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The regular meeting of the San Anselmo Planning Commission of March 6, 1978, was called to order by Chairman George Buckle at 8:00 p.m. in Room 6 of the Isabel Cook Community Center. Representing Town Staff: T. J. Robbins, Associate Engineer/Planner; Lynn McGovern, Planning Technician.

1. ROLL CALL

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

2. APPROVAL OF MINUTES

A. January 31, 1978 - Town Council/Planning Commission joint meeting

M/S Ragan, Olive, that the minutes of January 31, 1978, be approved.

Motion passed unanimously.

B. February 6, 1978 - Regular meeting

Page 3, Item 5 D, Paragraph 4, Delete Line 8, which reads, ". . . and for a 2 foot sideyard variance to allow a 4 foot sideyard setback for construction of a balcony on the east side of the property . . ."

M/S Olive, Ollinger, that the minutes of February 6, 1978, be approved as amended.

Motion passed unanimously.

3. OLD BUSINESS

A. S-90 - Tam View Knolls, Red Hill and Essex Avenues, A/P Nos. 6-091-59, 6-091-07, 6-121-07, 6-121-09, approval of final subdivision map.

Max Holsinger, applicant, present.

T. J. Robbins explained to the Commissioners that Sheet 2 of the drawings submitted by Mr. Holsinger was a site plan approved when the Planning Commission approved the tentative map. Sheet 1 is a signature sheet, and Sheets 3 through 7 are an outline of the dimensions of the buildings.

Mr. Robbins said that the improvements are not yet bonded, but will be this week. The final map will be ready to go before the Town Council at their meeting of March 14, 1978. He explained that the improvements should be a condition of the final map approval. The Town Engineer and Planning Chairman must sign it for certification.

Mr. Robbins said that the necessary improvements include landscaping along with on-site streets and utilities, and also a portion of Essex Avenue is to receive overlay asphalt.

M/S Ollinger, Ragan, to recommend to the Town Council the approval of the final map of Tam View Knolls, a condominium development, as submitted on the map dated February, 1978, by Edward B. Beattie. This recommendation is contingent on the following:

1. Approval of the final map by the Planning Chairman.
2. Approval of the final map by the Town Engineer.
3. The remaining improvements to be bonded prior to Town Council approval.

Motion carried: AYES: Buckle, Olive, Ollinger, Kapranos, Ragan  
ABSTAIN: Goltz

4. NEW BUSINESS - PUBLIC HEARING

A. Amendment of General Plan - Change Land Use designation of the Yolansdale School site from mixed-residential to public facility.

Mr. Frank Elliott, Superintendent of San Anselmo School District, applicant, present.

Mr. Elliott gave a history of the situation. He said the School District had a lease option of six years, but six months ago they were told that the HUD grant would not allow educational facilities at Isabel Cook. The only other logical site is Yolansdale School. They agreed to move prior to June, 1978, and planned to do this two weeks ago. They planned to also move the maintenance shed which was objected to by the public. The Town Council let the maintenance department move to the Town's Corporation Yard. They stopped the rest of the move after the ruling by the Town Attorney, who said school facilities without children comes under the Town ruling. Mr. Elliott explained that there would be two people in the administrative office, five persons in the business facility and two persons in the workroom.

Mr. Elliott said that with the possible consolidation of the Fairfax and San Anselmo School Districts, this would add three people, bringing the total to twelve. The IMC will not be moved to Yolansdale; it will probably locate to the Hidden Valley School site.

Mr. Elliott said they planned to fence off the playground area. This would be for the safety of the children. They hope to relocate the Lansdale Station equipment here because that playground is at the foot of Humboldt Avenue and is a hazardous area. He pointed out that this is just a thought. They may also relocate the Eagle's Nest equipment which is now by the garbage area, and put it between the trees or by the swings.

When asked why he planned 23 parking spaces for just twelve people, Mr. Elliott said they would be holding weekly meetings for the five San Anselmo principals and three Fairfax principals and then allowing for two to three more people to show up, the parking would be adequate.

Mr. Elliott went on to say that Hidden Valley School may close and then they could have their offices there, but as of this date there are no open rooms available.

Commissioner Buckle asked the applicant that if the Yolansdale School was not existing, where would the School District move.

Mr. Elliott said that possibly he would use the proceeds from the sale of the School to purchase portables and move out to Hidden Valley School.

Commissioner Olive asked Mr. Robbins if another public facility could use this school.

Mr. Robbins said yes, i.e., sanitary and water districts, County social service offices, etc.

Commissioner Kapranos asked if this would be a school use and Mr. Elliott said no, it would be a public use and the Recreation Department could use it.

