

The regular meeting of the San Anselmo Planning Commission was called to order by Chairman George Buckle at 8:00 p.m. on August 7, 1978, in Room 6 of the Isabel Cook Community Center. Representing Town Staff: C. R. Leitzell.

1. ROLL CALL

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

2. APPROVAL OF MINUTES - JULY 10, 1978

Page 2, Paragraph 2, change to read: "In response to Mrs. Sylla, Chairman Buckle said the application was legal and all posting and noticing had been done in accordance with the law."

M/S Kapranos, Ragan, to approve the minutes of July 10, 1978, as amended.

Motion passed with four ayes; Commissioner Harle abstaining.

3. OLD BUSINESS

A. Approval of Consideration of Names For Private Streets - Tam View Knolls - Per Municipal Code, Section 10-2.201 (g).

Max Holsinger, developer, present.

Mr. Leitzell said the Fire Department had recommended that the proposed street name, Allemand Lane, be changed because it could possibly be confused with another street, The Alameda.

Mr. Holsinger said the correct pronunciation of Allemand is similar to the word, almond, and, therefore, there should not be any confusion.

There were no comments regarding the other proposed street name, Boulder Lane.

M/S Ragan, Harle, to approve the names, Boulder Lane, Allemand Lane, and Essex Street for the private street names for Tam View Knolls.

Motion passed unanimously.

B. Public Hearing - Proposed Ordinance Amendment For Establishing A Professional Buffer Zone.

Commissioner Buckle explained to the audience that the intent of this ordinance is to provide a buffer between commercial and residential neighborhoods.

Mr. Leitzell said professional uses such as accountants, attorneys, architects and engineers would be allowed in this zone without a use permit; doctors, dentists and medical offices would require a use permit due to the number of receiving patients.

Commissioner Buckle suggested that the minimum lot size be 4,000 square feet, rather than the original proposal of 5,000 square feet. His feeling was that the average size lot in this area is approximately 4,000 square feet.

Mr. Leitzell pointed out that if the minimum lot size is 4,000 square feet, then it would be possible to subdivide a lot which is only 8,000 square feet into two parcels; this would create too many lots. Commissioner Harle said that would defeat the intent of the ordinance by making the buffer zone very "cluttered."

Commissioner Harle suggested the ordinance be written so as to make it possible for existing sub-standard lots (which, in this case, would be under 5,000 square feet) to be rezoned to the buffer zone. The minimum lot size of 5,000 square feet would then only apply to new subdivided lots. The Commission agreed.

Commissioner Buckle suggested that the minimum sideyard setback adjacent to commercial districts should not be three feet but, rather, a zero foot setback would be preferable. The Commission agreed.

Rod Baron, 158 Pine Street, felt the Town should not encourage

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a height maximum of two stories or 35 feet for structures; however, Commissioner Buckle informed the gentleman that this height limit would be consistent with the height limit in residential zones.

M/S Ragan, Harle, to recommend to the Town Council the adoption of Ross Valley Reporter Legal Ad #348, a proposed ordinance for establishing a professional buffer zone with the changes recommended by the Planning Commission, which are (1) that existing substandard lots (less than 5,000 square feet) be allowed to be rezoned; and (2) that there be a zero foot sideyard setback between the buffer zone and commercial zones.

Motion passed unanimously.

- C. U-515 - Theodore Janko, 218 Sir Francis Drake Boulevard, A/P 6-252-03, application for a use permit to allow the on-sale business of alcohol and outdoor eating on change in ownership, with the additional activity of inside, live non-amplified music on Sunday afternoons.

Theodore Janko, applicant, was not present. It was noted that the applicant was sent proper notice of the meeting.

The Commission agreed to continue this application to the meeting of August 21, 1978.

- D. V-792 - Meyer M. Cahn, 21 Rowland Avenue, A/P 7-112-27, application for a 7 foot sideyard variance to construct a kitchen one foot from the property line.

Ben Solomon, representing applicant, was present.

Commissioner Ragan stated that the structure, as it exists now, is a "fire trap" and simple covering up with carpets and paint will not solve the problems. Therefore, he said he would not vote for this application.

The question of whether this structure is a legal second unit on the property was raised. It has been determined that the structure is a registered second unit.

