

The Regular Meeting of the San Anselmo Planning Commission was called to order by Chairman Dan Goltz in the Council Chamber at 8:05 p.m. on November 17, 1975. Representing Town Staff: C. R. Leitzell, Planning Director and T. J. Robbins, Associate Engineer/Planner

1. ROLL CALL

Commissioners Present: Ainsworth, Bolles, Eisgrau, Goltz, Greenfield, Ragan
Commissioners Absent: Fairchild

2. APPROVAL OF MINUTES - November 3, 1975

Amendments:

- Pg. 1, Item 2, para. 2: delete
- Pg. 2, Item D 1(a) para. 3, line 3 - correct spelling of "marriage"
- Pg. 4, para. 3 - correct spelling of "subdivision"
- Pg. 6, Item i, para. 1, line 4: "...the light and air to adjoining property would be reduced...."

M/S Ragan, Ainsworth to approve minutes of November 3, 1975 as amended. Passed unanimously.

3. OLD BUSINESS

A. PUBLIC HEARING

- 1. Z-153 - Planning Commission initiated Proposed Rezoning of Undeveloped Properties in the San Anselmo Planning Area from R-1 to PPD/R-1/B___ (Density to be determined)

Chairman Goltz stated a Negative Declaration of Environmental Impact dated September 29, 1975 had been posted and there had been no appeals.

The following persons spoke against the proposed rezonings: Mr. and Mrs. Ralph O. Jennings (owners of 5-300-07), Carl Baumsteiger, Bonita Troske (representing Sunny Hills A/P 6-061-24), Julius Hobbs (88 Lincoln Ave.), A.C. Signorelli (90 Ridge Rd.), Robert Carey, Mr. and Mrs. McCarthy (201 San Anselmo Ave.), Joel Pressman, Jim Reed (100 Spring Grove Ave.), Othello Michetti (37 Indian Rock Rd.).

The following points were brought out at the meeting: a) The State of New Jersey found a similar Planning Commission attempt to control density through rezoning to be illegal; b) it was felt lower density was in conflict with the goals of the General Plan of providing additional low income housing; c) how would the proposed zonings affect adjacent properties; d) would the rezoning increase taxes; e) this rezoning was not what the people of San Anselmo wanted; f) the Water District moratorium should be sufficient in controlling growth; g) proposed zoning pertains to undeveloped parcels only, seems inequitable not to consider developed lots in the same areas where lots are of a similar size; h) it was felt that this rezoning was "spot" zoning, the total picture should be presented at one time.

The public hearing was closed and the Commission discussed individual parcels.

Commissioner Ragan stated he had grave reservations about the rezoning procedure. He had seen all of the properties and suggested the PPD/R-1 zoning with the property owner to come in and tell the Commission what they wanted. Commissioner Ragan stated he was in favor of some growth control.

Commissioner Ainsworth said he generally agreed with Commissioner Ragan. The proposed rezoning was not his idea or something that he could identify with. He said there was a valid conservation aspect.

Commissioner Ainsworth said that with respect to the first category of the proposed rezonings, B-50, the density was consistent with the greatest density permitted by the General Plan. The rezoning of B-100 and B-200 he opposed for the same reason he opposed to them the last time.

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Commissioner Ainsworth commented on the input received at this meeting. He stated it was entirely different from the input received during the writing of the General Plan. There was very little input about laissez-faire and property rights. Where was everybody at that time? It is difficult to know what people want to do.

Commissioner Bolles agreed with the PPD concept, but was reluctant to state a density.

Chairman Goltz said that this rezoning could not be characterized as "spot" zoning. He stated the Commission was, in an orderly fashion, rezoning ridge and unstable areas, cutting the density in an orderly fashion to establish a framework around which the Town can develop.

Commissioner Eisgrau established that the proposed rezoning was an "interim" zoning until ordinances could be adopted to preserve the ridgetops and provide for safe development in the Health and Safety Zones.

Mr. Ralph Jennings spoke about A/P 5-300-07, saying that a tentative subdivision map for 6 lots had previously been approved by the Planning Commission. All the other homes in the area were on 1/4 to 1/3 acre lots.