Mr. Robbins pointed out that the Town will not have close control over this land use, but they could follow up with SPD (it is now zoned PPD) so that any change to it could require a use permit which would entail hearings on it.

Commissioner Ragan expressed concern over the possible use of this parking lot by the child care center that is now there.

Mr. Elliott said the child care center will remain at Yolansdale, but the School District would be willing to put up a chain at night to stop night parking or have residents pay them to park their cars there at night.

Mr. Elliott said he has studied the numbers of children in the playground over the past few weeks on week days and weekends and on the average, has seen three children per day and about five boys playing basketball in the afternoons.

Some of the Commissioners expressed interest in perhaps making restrictions on the use of the facility.

Addition:  
See Pg. 155

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Addition:  
See Pg. 155

Commissioner Goltz pointed out that this is the General Plan and not a zoning ordinance, and once restrictions are made, it does not allow the implementation of the General Plan. We must make this a use in a R-1 District or change the zoning.

Mr. Robbins said this could allow the Planning Commission to have use permit hearings.

Commissioner Goltz said that requiring use permits for this use would still result in the same thing, but we would have control.

Mr. Robbins said this would entail two public hearings: A code amendment and an environmental impact review, then a hearing for what is before the Commission now. He told the Commission they could direct staff to advertise for a public hearing to amend the Code for March 20, 1978, and recommend to the Town Council this is an emergency measure and, if approved, would be effective immediately.

Lorraine Gates, 28 Elm Avenue, expressed concern over the traffic problems in the neighborhood. The numbers of speeding automobiles have resulted in children being killed. She said that on March 2, 1978, she saw eleven cars parked by the handball court and not in the marked parking spaces. The next evening there were cars doing wheelies. The school is a general parking lot that has 15 to 20 cars parked there each day. She told Mr. Elliott that she thought the drawings were good, but this project would be taking away open space from the children.

Robert Burrowes, 1386 San Anselmo Avenue, feels that a commercial enterprise in a R-1 neighborhood will bring about expansion of this type of use.

Gary Gates, 28 Elm Avenue, said that in the morning their driveway is filled with cars dropping children off at the Child Care Center. He said he leaves for school at 8:00 a.m. and sees approximately twelve cars there every morning.

Marlene Kennedy, 1319 San Anselmo Avenue, commented on the Parks & Recreation programs during the summer. She said it is so noisy that it would be difficult for business offices to operate. She also mentioned that the small children use two rooms for playing and it is important for them to have an inside area to use.

Cornelius King, 51 Elm Avenue, feels that the increase in traffic and people working in the area would intimidate the children and possibly a better idea would be to develop this land into a recreation area.

Jess Munyon, 1348 San Anselmo Avenue, said he moved to this area because the school was close for his children. He stated he is involved with coaching the children in sports and would rather see more development in the recreation area.

Addition:  
See Pg 155

Ellen Walker, 10 Elm Avenue, stated that she does not wish to live across the street from a business.

Mr. Elliott said that he was not aware of a parking problem and this could be solved easily with the use of chains.

Mr. Robbins pointed out that there will be a fence between the two areas and there will be no way to park in the play area.

Commissioner Goltz, referring to the negative declaration prepared by staff, said that he would have given different answers to some of the questions on the checklist, i.e., Item 6: he felt there would be an increase in the existing noise levels because of a business; Item 8: there would be a substantial alteration to the land use; Item 12: Housing demand may change; Item 13a: there would be additional vehicular movement; Item 13d: there would be alterations to present patterns of circulation by means of a new parking plan; Item 18: the project will effect the aesthetics; Item 19: it will have an impact upon the quantity of existing recreational opportunities; Item 21: there will be a significant effect on the environment. He feels the project needs an environmental impact review or have a mitigating adjustment in the Plan.

Addition:  
See Pg 155

Some of the neighbors said that on San Anselmo Avenue there are cars parked on either side of the road and only one-way traffic can get through.

Mr. Elliott said the Fairfax School District has a portable classroom, but there is no available space to include the San Anselmo School District. ~~He stated that the cost of buying and setting up one portable is approximately \$30,000. San Anselmo would need three of them.~~

Correction:  
See Pg 155

Mr. Robbins pointed out that a traffic and parking situation study can be made without a full EIR.

Commissioners Ragan and Ollinger agreed with Commissioner Goltz that there would be an adverse environmental impact if the application is granted.

M/S Goltz, Ollinger, to not accept the negative declaration because the magnitude of the General Plan change would require more mitigating evidence. Items that should be addressed by the applicant are Item 6, Noise; Item 8, Land Use; Item 13, Transportation/Circulation; Item 18, Aesthetics; and Item 19, Recreation. The applicant should consider alternatives in the light of what was said at this public hearing.