Helen Amick, 139 Humboldt Avenue, asked who has the authority to condemn property; Mr. Leitzell explained that a public nuisance could be taken before the Town Council for abatement action.

Commissioner Harle felt there really is not a hardship with the small kitchen; it has existed for years this way.

Mr. and Mrs. Solomon asked that the application be held over until the meeting of August 21, 1978, which was agreed to by the Commission.

- E. V-793 - Mr. and Mrs. Richard Somers, 41 Angela Avenue, A/P 5-022-12, application for a three foot sideyard variance (with a one foot roof overhang) for an addition of a family room within five feet of the side property line.

Richard Somers, applicant, present.

Mr. Somers explained that he needs a home that is compatible for his two teenagers and handicapped child. The proposed family room will be an extension of the existing television room.

Bettie and Jim Mansen, 45 Angela Avenue, wrote a letter to the Commission supporting the application.

M/S Harle, Ragan, to approve V-793, an application for a three foot sideyard variance (with a one foot roof overhang) for an addition of a family room five feet from the side property line, for Mr. and Mrs. Richard Somers, 41 Angela Avenue, A/P 5-022-12, on the basis that a hardship exists in the size of the present house to accept the family; and it will enable the extension of substantial property rights; and is not detrimental to the neighborhood because it matches the setbacks in the neighborhood. This application is to be approved according to the plans received by the Town of San Anselmo on July 20, 1978.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

4. NEW BUSINESS

- A. V-794 - Jack Redmond, 33 Oak Springs Drive, A/P 5-254-13, application for a six foot rear yard variance to construct a trellis within 14 feet of the rear property line.

Jack Redmond, applicant, present.

Mr. Redmond showed photographs of his yard to the Commission. He said his property slopes such that one corner of the trellis is even with the land and, therefore, no one's view would be blocked. Mr. Redmond said he has heard no objections from his neighbors. He is proposing the trellis because it will serve as shelter from the sun and as a privacy screen.

M/S Ragan, Harle, to approve V-794, application for a six foot rear yard variance to construct a trellis within 14 feet of the rear property line, for Jack Redmond, 33 Oak Springs Drive, A/P 5-254-13, on the basis that the configuration of the lot is such that this variance is justified; it will not be injurious to people in the neighborhood; and it will enable the property owner to enjoy his substantial rights.

Motion passed unanimously.

Application was advised of the ten day appeal period.

- B. V-795 - Sally S. Stockton, 50 Merced Avenue, A/P 5-193-06, application for a six foot side yard variance for the extension of a rear deck and the construction of a utility, bath and study rooms underneath, within two feet of the side property line, and a five foot size variance to allow a parking area of ten feet x 35 feet for tandem parking for two cars (legal requirement is ten feet x 40 feet).

Sally Stockton, applicant, present.

Ms. Stockton told the Commission the present house is only 700 square feet. She plans to use the utility room for a washer and dryer, and the study for books.

Commissioner Ragan said he spoke with one of the neighbors, who had no objections to the application.

M/S Ragan, Kapranos, to approve V-795, application for a six foot side yard variance for the extension of a rear deck and the construction of a utility, bath and study rooms underneath within two feet of the side property line, and a five foot size variance to allow a parking area of ten feet x 35 feet for tandem parking for two cars, for Sally S. Stockton, 50 Merced Avenue, A/P 5-193-06, on the basis that this lot is extremely small and the size of it will not permit the remodeling on any other area of the lot; that it will not be injurious to neighbors residing in the area; and will give substantial property rights to the applicant; approved as per the drawings dated July 17, 1978, and received by the Town of San Anselmo July 20, 1978.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

- C. V-796 - Laura Lee Isi, 28 Hooper Lane, A/P 7-012-07, application for a four foot side yard variance to allow an existing bedroom and bath to remain within four feet of the side property line.

Laura Lee Isi, applicant, present.

Ms. Isi explained that she had just purchased the property. The Town had been notified by an anonymous caller that an addition had been added to the structure without permission from the Town. The previous owner, who had the additions made, had originally applied for this application approximately one month ago. He

He then sold it to Ms. Isi, who has taken on the responsibility. She does not know why the additions were made without permits.

