

The San Anselmo Planning Commission meeting of December 12, 1977, was called to order by Chairman Duane Ragan at 8:00 p.m. in Room 6 of the Isabel Cook Community Center. Representing Town Staff: T. J. Robbins, Associate Engineer/Planner, and Lynn McGovern, Planning Technician.

1. ROLL CALL

Commissioners Present: Buckle, Goltz, Harle, Olive, Ollinger, Ragan
Commissioners Absent: Kapranos

2. APPROVAL OF MINUTES

Planning Commission minutes of October 17, 1977, and November 14, 1977, deferred until January 16, 1978.

3. ELECTION OF CHAIRMAN AND VICE-CHAIRMAN OF PLANNING COMMISSION FOR 1978.

M/S Goltz, Olive, to elect George Buckle as Chairman.

Passed unanimously.

M/S Goltz, Buckle, to elect Mary Olive as Vice-Chairman.

Passed unanimously.

4. OLD BUSINESS

- A. V-749 - Charles Howe, 366 Butterfield Road, A/P 5-041-31, application for a 2'7" sideyard variance to allow a 5'3" sideyard setback to construct a roof overhang.

Charles Howe, applicant, present.

Mr. Howe stated that he plans to cut down the roof on the side facing 370 Butterfield Road to 21" in height. The front is 33" back and the rear is 13½" back. Mr. Howe showed a drawing of his new plans which was signed by Frank Swift, adjacent neighbor, 370 Butterfield Road.

Mr. Swift was unable to attend the meeting; however, he sent a letter to the Planning Commission stating his opinion.

The audience had no comments.

M/S Goltz, Buckle, to approve V-749 for Charles Howe, 366 Butterfield Road, A/P 5-041-31, for a 3'11" sideyard variance to allow a 2'11" sideyard setback to construct a roof overhang; and that the north side will be done in accordance with the drawing showing the approval of Frank Swift, adjacent neighbor, on the condition that the existing building is built close to the property line and, therefore, constitutes a condition of the building; and that the variance is of a minor nature and will not be detrimental to the residents living or residing in the neighborhood; and that the granting of this variance is necessary for the preservation and enjoyment of substantial property rights of the applicant.

Passed unanimously.

- B. V-750 - Steve Donaldson, 15 Brookmont Circle, A/P 5-111-26, application for a 17' frontyard variance to allow a 3' frontyard setback and a variance to allow tandem parking.

Steve Donaldson, applicant, present.

Commissioner Buckle commented on the good job done by Mr. Donaldson.

The audience had no comments.

For Correction
Page 8

DDC425

M/S Buckle, Harle, to approve V-750 for Steve Donaldson, 15 Brookmont Circle, A/P 5-111-26, for a 17' frontyard variance to allow a 3' frontyard setback for parking and for tandem parking on the basis that it will not be detrimental to those living and residing in the neighborhood; and, in addition, providing an additional off street parking space; and that it will allow the owner reasonable use of his land; and a hardship exists because of the steep downslope of the lot which limits conditions; and which eliminates alternative sites for parking.

Motion carried: AYES: BUCKLE, HARLE, OLIVE, OLLINGER, RAGAN
ABSTAIN: GOLTZ

5. NEW BUSINESS - PUBLIC HEARINGS

A. Amendments to Title 10 of the San Anselmo Municipal Code

Proposed ordinance to provide for specific limitations on the ratio of residential to commercial floor area in C-1, C-2 and C-3 zones.

Proposed ordinance to change the minimum square footage requirement for automatic lot merger when in contiguous ownership from 5,000 square feet to _____ square feet and the average width from 50 feet to _____ feet.

Proposed ordinance to change the allowable maintenance on legal non-conforming uses of buildings during a period of five years from 50% of the assessed value of the building to _____% of the _____.

Proposed Ordinance to exempt access structures on steep downsloping lots from the variance procedure when parking and residence conform to the setback requirements.

The Planning Commission agreed to hold the Amendments to Title 10 of the San Anselmo Municipal Code over until the next meeting which is January 16, 1978, because there was no one in the audience.

B. Halperin Mini-Park, across from 2 Oak Springs Drive, Negative Declaration.

T. J. Robbins stated that the park is allowable in an R-1 neighborhood. It is not categorically exempt, so an environmental review was run to see if it would have an impact; it would not. The slope would be cut to provide a bench, 30' x 20', and traffic would be mainly by foot in the neighborhood. There is no significant effect on the environment.

