

The Regular Meeting of the San Anselmo Planning Commission was called to order by Chairman David Ainsworth at 8:10 p.m. in the Town Hall on July 19, 1976. Representing Town Staff: T. J. Robbins, Associate Engineer/Planner

1. ROLL CALL

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

2. APPROVAL OF MINUTES

The following corrections to be made to the minutes of July 12th:

- Pg. 1, Item 3, para. 5, last sentence: Change "There" to "Their".
- Pg. 2, para. 7, change "bodies" to "parties".
- Pg. 3, para. 9, delete para. and add new para. as follows: "The Commission felt that a variance couldn't be justified because the need for a variance for so many parking places was being created by the application."
- Pg. 4, para. 4, change "restaurant" to "delicatessen".
- After para. 5, add new para. as follows: "Commissioner Ainsworth proposed that the word "delicatessen" be included as a use requiring a Use Permit in a C-1 zone if the Commission felt that a restaurant was a proper C-2 use and the lot in question should remain C-1".
- Pg. 4, Item b, para. 4, line 3, change "Commission" to "General Plan
- Line 4, delete "determines the maximum" add in its place: "determined as planned density",
- Line 6, delete "in maximum density neighborhoods" replace with: "densities are imputed to the neighborhood".
- Pg. 4, Item b, para. 5, line 1, delete "those" add instead: "second units".
- Line 3, last sentence deleted and add instead: "He felt there should be a better way of dealing with second units in this kind of situation."

M/S Goltz, Ainsworth, minutes of July 12, 1976 be approved as amended. Passed unanimously.

3. OLD BUSINESS

- a. U-403 - Use Permit issued to Montessori School at 176 Tunstead Ave., complaint from neighbors. Reconsideration of approved use.

Present representing the complainants: Miss Rita James, Anna M. James, Paul and Maria E. Horre', Katherine Doyle of 47 Magnolia Ave., and four unidentified tenants of the building at 55 Magnolia Ave.  
Present representing Montessori School, Mr. and Mrs. John A. Lord.

Pertinent facts elicited through discussion:

Apartment house at 55 Magnolia Avenue built in 1970 - 6 years old.

Nursery School has been operated at 176 Tunstead Ave. since 1968; first by Lads and Lassie (Owner: Bess Gildroy) from 9:00 to 1:30 p.m., September through June.

A Use Permit was applied for and granted to James Gonsman in April of 1975 to operate a Montessori Nursery School, which was never used by Mr. Gonsman. Staff made a decision that the use permit would be valid since Mr. and Mrs. Lord would also be operating a Montessori Nursery School. The Use Permit allowed 24 students.

Mrs. Doyle said she felt the children were never supervised. She said they screamed and yelled and no one came to take the children inside or quiet them.

Mrs. Maria Horre' cited several instances where she felt the screaming was more intense than usual and in one instance where she called the police to see what the cause was.

Complainants complained that they cannot keep their windows open in the summer because they cannot carry on a conversation over the screams or hear their television sets. Several of the tenants of the apartment house work at night and must sleep during the day; students cannot study because of the noise created by the children. They stated that this type of operation does not belong in a high density residential area. Mrs. Doyle said the Montessori operation was a complete change from the Lads and Lassies about whom they had no complaint.

DDB863

Mr. and Mrs. Lord stated: Screaming is not part of the Montessori program. There are always three adults present. Last year approximately half of their enrollment of 24 students left at 11:45 a.m. They propose a year-round operation, although this year the school closed on July 16th and plans to reopen on September 7th. Hours of operation are from 7:30 a.m. to 6:00 p.m.

A rough schedule of activity is as follows:

- 7:30 a.m. - 1st Staff member and 1st student arrives;
- 8:15 a.m. - Approximately 5 students outdoor to play;
- 8:30 a.m. - All inside for snack;
- 8:45 a.m. - Children both indoors and outdoors;
- 9:15 a.m. - All inside
- 10:30 a.m. - Snack time indoors;
- 10:45 a.m. - Outside for play;
- 11:34 a.m. - Parents pick up some children, rest inside

Lunch and play time, inside or outside.

- 1:00 p.m. - Inside. Nap and rest time;
- 1:45 p.m. - Play in front until 2:30 p.m.
- 2:30 p.m. - 3/4 of the students have now been picked up;

2 girls come in for day care. Students out to play.

- 4:15 p.m. - Inside for snack and then inside or outside until
- 6:00 p.m. - Closing time.

Commissioner Goltz asked Staff if the Town considers "Nursery School" and "Day Care Center" to be the same.

Chairman Ainsworth asked about procedure for revocation of a Use Permit. Section 10-3.2005 of the Municipal Code was cited. Proper notice had not been given.