Commissioner Ragan asked staff to find out who the contractor is that made these illegal additions and possibly look into having his license revoked.

M/S Ollinger, Ragan, to approve V-796, an application for a four foot sideyard variance to allow an existing bedroom and bath to remain within four feet of the side property line, for Laura Lee Isi, 28 Hooper Lane, A/P 7-012-07, as shown on the drawings received by the Town of San Anselmo on July 31, 1978, on the basis that it will not be detrimental to the neighborhood; and because of the extreme conditions of the house; and the extraordinary conditions under which this addition was constructed for the previous owners; and the configuration of the lot is such that this addition could not be placed anywhere else on the property.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

- D. V-797 - Dr. and Mrs. Ronald D. Friedman, 40 Crest Road, A/P 6-221-24, application to allow a parking area, 21 feet x 22 feet for two parking spaces within zero feet of the front property line.

Dr. Ronald Friedman, applicant, and Lawrence Brehm, architect, present.

Mr. Brehm said the applicant recently converted one bedroom into a dining room. The proposal is to convert the existing carport into a master bedroom and, therefore, the applicant must provide off-street parking. He proposes to have a parking area, 21 feet x 22 feet, within zero feet of the frontyard property line.

M/S Ragan, Ollinger, to approve V-797, application to allow a parking area, 21 feet x 22 feet, for two parking spaces within zero feet of the front property line, for Dr. and Mrs. Ronald D. Friedman, 40 Crest Road, A/P 6-221-24, on the basis that the configuration of the lot is such that parking cannot be placed elsewhere; that it will not be injurious to the neighborhood; and that it will enable the property owner to have substantial property rights.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

- E. Z-164 - San Francisco Theological Seminary, 101 Ross Avenue, A/P 7-283-06 and 7-283-07, application to rezone the property from R-1 (Single Family Residential) to R-3 (Neighborhood Apartment District).

Dan Duer, Business Administrator for the Seminary, present.

Mr. Duer said that on this L-shaped lot there is presently a large house used by World College West and a small house fronting Ross Avenue and a duplex fronting Mariposa Avenue.

Mr. Duer said that most of the property surrounding these two parcels are either zoned R-3 or R-3. Commissioner Harle pointed out, however, that some parcels zoned R-2 actually have a use of R-1.

Mr. Duer's proposal is to add five additional units on the parcels (two two-bedroom townhouses and three three-bedroom townhouses) with a multi-purpose room. There would also be a child care center which would hold approximately 20 to 30 children, ages 1½ years to 5 years, nine months. Off-street parking will be provided within the legal setback requirements.

Commissioner Harle suggested that this property be rezoned to SPD, rather than R-3, so that the Town could have some control over the uses there.

Mr. Leitzell pointed out that if this property was rezoned to R-3, the applicant could have 17 units if he met the parking requirements (which he probably would not meet).

Peter Fenton, 75 Ross Avenue, said he owns the apartment house across the street from this property. He has experienced problems with the Seminary for the last twelve years. He is concerned with a parking lot and a multi-purpose room facing the bedroom windows of his apartment house because it can be very noisy.

M/S Harle, Ollinger, to deny Z-164, application to rezone the property at 101 Ross Avenue, A/P 7-283-06 and 7-283-07, from R-1 (Single Family Residential) to R-3 (Neighborhood Apartment District) for the San Francisco Theological Seminary on the grounds that this R-3 zoning for A/P NOs. 7-283-06 and 7-283-07 would be inconsistent with the community goals for density in that neighborhood.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

- F. Z-165 - E. Keith Franc, Summit Road, A/P Nos. 7-031-23 and 7-031-24, application to rezone the properties from PPD R-1 (Preliminary Plan Development with a presumptive use of Single Family Residential) to SPD (Specific Plan Development).

Keith Franc, applicant, present.

Mr. Franc put a drawing of the planned development on the wall which showed the placement of the houses on the lots. He said he had studied the property very closely to see how best it should be developed while still retaining the oak trees and slopes. Plan A basically showed no concern for the environment, and Plan B had 19 units. Plan C shows the preferred clustering of houses which allows for more open space. Plan C proposes 14 units.