The Parks and Recreation Department supplied a model of the proposed park.

Fred West, 5 Oak Springs Drive, asked Mr. Robbins some questions regarding the supervision of the children, clean-up responsibilities, who will build the park, why the neighbors were not notified, and what the guarantee is that the park will not be partially completed and become a detriment to the neighborhood. He also wanted to know if this hearing was the final decision on the park, and if all decisions were subject to appeal.

Mr. Robbins said the parents would be responsible for supervising their children, the Parks Department will keep it clean and will supervise the building of the park (neighbors may volunteer to help build it), money is available so there is no reason why the park would not be completed, and the site had been posted by staff. He also stated that if the Planning Commission accepted the Negative Declaration, then that would be the end of it unless an appeal were filed to the Town Council.

Mrs. Robert Lago, 17 Oak Springs Drive, stated that at the present time wildlife is in the area and with the addition of a park, the wildlife would no longer be around. She was also concerned about the cars people would bring, leaving only one lane open for traffic to get through. This would be dangerous for the children. She also questioned the possible noise decibel made by the children playing.

Mr. Robbins said that most of the children would have parents with them from the neighborhood and, therefore, children would not be walking alone. He also suggested the possibility of having no parking areas. Mr. Robbins noted that supervision would not keep the children quiet.

Mr. West asked that the matter be held over because he has spoken to some of the neighbors and none of them knew there could be a final decision made at this meeting. Mr. West stated that he thought the park was unsitely and will bring in too much noise and lend itself to speeding cars.

Commissioner Ragan assured Mr. West that the Planning Commission does not make ~~does not make~~ decisions without visiting the site and looking into the situation.

Mr. Robbins said that staff would recommend the matter be held over until January 16, 1978.

Commissioner Ragan said he has reservations because the negative declaration means the proposal will not offend anyone through environmental considerations and, therefore, should not be accepted.

Commissioners Ragan, Goltz and Ollinger said that rather than getting into the pros and cons, the Planning Commission is only here to rule on the Environmental Impact Review (EIR).

Mr. Robbins said that if the Planning Commission turns down the Negative Declaration, an EIR is required. A more reasonable approach would be to consider the project on its merits. The Town would have to pay several thousand dollars for an EIR. Mr. Robbins was concerned about saddling it with the expense of an EIR. This would happen if the Negative Declaration was turned down.

Commissioner Olive said that service monies from the federal government were requested by various groups around town. A group of parents signed a petition for this project.

Commissioner Goltz suggested that the Commissioners ask staff to be prepared to answer questions about traffic, noise and possible problems of an alleged unstable hillside, along with Gary Howell being present, at the meeting of January 16, 1978.

Mr. Robbins stated there was not enough time for this and besides, staff could not measure noise until the children were there. He suggested that the Commission hold a hearing on the merits of the park even though they are suppose to consider the environmental impact first. He figured they could get the environmental impact by hearing the merits and this way there would be less cost.

Commissioner Olive stated there has been neglect as far as impact from the entire community, but it is not necessary to make staff come up with a lot of information. An EIR is expensive. It should go before the Town Council for a full policy debate. With demands on the Planning Commission's time and staff's time, the Planning Commission should pass it and move on.

Mr. Robbins suggested that the Commission not accept the Negative Declaration if they do not agree with it. Staff could then appeal the rejection to the Council.

M/S Goltz, Harle, to deny the Negative Declaration for Halperin Mini-Park, across from 2 Oak Springs Drive.

Passed unanimously.

Commissioner Olive clarified that this does not mean you get an automatic EIR. If it is not appealed within ten days, we will get an EIR or will abandon the project.

Commissioner Ragan assured Mr. West and Mrs. Lagos that the decision would most likely end up in the Town Council's lap.

Mr. West stated that the model was not adequate because it did not present a clear picture of where the park would be.

DDC425

- C. Z-161 - Andros Construction Company, 761 Sir Francis Drake Blvd., A/P 6-083-02, proposal to rezone this property from Preliminary Planned Development C-3-F to Specific Planned Development C-3-F by the Town of San Anselmo.

T. J. Robbins said the application to rezone this property was procedural since it already exists. A scenic highways frontage ordinance was adopted one week later. It was PPD; it can be put back to C-1 or put in SPD which would give the Planning Commission control over future changes. He would have to recommend to the Town Council that it be approved.