Mrs. Horre' stated the "Big Wheel" (toys) make an enormous noise. She said she felt it unfair to the children to make them be quiet at their playtime. She said the school needed to relocate where the children could make noise. Mr. Lord said he had made a study of what was going on and found one child liked to imitate "batman" and frighten the little girls. His parents were asked to find a new school for him. The "Big Wheels" have been retired.

Commissioner Greenfield was troubled because the complaint was brought directly to the Commission rather than trying resolution between the two parties.

Commissioner Goltz felt this operation was quite different from that presented in the application of the Gonsmans who proposed a controlled classroom situation and had intended the use to be a nursery school as opposed to a day care center. He would like to correct the anomaly.

Mr. Lord said he had already contracted for a teacher from the East Coast and with the parents for next September. There would be widespread hardship were the permit to be revoked.

M/S Goltz, Ainsworth to continue the hearing of U-403, Montessori School at 176 Tunstead Avenue, complaint from neighbors, to the meeting of August 2, 1976, at which time Mr. Lord, representing the School and Mrs. Horre', representing the neighbors, are invited to make a report to the Planning Commission on the progress which has been made between the two opposing factors, and if they can come up with a compromise to solve the problems; also, a report via Staff from the Town Attorney on whether the Planning Commission is able to revise a use permit that has already been approved without a revocation hearing. Unanimously approved.

- b. VAR-677 - C. L. Hostetter & J.E. Eng, variance application to allow two car tandem parking in the existing driveway at 1253 San Anselmo Avenue (variance required due to enlarging a non-conforming use).

Applicant J.E. Eng said the actual construction did not require a variance; however, under the Town Attorney's ruling regarding parking

being a use, he was now required to provide two parking spaces where only one existed previously.

M/S Greenfield, Bolles with regard to VAR-677, application of C.L. Hostetter and J.E. Eng, for variances to allow two-car tandem parking in the existing driveway at 1253 San Anselmo Avenue (variance required due to enlarging a non-conforming use), move to approve the variance for two-car tandem parking on the basis that this is the only logical place to provide this parking and represents a continuance of already existing conditions, and that the granting of this variance will permit the applicant to enjoy the full property rights and its granting does not constitute a detriment to the neighborhood.

#### 4. PUBLIC HEARING

- a. Z-154 - Rezoning of certain developed parcels in the Health and Safety Area to "PPD" (Preliminary Planned Development).

Commissioner Goltz states he was against the rezoning as he did not think it fell into our plan and the property owners will find it very restrictive. Several Commissioners saw it as an interim measure only and on that basis supported the rezoning.

M/S Bolles, Greenfield that the San Anselmo Planning Commission recommend to the Town Council that the parcels listed on the marked copy of the public notice dated June 4, 1975, presented to the Planning Commission on July 19, 1976, Notice of Public Hearing, be rezoned from R-1 to PPD/R-1 with deletions as noted in the Notice of Public Hearing, and further that parcels be rezoned from R-1/B-20 to PPD/R-1/B-20 with deletions as noted on the Notice of Public Hearing, and recommend to the Town Council that parcels be rezoned from R-1 and C-3 to PPD/R-1 and C-3 as deleted, with the addition of parcel 6-091-13 taken from the list under R-1 to PPD/R-1.

Passed: Ayes: Bolles, Greenfield, Ainsworth  
Nays: Goltz

#### 5. NEW BUSINESS

- a. U-453 - Esther Frankel, 52 Monterey Avenue, application for home occupation of professional office (psychology).

Dr. Frankel stated that she has a full time position, but hoped to be able to use a downstairs room of her home to see an occasional patient after 5:00 p.m. or on Saturday mornings.

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

M/S Goltz, Ainsworth to approve application of Esther Frankel, 52 Monterey Avenue, for home occupation of professional office (psychology) on the basis that it is not detrimental to those residing in the neighborhood and would not be a problem as far as health and safety is concerned. Unanimously approved.

- b. VAR-681 - V.B. & K.A. McLorg, 21 Canyon Rd., 19'3" frontyard and 2'5" sideyard variances to permit construction of a roof over the existing car deck, and variance for one car space (addition to non-conforming use).

Mrs. McLorg was present at the beginning of the hearing, and Mr. McLorg arrived before the hearing was over.

Chairman Ainsworth said he stood where the carport would be and cast a shadow on the house below. He feels that a carport would cut off light to the home below.

Commissioner Bolles stated the plans as shown could not be the final building since the buildings not high enough to meet Code requirements. He felt the structure was not sufficiently thought out in terms of space. It needs to fit the character of the house and the character of the neighborhood.

The applicant's asked to have the matter referred back for redesign.

DDB863

M/S Bolles, Ainsworth to refer the application for a frontyard and sideyard variance and parking variance back to the applicant for redesign. Approved with 3 Aye votes and Commissioner Goltz abstaining.