M/S Greenfield, Goltz with respect to A/P 5-300-07, in conformity with the General Plan and its stated interest in preserving the health and safety as its part in the designation of density of building lots, but in view of the fact that the particular parcel in question has adequate access to usable roads, I make the motion that A/P 5-300-07 be recommended to the Town Council to be rezoned PPD/R-1/B-20.

Motion carried: Ayes: Ainsworth, Bolles, Eisgrau, Goltz
Greenfield
Nays: Ragan

Commissioner Eisgrau moved that A/P 5-300-15 be rezoned to PPD/R-1/B-100. Motion died for lack of a second.

M/S Greenfield, Eisgrau that in accordance with the General Plan and its stated interest to maintain health and safety zones and development of existing lots and as an interim measure to provide zoning for all enumerated parcels, move to rezone to PPD/R-1/B-40 with the exception of A/P 5-300-07 the following:

- 5-011-60 5-011-62 5-022-56 5-031-32 5-031-35 5-043-16
- 5-043-22 5-043-31 5-062-73 5-211-29 5-211-30 5-212-02
- 5-300-01 5-300-14 5-300-15 6-061-24 6-061-34 6-091-05
- 6-091-07 6-091-56 6-172-02 6-172-08 6-172-10 6-254-16
- 6-271-27 7-031-23 7-031-24 7-031-28 7-201-06 177-190-05
- 177-220-50 177-250-30 177-250-31 6-013-41 6-013-42

Motion carried: Ayes: Ainsworth, Eisgrau, Goltz, Greenfield
Nays: Bolles, Ragan

Commissioner Ainsworth voted "aye" based on his belief that the presumptive use provided by Section 10-3.1304 of the Municipal Code applies to the density of this rezoning.

Chairman Goltz wanted the record to show that he voted "aye" only because he saw it as the lesser of two evils.

M/S Greenfield, Eisgrau, in accordance with the General Plan and its stated interest in preserving the health and safety zoning of the development of lots, A/P 5-300-07 be placed in the interim zoning of PPD/R-1/B-40.

Motion carried: Ayes: Ainsworth, Bolles, Eisgrau, Goltz, Greenfield
Nays: Ragan

Mr. Carl Baumsteiger, owner of A/P's 6-013-42, and 41 presented an approved subdivision map establishing Lots 23, 24, 25, 26 and 27 and a geological report by John T. O'Rourke, Geologic Engineer. Mr. Baumsteiger asked to have his parcels deleted from this zoning on the basis that he has an approved subdivision map from the

Town, sewers and water meters and preparation for underground electricity for these lots were already a reality.

No Commission action was taken on Mr. Baumsteiger's request.

M/S Ainsworth, Greenfield to reconsider the three parcels, 6-122-18, 6-201-10 and 6-091-59 recommended by Staff to be excluded. Passed unanimously.

M/S Ragan, Ainsworth that A/P 6-091-59, 6-122-18, 6-201-10 be removed from the consideration for rezoning at this time. Passed unanimously, Chairman Goltz voting "no".

B. USE PERMITS/VARIANCES/SUBDIVISIONS

1. SS-190 - WOODROW CAPURRO, 79 Lincoln Ave., an application to subdivide A/P's 6-254-24, 25 and 23 from 2 and 1/2 lots into 2 lots with exceptions to the subdivision ordinance.

Mr. Robbins reported these lots were legally subdivided in 1922. He said there was a distance of 25' from the edge of the paving to the property line. A variance for an approach would be needed.

Mr. Capurro reiterated the lots had been legally divided in 1922 and he has been paying taxes on 4 separate parcels for 18 years.

Ms. Shirley Fisher, next door neighbor said as far as she was concerned the Capurro house had adequate parking, and that was her only concern. If an additional house was constructed, she would like to assure that adequate parking was provided.

(Commissioner Ragan was excused from the meeting at this point because of the lateness of the hour - 12:40 a.m.)

