floor plan and the possibility of a solution, either to have interior access which would be less likely to turn this addition into a rental unit type of thing, also, for additional information on the exterior development, and the reason why, or why not, addition around the perimeter is not possible. For these reasons, Commissioner Perry moved that the application be referred back to the applicant for resubmission.

Motion seconded by Commissioner Gue and approved unanimously.

Commissioner West commented that he would be inclined to not vote approval of the front and sideyard variances as presented. He felt that the design concept is very close to being a second residential

unit. He said he would possibly consider rear or sideyard variances for a structure toward the rear of the lot.

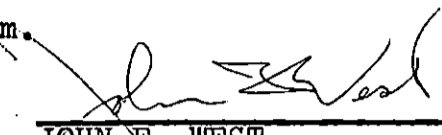
5. CORRESPONDENCE

None

6. MATTERS FOR CONSIDERATION

None

The meeting was adjourned at 9:45 p.m.

  
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JOHN F. WEST  
PLANNING COMMISSION CHAIRMAN

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