Correction:  
See Pg 155

Motion passed unanimously.

M/S Goltz, Ollinger, that staff set a public hearing for March 20, 1978 to amend the zoning ordinance, Section 10-3.503 of the San Anselmo Municipal Code, to add an item that would allow public buildings and public uses not included in the master plan to be in a R-1 District with a use permit.

Motion carried: AYES: Buckle, Goltz, Kapranos, Ollinger, Ragan  
NOES: Olive

Commissioner Buckle asked staff to consult with the Town Attorney to see if the above is possible March 20, 1978, for consideration of public acquisition only.

M/S Goltz, Ollinger, to continue this hearing, an amendment to the General Plan and Land Use Element, to March 20, 1978, for consideration of public acquisition only.

Commissioner Buckle asked staff to consult with the Town Attorney. Motion passed unanimously.

##### 5. NEW BUSINESS - USE PERMITS/VARIANCES

A. EU-22 - Betty J. Logwood, 25 Bella Vista Avenue, A/P 6-082-35, application to allow an existing second unit to remain. CONTINUED 03/20/78.

B. EU-25 - Fred Neese, 44 Crooked Avenue, A/P 6-114-22, application to allow an existing second unit to remain.

Fred Neese, applicant, present.

Mr. Neese said that he has lived here for fifty years and always rented the second unit. Recently, he has left it vacant for a relative to eventually move in, and now he is surprised to be told the unit is illegal.

Lynn McGovern said if a unit is vacant for a certain period of time, it requires a use permit. She also explained that the second unit is not actually on a separate lot.

M/S Ragan, Kapranos, to approve EU-25, application for a use permit to allow a second unit to remain, for Fred L. Neese, 44 Crooked Avenue, A/P 6-114-22, on the basis that it will not be detrimental to the neighborhood or those residing in it because ample parking is provided and the lot is of sufficient size to handle a second unit; and the granting of the application is necessary for the preservation and enjoyment of substantial property rights because the applicant did receive a building permit for the unit from the Town of San Anselmo so he should be allowed to rent it with the following

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conditions:

1. That a rent-guarantee contract be signed between the applicant and the Town.
2. The rights granted under this permit are personal to the applicant and are not transferrable or assignable to any other person or legal entity whether any person or legal entity does or does not own a contractual or property interest in the particular property.

Motion passed unanimously.

Commissioner Ragan noted that a smoke detector has already been installed.

Applicant was advised of the ten day appeal period.

- C. U-504/V-766 - Hood Chatham, 25 Tamalpais Avenue, A/P 7-212-18, application to allow living quarters in a commercial area and to substitute three small car spaces for required parking with continued access to an eleven car parking area from the Town.

Hood Chatham, applicant, present.

Mr. Chatham stated that he had just found out from Mr. Robbins that he is 80 square feet over and, therefore, needs 12 parking spaces rather than eleven. Therefore, eight legal size spaces can be reduced in width from 10' to 9' to pick up one small car. That would mean four small car spaces and eight normal spaces. He stated that they now have eight spaces at 9' and one at 8'. He said this is usually the case in parking lots. As long as he can remember, access has been from the City parking lot.

Mr. Chatham explained that he plans to raise the building 3½' to provide ground level space and get out of a flooded area. The second floor will be for commercial purposes and the top level will be modernized and be a one bedroom apartment. The peak of the building will be level with a building next door.

Commissioners Olive and Goltz agreed that this parking situation is a self created hardship.

Ms. McGovern said that the Town Council will have to give Mr. Chatham an easement for him to go across the Town owned parking lot to get to his parking area.

Commissioner Goltz feels that Mr. Chatham is overdeveloping the lot for the parking area size. He said he would vote to turn down the parking variance because it conflicts with the rezoning change we are making.

Correction:  
See Pg 155

Commissioner Ollinger, agreeing with Commissioner Goltz, said there is a ratio between the number of carspaces to the building size. He feels this piece of property is being overdeveloped.

M/S Goltz, Kapranos, to refer the application, U-504/V-766, back to the applicant for restudy.

Motion passed unanimously.

- D. V-764 - Gary and Annie McCuen, 20 Yolanda Drive, A/P 7-042-11, application for a 6' sideyard variance to allow a 2' sideyard setback to provide an alternate parking area and a 3' parking variance to allow a 17' parking width to maintain landscaping.

Gary McCuen, applicant, present.

Mr. McCuen explained that the purpose of his application is to relocate the parking area so the backyard can be enclosed. The only alternate place for the parking is off Yolanda on the side of the house.

Commissioner Buckle explained to the applicant that a hardship must be evident in order for a variance to be granted. It cannot be granted for the reason of convenience.