Mr. Leitzell said this area is proposed in the General Plan as a public acquisition area; however, the Town is in no position to purchase the property.

Helen Amick, 139 Humboldt Avenue, expressed concern about the traffic on Humboldt Avenue. It is very dangerous now and with traffic coming from Summit Road, it will be extremely so.

Mr. Franc said that in time there will most likely be an alternate route for traffic off of Summit Road through Fairfax.

Howard Blair, 53 Summit Road, said there are six blind curves on Humboldt and the road is only about nine feet wide.

Tom Acker, 448 Scenic Avenue, agreed and added that he was concerned about noise and pollution resulting.

Jonathon Braun, 479 Scenic Avenue, said the hill is a major landmark and we have a commitment to future generations to preserve this hill. He feels the maximum number of units should be two.

Alex Ross, 48 Scenic Avenue, said there are drainage problems on this hill that should be taken into consideration.

Sandra Harris, 5 Francis Avenue, is concerned with the amount of machinery that would be going up Humboldt Avenue during construction of these units.

In response to Dr. Gilber's questions, 200 Scenic Avenue, Mr. Franc said he is trying to protect the crest of the hill by building the houses into the trees; the bridal path will remain; and Summit Road will be paved to the Town Engineer's standards.

Jerry Lloyd, 540 Scenic Avenue, said he is concerned about drainage problems and changing the terrain.

Price Hall, 555 Scenic Avenue, is on the downslope side and is also concerned about drainage. He feels the herd of deer that is in the area will not survive this construction.

Peter Fraser, 60 Hillside Avenue, pointed out to the audience that if the developer built one house at a time on the hill, it would have no impact on the neighborhood, but because he proposes to construct 14 at the same time, everyone is frightened. He suggested that the people approach this optimistically and help the plan.

Frank Egger, Fairfax Councilman, and Rebecca Coleman, Fairfax Planner, asked staff and the Commission to meet with them and discuss the project as it relates to Fairfax's and San Anselmo's General Plans. Frank Egger went on to say that the density of 14 dwelling units was not objectionable to Fairfax, but Fairfax is deeply concerned about the visual impact.

The Commissioners agreed that a focused Environmental Impact Review (EIR) is necessary.

M/S Kapranos, Ragan, to accept the recommendations by staff that a focused EIR be prepared on the environmental concerns raised by the Planning Commission in their discussion. Those items to be addressed in the EIR are specifically density alternatives, geological and slope stability, drainage, traffic, visual aesthetics, public services, and General Plan conformity (Fairfax and San Anselmo).

Motion passed unanimously.

Applicant advised of the ten day appeal period.

G. SS-212 - Marvin H. Steele, 4 Herrera Court, A/P 5-062-90, application to subdivide the property into two parcels.

Marvin Steele, applicant, and Laurence Karp, engineer, present.

Mr. Karp said the existing catch basin has two six inch drains and feels it is probably inadequately sized. The catch basin should also have a screen over it to catch the leaves.

Mr. Leitzell said this proposal does not meet the Town's slope policy. Parcel A was shown to have approximately 19,000 usable square feet; but actually only 13,000 square feet was usable due to the driveway easement (the easement should be deducted from the total area).

Mr. Karp insisted that other lots in the area were too small as well, but the Commissioners felt this was not a reason to approve the subdivision.

William Mandel, 2 Oakwood Avenue, said the parking is difficult in this area on-street and emergency vehicles may not be able to get through. He also said the water pressure in this area is now barely adequate.

Ford Fish, 81 Woodside Drive, said if trees are eliminated by this new structure it will make the drainage problems worse.

Karen Ragle, 37 Carlson Court, said water comes down the hill very fast in the winter. She has built ditches and pipes and it has been a very big expense.

M/S Ragan, Harle, to deny SS-212, application to subdivide 4 Herrera Court, A/P 5-062-90, into two parcels, for Marvin H. Steele, on the grounds that it does not meet the slope policy established by the Town of San Anselmo.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

5. ADJOURNMENT

The regular meeting of the San Anselmo Planning Commission was adjourned at 12:28 a.m. to the next regular meeting of August 21, 1978.

Lisa Burglin
LISA BURGLIN
PLANNING SECRETARY