The audience had no comments.

M/S Ollinger, Harle, to recommend to the Town Council approval of Z-161 to rezone from Preliminary Planned Development C-3-F to Specific Planned Development C-3-F as shown on the drawings entitled, "Proposed Office Building", 761 Sir Francis Drake Blvd., Sheets 1 through 7.

Passed unanimously.

6. NEW BUSINESS

- A. U-496 - Richard Peddicord, 6 Medway Road, A/P 5-153-19, application for the home occupation of a recording studio in a R-1 zone.

Richard Peddicord, applicant, present.

Mr. Peddicord said he had turned his basement into a recording studio for his personal use one year ago. Neighbors on one side signed letters agreeing to the use, which the applicant gave to the Planning Commission.

Mr. Peddicord, referring to the staff memo, stated that the sound problem will be corrected with soundproofing until his neighbors cannot hear any music. He agreed that the parking situation is a problem because of the narrowness of the street, but noted there are never many cars parked on the street and gave the Commissioners a letter attesting to this fact signed by his neighbors. He proposed to park his own two cars on Medway Road and San Anselmo Avenue, and let the musicians park their cars in his garage. He would also limit the number of visiting cars to two. He realizes that his 9' x 13' paved driveway is not sufficient, and will agree not to park there if necessary.

Mr. Peddicord also said that the musicians would be coming to the house approximately three days per week between 11:00 a.m. and 6:00 p.m. He said that he pays \$450.00 per month to rent the equipment and would, therefore, like to charge the musicians to use this equipment.

T. J. Robbins said that Mr. Peddicord would have to comply with the Town Noise Ordinance.

William Harragon, 1615 San Anselmo Avenue, said he lives in back of Mr. Peddicord and hears the music at night.

Michael Zaby, 1601 San Anselmo Avenue, said that he is against the studio. Medway is a narrow street; the distance between the two homes is only four feet; his living quarters are at the same level as Mr. Peddicord's studio and because he is home all day, he has to listen to the music.

Commissioner Goltz stated that it is not the intent of the use permit ordinance to allow commercial uses or subcommercial uses in a residential zone.

Commissioner Ragan said a provision of the Municipal Code states that for a use permit to be granted, the Commission must make a finding that it is not detrimental to the neighborhood. If it was not offensive, which is not the case, then the applicant would have better grounds.

Mr. Robbins told the applicant that he can practice and record with his own band, but cannot create a nuisance. This would be no different than playing a stereo. The neighbors can call the Police Department if the noise is too loud and traffic problems can be brought to the Town Council's attention.

Commissioner Goltz suggested that the Commission direct staff to test the noise level when the band is playing. Mr. Peddicord agree to this and said, in fact, his band would play as loud as possible during this test so that he could increase his soundproofing if necessary.

Commissioner Buckle said that the \$450.00 per month paid by Mr. Peddicord for the equipment rental is a self-imposed hardship and, for that reason, would oppose it.

M/S Ollinger, Buckle, to deny U-496 for Richard Peddicord to allow a recording studio to operate at 6 Medway Road, A/P 5-153-19, on the grounds of the detriment this will have on the neighborhood parking, increased activity in the neighborhood and the noise levels; and to direct staff to test the applicant's premises when the band is playing to see if it is in conformity with the Town Noise Ordinance.

Passed unanimously.

Applicant was advised of the ten day appeal period.

- B. U-497 - Shibui Gardens, 19 Tamalpais Avenue, A/P 7-212-20, application to permit physical therapy in an existing room.

Doug Rosenberg, applicant, present.

Mr. Rosenberg stated that physical therapy is needed as a service offered by Shibui Gardens, and would result in total relaxation and the physical well being of customers.

Mr. Rosenberg explained that certified personnel would be giving the massages; by this, he meant licensed by the State of California (which requires 300 hours of practice to obtain).

The audience had no comments.

M/S Buckle, Goltz, to approve U-497 to allow therapeutic massages to be given at the existing spa for Shibui Gardens, 19 Tamalpais Avenue, A/P 7-212-20, on the basis that it will not be detrimental to the neighborhood because there will not be any increase in noise, parking or facilities; and will be contained indoors; and that the granting of the application is necessary for the preservation and enjoyment of substantial property rights of the applicant by permitting him to offer a full range of services at his establishment.