- c. VAR-682 - Elliott Blank, 12 Tamal Avenue, 5' front, 2'1" side and 1' rearyard variances to permit construction of a mansard roof; and 2'9" rearyard variance for an existing deck and a variance for tandem parking.

Mr. and Mrs. Blank were present. Mr. Blank said he hoped to add a wood feeling to the dwelling and repaint it to add warmth. He stated he did build a deck beyond the setback.

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

M/S Bolles, Goltz, regarding application of Elliott Blank, 12 Tamal Avenue, A/P 6-041-09, for a 5' frontyard, 2'1" sideyard and 1' rearyard variance to permit construction of a mansard roof, and a 2'0" rearyard variance for an existing deck, and a variance for tandem parking in an existing garage, be approved on the basis that the lot is exceptionally small and does not permit minimal alterations to the house which might otherwise be permitted on an R-1 lot; and (2) that the construction, as proposed, affords the owner reasonable rights and enjoyment of the property; and (3) that the construction, as proposed, will not be a detriment to the neighborhood. The variance is based on the drawing prepared by the owner, Elliott Blank, dated June 20, 1976, as amended by Staff. Passed unanimously.

- d. VAR-683 - Charles and Tamsel Hug, 46 Woodland Avenue, 20' front, 20' rear and 8' west sideyard variances to alter existing garage and to provide additional parking required by enlarging non-conforming use.

Mr. and Mrs. Charles Hug and their son Jerry Hug were present.

Mr. Robbins pointed out that lot coverage was approximately 22% as proposed, and 40% allowed by Municipal Code.

Mr. Hug said there were already 5 apartments on Woodland Avenue and no parking provisions had been made. This house has never been altered. He said he intended to raise the house and put the second unit downstairs. He felt there was adequate space on the lot.

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

The Commissioners were concerned about the aesthetics of a car parked in the frontyard. There was discussion of the second unit being too large and lot coverage over that allowed by Code.

Mr. Hug pointed out that this lot was close in to the commercial district and anyone likely to rent either unit would have either one or no cars. He said he intended to upgrade the entire building.

M/S Greenfield/Goltz with respect to the property at 46 Woodland Avenue, to grant a 20' rearyard variance and an 8' west sideyard variance; a variance from the necessity of providing a 4th parking space and a variance for 100 S.F. of lot coverage on the following basis:

1. That an exceptionally small lot prohibits the ability to provide 4 parking spaces to fulfill the requirements necessitated by a duplex dwelling;
2. That the granting of these variances provides the owner with reasonable property rights and property enjoyment;
3. The granting of the variances would not be detrimental to the neighborhood;
4. The granting of the variances are conditional upon the approval by the Design Review Committee of an adequate landscape plan for the frontyard.

Variations granted in accordance with the map received by the Town of San Anselmo dated June 25, 1976, with the deletion as stated of the 4th parking space in the frontyard. Unanimously approved.

- e. VAR-685 - David & Mika Strassman, 555 Sequoia Drive, application for 8' sideyard variance to permit construction of a two story stair tower 5' from the property line; an 8' sideyard variance to construct a trellis across side property line; and a variance for one car space (addition to non-conforming use).

David Strassman was present and Commissioner Goltz stated since he was the designer he would abstain from discussion and vote.

Mr. Robbins reported that the Director of Public Works has stated he sees no problem with the encroachment agreement because of the building hardship.

M/S Bolles, Ainsworth a variance be granted to permit construction of a two-story stair tower within 5' of the side property line, or a 3' sideyard variance; and the construction of a privacy trellis across the side property line, or a zero sideyard setback; a variance for one car space from requirement of 2 car spaces because the existing garage is adequate only for one parking space and the location of the garage is such that expansion or additions are feasible because of physical location. An encroachment agreement for the trellis and for a 6' fence will have to be worked out with the Town. The reason for granting the variance is the exceptional circumstances of the site, namely, the existing house is at the top of a steep hill on an unimproved cul-de-sac which serves as a turning and parking space for 7 residences; the present structure is located so that the front entrance is 9' from the cul-de-sac property line; garage access to the main house is across the cul-de-sac property, steep terrain elsewhere in the parcel makes relocation of the front entrance impractical; granting of the variance will afford the property owner reasonable enjoyment of his full property rights and the proposed addition will not constitute detriment to the neighborhood. This variance is based on documents submitted by David Strassman and Mika Strassman dated June 25, 1976 and received June 29, 1976. Passed with 3 Aye votes with Commissioner Goltz abstaining.

6. ADJOURN

Meeting adjourned 1:00 a.m.

*Thelma Foster*  
Thelma Foster, Secretary

TF/CG

DDB863