Mr. McCuen said that he wants better utilization of his property and backing into Alder is difficult because it is a curved and narrow street.

Commissioner Buckle pointed out that this is a safety matter, not a hardship.

Mr. McCuen said he is considering building a pool, but must have this variance to do so because there is only one place to put the pool so it will not be in a shaded area.

Correction: See Pg 155. Commissioner Olive said that she feels the ~~only~~ hardship is the fact that the applicant is on a corner lot and there is ~~little safety there.~~

Commissioner Kapranos went on to say that this corner lot narrows down in the rear where the living space is. This is a hardship because if the two sides are parallel, there would be more living space.

Commissioner Buckle felt that the lot is actually larger than most of the others in the area and that perhaps the decks could be moved.

M/S Ragan, Ollinger, to deny V-764 for a 6' sideyard variance within a 2' sideyard setback on the grounds that it does not constitute a hardship per Section 10-3.2102(1) of the San Anselmo Municipal Code.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

- E. V-765 - Christine Simmons, 171 Spring Grove Avenue, A/P 6-212-29, application for a 20' frontyard variance with a 0' frontyard setback to permit the construction of a car deck on a steep downsloping lot.

Doug Simmons, representing applicant, present.

Ms. McGovern explained that several months ago an application for a variance and design review on the same piece of property were made by a different architect. The plans were to rebuild on an existing structure, but it was withdrawn because the plans were structurally impossible.

~~Mr. Simmons said that the parking situation is incredible due to a lack of inexperience and knowledge.~~

M/S Ollinger, Kapranos, to approve V-765, application for a 20' frontyard variance to allow a 0' frontyard setback, for 171 Spring Grove Avenue, A/P 6-212-29, on the basis that the steep downsloping lot constitutes a condition of the land; that the granting of the application is necessary for the preservation and enjoyment of substantial property rights; the applicant must have adequate offstreet parking; and the granting of the variance will not be detrimental to the neighborhood; to be based on drawings as submitted to the Town of San Anselmo by Lee Hayes dated February 7, 1978.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

- F. V-767 - Carl Anderson, 978 San Anselmo Avenue, A/P 7-113-10, application for a 13' frontyard variance to allow a 7' frontyard setback and an 8' sideyard variance to allow a 0' sideyard setback for the construction of two 10' x 20' parking spaces.

Carl Anderson, applicant, present.

Commissioner Goltz stated that the applicant got this variance once before and, therefore, there is no need to grant it again and his application fee should be returned to him.

M/S Goltz, Ragan, that the Planning Commission direct staff to return Carl Anderson's money on the condition that staff find proof that the variance was granted before and, therefore, has two legal spaces.

Motion passed unanimously.

- G. V-768 - Alice and Timothy Yarish, 1 Cypress Road, A/P 6-113-01, application for a 6' sideyard variance to allow a 2' sideyard setback for the construction of a house, and a 20' rearyard variance to allow a 0' rearyard setback for the construction of a deck.

Timothy Yarish, applicant, present.

Mr. Yarish said the sideyard variance is to allow the house to be set more naturally. The proposed house is 1½ stories in height, 30' long and 35' wide.

Commissioner Buckle suggested making the house longer and narrower and, thus, a variance would not be necessary.

Mr. Yarish said there are special circumstances, i.e., exposure is perpendicular to the house and the design depends on maximizing the exposure. We would have to cross more contour lines by following this suggestion.

Ms. McGovern stated that because of the easement he has 30' between his house and the one next door.

Commissioner Ollinger said there is a conglomeration of cars and garages on Sunny Drive. ~~If they came off Cypress Avenue, a big retaining wall would be necessary.~~

Correction:  
See Pg. 156

Additions:  
See Pg. 156

M/S Goltz, Ollinger, to grant V-768 for 1 Cypress Road for a 2' sideyard setback requiring a 6' sideyard variance, and a 0' rearyard setback requiring a 20' rearyard variance because of the following: there are exceptional circumstances applying to the land which do not apply generally to other land, which is the small steep slope; that the granting of the application is necessary for the preservation and enjoyment of substantial property rights; that the granting of the application will not materially affect adversely the health and safety of persons residing or working in the neighborhood; and will not be materially detrimental to the public welfare or injurious to property or improvements in such neighborhood.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

## 6. MATTERS FOR CONSIDERATION

- A. Downtown Rezoning Study - specifically San Rafael and Tamalpais Avenues.

The Planning Commission agreed to continue this item to the regular meeting of March 20, 1978.

## 7. ADJOURNMENT

The regular meeting of the San Anselmo Planning Commission was adjourned at 11:45 p.m.

*Lisa Burglin*

Lisa Burglin  
Planning Commission Secretary