Passed unanimously.

- C. V-753 - Gary T. Long, 821 Sir Francis Drake Boulevard, A/P 6-081-07, application for a 7'3" sideyard variance to allow a 9" sideyard setback and an 18'8" rearyard variance to allow a 1'4" rearyard setback to permit the enclosure of an existing garage.

Gary Long, applicant, present.

Mr. Long asked staff why he needed a variance for a building that was already existing.

Lynn McGovern told him there is a frame, but the applicant would be adding to it which is considered a variance.

The audience had no comments.

DDC425

M/S Goltz, Harle, to approve V-753 for Gary T. Long, 821 Sir Francis Drake Boulevard, A/P 6-081-07, for a 7'3" sideyard variance to allow a 9" sideyard setback and an 18'8" rearyard variance to allow a 1'4" rearyard setback, to permit the enclosure of an existing garage on the basis that the carport exists, constituting a condition of the building on the site; and that the building of the walls and the door are a minimal change; and, therefore, will not be detrimental to persons living in the neighborhood; and is necessary for the preservation and enjoyment of substantial property rights.

Passed unanimously.

- D. V-754 - Christopher Blum and Harold Wagstaff, 33 Rosemont Avenue, A/P 5-071-54, application for a 2'6" sideyard variance to allow a 7'4" sideyard setback to construct a deck.

Harold Wagstaff, applicant, present.

The audience had no comments.

M/S Buckle, Harle, to approve V-754 for Christopher Blum, 33 Rosemont Avenue, A/P 5-071-54, for a 1' sideyard variance to allow a 5' sideyard setback for the construction of a catwalk access deck on the basis that a hardship exists because of the narrowness of the lot; and the house was built near the east property line which creates access problems; and the granting of the application is necessary for the preservation and enjoyment of substantial property rights of the applicant, giving him access to the rear portion of his property; and will not adversely affect persons residing or working in the neighborhood.

Passed unanimously.

- E. V-755 - Howard Stubblefield, 24 Longview Avenue, A/P 6-153-11, application for a 1' frontyard variance to allow a 19' frontyard setback for a living room extension, and a 5' rearyard variance to allow a 9' rearyard setback to construct a deck.

Howard Stubblefield, applicant, present.

Mr. Stubblefield stated that he has decided not to construct a garden room for economic reasons. He plans to extend his living room and construct a deck. He will put a fence 5' above the deck for privacy and will not remove any trees to do so.

The audience had no comments.

M/S Goltz, Harle, to approve V-755 for Howard Stubblefield, 24 Longview Avenue, A/P 6-153-11, for a 1' frontyard variance to allow a 19' frontyard setback for the living room extension, and a 5' rearyard variance to allow a 9' rearyard setback to construct a deck and hot tub, because front to rear is very small and the lot is very steep, constituting a condition of the land which requires a variance; and that the rearyard variance is of a small amount and, therefore, will not be detrimental to persons living or residing in the neighborhood; and that the granting of this application is necessary for the preservation and enjoyment of substantial property rights.

Passed unanimously.

- F. V-756 - John Borovac, 200 Floribel Avenue, A/P 7-082-02, application for an 8' sideyard variance to allow a 0' sideyard setback to permit the extension of a deck and an addition of a hot tub.

John Borovac, applicant, present.

Mr. Borovac said that his contractor told him everything had been taken care of with regard to a variance application, and now that he has found out he needed a variance approved by the Planning Commission, he has not been able to contact the contractor.

Mr. Borovac said that the deck and hot tub somewhat obstruct his neighbor's view of the valley, but this is only through the neighbor's laundry room window.

Mr. Borovac's reason for putting the hot tub on the upslope was because it would require less vertical support and he wanted it under an oak tree in his yard.

The audience had no comments.

M/S Ollinger, Harle, to approve V-756 for John Borovac, 200 Floribel Avenue, A/P 7-082-02, for a 6' sideyard variance to allow a 0' sideyard setback for the construction of a deck extension with a hot tub on the basis that a hardship exists because of the steep upslope of the lot, limiting the construction of additional structures; and that the granting of the application is necessary for the preservation and enjoyment of substantial property rights of the applicant; and that the granting of the application will not adversely affect the neighborhood.