M/S Ainsworth, Bolles to approve Tentative Map SS-190, subdivision of A/P's 6-254-23, 24 and 25, as it appears on the preliminary map dated October 8, 1975, and that the exceptions to the requirements of Chapter 2 of the Municipal Code are as set forth below:

1. A lot size of 7,500 S.F. for parcels 1 and 2 is accepted for the reasons that the applicant has previously combined three lots into the proposed parcels 1 and 2; for the reason that parcel 1 now includes a portion which previously was a part of the adjacent parcel but which was included in the existing parcel 1 as a matter of sound land use planning; further that parcel 2 remains as the last remaining undeveloped parcel in the Lincoln Park Tract. This exception is necessary for the preservation and enjoyment of substantial property rights and that the granting of the exceptions will not be detrimental to the public welfare or injurious to other properties in the territory in which the property is situated.
2. The requirement of applicant's having a letter from the appropriate public utility showing its ability to serve the proposed subdivision with water and evidence indicating a satisfactory agreement entered into for the installation of such service is exempted for the reason that a moratorium presently exists imposed by the Marin Municipal Water District.
3. Requirements of Chapter 2 of the Municipal Code that subdivision shall not require a garage or carport variance is exempted for the reason that a site hardship exists with respect to the land requiring a driveway structure necessarily be constructed leading from Lincoln Ave. to subject carport or garage.

Exceptions #2 and #3 above are necessary for the preservation and enjoyment of substantial property rights and the granting of the exceptions are not detrimental to the public welfare or injurious to other properties in the territory in which the property is situated. Passed unanimously.

2. U-433 - HUGH CAMPBELL, 79 Lincoln Ave., A/P 7-254-24

Mr. and Mrs. Campbell were present with their representative Irene Wise.

Mr. Campbell said this was a very large house, almost 4,000 S.F. He said in order to make his purchase economically feasible, he would like to have two roomers. He presented sketches to show that the lower portion of the building consisting of a living room and bedroom and a large bath can easily accommodate two roomers.

Mrs. Fischer, immediate neighbor said she had no objections as long as a parking problem was not created.

Chairman Goltz said he objected to changing the zoning pattern without a guarantee of a second unit for low income tenants.

M/S Ainsworth, Bolles to approve U-433, application to allow two roomers at 79 Lincoln Ave., A/P 6-254-24 for the reason that the establishment of the use will not, under the circumstances, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing in the neighborhood or be detrimental or injurious to properties in the neighborhood and that the granting of the application is necessary for the preservation and enjoyment of substantial property rights of the petitioner. The Use Permit shall be subject to a review after six months.

Motion carried: Ayes: Ainsworth, Bolles, Eisgrau, Greenfield
Nays: Goltz

Applicant was informed of the ten day appeal period before the use permit would be come valid.

M/S Bolles, Greenfield to approve VAR-643, 79 Lincoln Ave., A/P 6-254-24, a variance to permit a 0' frontyard setback and a variance for two additional obstructed parking spaces on the basis that there are extraordinary circumstances applying to the land, namely inadequate width to accommodate 4 car spaces and inadequate depth between the property line and rear porch. The granting of the application is necessary for the preservation and enjoyment of substantial property rights that it will allow the petitioner to satisfy the requirements of the granting of the use permit for roomers. Granting of the application will not materially or adversely affect the health, safety and welfare of persons in the neighborhood as the property previously has had as many as 5 vehicles and substantially more people use the property.

Motion carried: Ayes: Bolles, Eisgrau, Greenfield
Nays: Ainsworth, Goltz

4. NEW BUSINESS

A. COUNTY-WIDE BICYCLE PLAN - This item was held over until the next regular meeting.

B. OPEN SPACE GIFT - A/P's 5-254-08 and 5-022-56 offered as an open space gift from Ed Halperin

Mr. Leitzell stated there was little liability on the part of the Town because of a slope easement to the property below. He said the assessed valuation had not been checked, but will be before forwarding to the Town Council. It was suggested that the Council be asked to amend the trail map to show access to this property.

M/S Bolles, Ainsworth the Planning Commission recommend to the Town Council the acceptance of Open Space Gift from Ed Halperin of A/P 5-254-08 and 5-254-56 and that the Council consider amending the trail map to show a trail leading to the property from Butterfield Rd. Passed unanimously.

5. ADJOURN

Meeting adjourned at 2:00 a.m.

DAN GOLTZ, CHAIRMAN
SAN ANSELMO PLANNING COMMISSION

By Thelma L. Foster
Thelma Foster
Secretary

TF/cc

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