Motion carried: AYES: BUCKLE, HARLE, OLIVE, OLLINGER, RAGAN
ABSTAIN: GOLTZ

- G. V-757 - Edward and Janet Zivot, 170 Spring Grove Avenue, A/P 6-221-06, application for parking within the setback lines in front.

Fred Divine, architect for Edward and Janet Zivot, present.

Mr. Divine said there is a parking space in front and one next to the house which will be paved.

Lynn McGovern said neighbors are pleased they are doing something like this for parking.

The audience had no comments.

M/S Buckle, Olive, to approve V-757 for Edward and Janet Zivot, 170 Spring Grove Avenue, A/P 6-221-06, for an 8' frontyard variance to allow a 12' frontyard setback to permit the paving of parking spaces on the basis that a hardship exists because of the steep upslope of the lot; and that the granting of the application is necessary for the preservation and enjoyment of substantial property rights; and that the granting of such application will not adversely affect the neighborhood because there are no adjacent neighbors due to the sloping topography.

Passed unanimously.

- H. SS-208 - Irene Jackson, 1352 San Anselmo Avenue, A/P 7-051-06, application for a three lot subdivision. HELD OVER UNTIL 1/16/78.
- I. SS-211 - Robert and Elizabeth Mason, 36 Oak Avenue and 74 Austin Avenue, A/Ps 7-273-05, 7-273-06, 7-273-07, application for a lot line adjustment.

Robert Mason, applicant, present.

Dr. Mason stated that he bought A/P 7-273-05 in October, 1977. The new piece of land, A/P 7-273-06, will become his sideyard and he plans to build a parking deck there in the future. He said that he has the approval of Mr. Vince Barnett, present owner of A/P 7-273-06.

Commissioner Ragan commented that it is a good idea to put the parking closer to the residence.

The audience had no comments.

M/S Buckle, Olive, to approve SS-211 for Robert and Elizabeth Mason, 36 Oak Avenue, for a lot line adjustment as shown on the Parcel Map entitled, "Lot Line Adjustment Between Lands of Barnett and Lands of Mason" prepared by Joseph Grippi and received in the Public Works Office November 16, 1977, on the basis that this meets our parcel split requirements and it is not affected by General Plan considerations.

Motion carried: AYES: BUCKLE, HARLE, OLIVE, OLLINGER, RAGAN
ABSTAIN: GOLTZ (Conflict of Interest)

7. MATTERS FOR CONSIDERATION

A. Historical Preservation Ordinance

Commissioner Buckle pointed out that with this ordinance, the Town would be singling out certain homes in the residential district, making them special and perhaps hindering the owners. It is difficult to "spot" zone.

Lynn McGovern said there are different ways to do it, i.e., area zoning, but this is not good in San Anselmo; going before Design Review to be sure the buildings of historical and/or architectural significance are not being ruined. The Historical Commission had a bad reaction to this and prefer to do other things with their time. Ms. McGovern pointed out that this is mandated in San Anselmo's General Plan; it is not state mandated.

For Correction
Page 8 →

M/S Goltz, Buckle, to delete the Historical Preservation Ordinance from the General Plan.

Motion carried: AYES: BUCKLE, GOLTZ, OLLINGER, RAGAN
NOES: OLIVE

B. Special Planning Commission Meeting

Lynn McGovern suggested a short meeting to be held in January, 1978, to keep up on planning matters.

Commissioner Goltz suggested Monday, January 9, 1978, as the date to go over the planning matters; the Commission agreed.

Commissioner Buckle suggested that staff prepare a list of items to go over at the meeting, give the list to the Commissioners to look over and make changes if necessary, and then they would give it back to staff.

8. ADJOURN

The Planning Commission meeting was adjourned at 10:53 p.m. to the special Planning Commission meeting on January 9, 1978.

Lisa Burglin
Lisa Burglin, Secretary

Amendments: Item 3: Commissioner Goltz nominated George Buckle to serve as Chairman. Commissioner Olive seconded the nomination. Commissioner Goltz moved the nominations for Chairman be closed, which Commissioner Olive seconded. Motion passed unanimously.

Commissioner Goltz nominated Mary Olive to serve as Vice-Chairman. Commissioner Buckle seconded the nomination. Commissioner Goltz moved the nomination for Vice-Chairman be closed, which Commissioner Buckle seconded. Motion passed unanimously.

Item 7-A: Motion: M/S Goltz, Buckle to recommend to the Town Council the deletion of the Historical Preservation Ordinance from the General Plan.