

The regular meeting of the San Anselmo Planning Commission was called to order by Chairman George Buckle at 8:00 p.m. on November 20, 1978, in Room 6 of the Isabel Cook Community Center, 1000 Sir Francis Drake Blvd. Staff present: C. R. Leitzell, Director of Public Works/Planning.

1. ROLL CALL

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

2. APPROVAL OF MINUTES - NOVEMBER 6, 1978

Item 3(A), Paragraph 8, change to read, ". . . proposes approximately 50,000 square feet of irrigation."

Item 3(B), Paragraph 10, change to read verbatim, ". . . she is still against the change from R-1 zoning for three reasons: 1. Ross Avenue is a congested traffic area with severe parking problems and the proposed project will increase the density; 2. the San Anselmo Historical Commission has noted the house is one of the oldest in the community and such houses are very valuable in the private housing market now. It would seem that the best preservation of this community asset would be guaranteed by private owner's R-1 use, rather than by institutional housing and modification; 3. the Seminary has other sites within their grounds for the proposed facilities and so this property could best benefit the community by returning it to the tax rolls as the privately owned residence it was intended to be when constructed.

Item 3(C), Motion - Condition 1, change word "signing" to "signs."

Item 4(A), insert, "Mrs. Frank Sousa, 40 Tamalpais Avenue, told the Commission what the current uses are on the various parcels on Tamalpais Avenue."

M/S Ragan, Olive to approve the minutes of November 6, 1978, as amended.

Motion passed with three ayes; Commissioner Harle abstaining. (Commissioner Goltz had not yet arrived).

3. OLD BUSINESS

A. A-107 - Tam View Knolls, 72 Essex Street, review of landscape plan for 13 unit condominium development.

Max Holsinger, developer, and Bill Doughty, of Trinity Landscaping, present.

It was noted that the eight objections raised by the Planning Commission at their meeting of November 6, 1978, with regard to the types and sizes of plants and the design scheme had been complied with in the new plan. The Pampas Grass and Acacia Trees originally proposed have been replaced with Nerium Oleander and Hakea Suaveolens (a bushy tree with needle-like leaves which can grow up to 20 feet tall). The Hakea will be at the bottom of Units 1, 2 and 3 to act as a screen from the street below. There are existing Eucalyptus Trees above Units 10 and 11, so there is no need to add more trees in this area, according to Mr. Doughty.

Mr. Holsinger said there are also existing trees on the west side of the property which will be trimmed and cleaned up.

Commissioner Olive questioned why the original plan proposed plantings above Units 7, 8 and 9 and the new plan does not. Mr. Doughty said the original plan had been drawn up before the retaining wall was built. It is now realized that if the trees, as originally proposed, were put in front of the retaining wall they would make the backyards of these units very small. By not planting above the retaining wall, an open space area exists. Mr. Doughty said irrigating is still planned for this area for fire control purposes.

Mr. Doughty told the Commission that there are two limiting factors for landscaping on this property: 1. The soil condition is poor and limits the plant material available; and 2. the deer also limit the types of plantings that can be used.

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Mr. Doughty said the Japanese Black Pine, which is proposed around the above units, is irregularly shaped and can grow up to 40 feet high.

Mr. Doughty said all proposed trees are evergreens. He assured the Commission that all ground covers will be properly irrigated so as not to be a fire hazard.

M/S Ragan, Harle, to approve A-107, landscape plan for a 13 unit condominium development, 72 Essex Street, for Tam View Knolls, received by the Town of San Anselmo on November 16, 1978, consisting of Sheets 1 and 2, with the stipulation that adequate irrigation be installed in the lower bench area indicated on Sheet 2 to eliminate any fire problems.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

- B. U-523 - Holland Oil Company, 400 Red Hill Avenue, A/P 6-121-15, review of landscape plan for service station - CONTINUED TO 12/04/78.
- C. U-522 - R. Steven Richardson, 1405 San Anselmo Avenue/ 21 Humboldt Avenue, A/P 7-023-04, application for a use permit to allow a recording studio to remain on change in ownership. WITHDRAWN.
- D. EU-27 - Dan Kelly and Jack Benjamin, 47 Elm Avenue, A/P 7-052-54, application for a use permit to allow an existing illegal second unit to remain.

Jack Benjamin, applicant, present.

Mr. Leitzell said some neighbors had written a letter to the Town saying that the second unit had been abandoned for over six months; therefore, a use permit is necessary.

Mr. Benjamin said he was not notified of the November 6, 1978 meeting for this hearing and this is why he did not attend (It was noted that Mr. Benjamin was sent the ten-day postcard notice and an agenda for the November 6, 1978 meeting).

Commissioner Olive asked Mr. Benjamin if a third unit was being constructed in the main dwelling. Upon inspection of the site, she had been shown by the contractor a bathroom and what appeared to be living facilities. Mr. Benjamin said he has not been to the property in over a month and does not know about any construction.

Mr. Benjamin said the back unit is now being rented for \$375.00 per month; he was advised that under the Rent Agreement, this would have to be lowered. He was also advised that the owner must live on the property within one year after use permit approval for the second unit. Either unit can be rented out as the "second unit."

M/S Goltz, Kapranos, to approve EU-27, application for a use permit to allow an existing illegal second unit to remain for Dan Kelly and Jack Benjamin, 47 Elm Avenue, A/P 7-052-54, with the following conditions:

1. That the owner enter into a Rental Agreement with the Town within 30 days; if not, the application will be brought back to the Planning Commissioner for revocation;
2. that staff be directed to look into the alleged third unit and have it abated or be brought back to the Commission;
3. that a smoke detector be installed in each unit on the property since it is not known which will be rented.

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

Applicant was advised of the ten day appeal period.

## 4. NEW BUSINESS

- A. Z-172 - Tamalpais Avenue, Nos. 14/16, 22, 34, 40, 44, 48/50, 62, 27, 35, 41, 43, 47, 51 and 57, A/P Nos. 7-211-20, 7-211-22, 7-211-25, 7-211-26, 7-211-27, 7-211-42, 7-211-33, 7-212-17, 7-212-48, 7-212-14, 7-212-13, 7-212-12, 7-212-11 and 7-212-10, respectively, proposal to rezone to one of the following: R-1 (Single Family Residential), R-2 (Two Family Residential), R-3 (Multi-Family Residential), C-2 (Central Business District) or P (Professional).

Commissioner Buckle explained that the intent of the downtown rezoning is to downzone to residential on the side streets, i.e., Tamalpais Avenue, so that commercial zoning does not move up towards the residences. He said the P zone was developed as a buffer between commercial and residential zones.

Myron Greenberg, 70 Tamalpais Avenue, asked, if an existing use is commercial and the lot is zoned to professional, is it necessary to bring the building up to code requirements, or is it considered legal, non-conforming? Mr. Leitzell said only a change in use or occupancy requires that the building be brought up to code for that use, i.e., a residential house would have to be brought up to code requirements for a professional use if it were to be changed.

Mrs. Frank Sousa, 40 and 51 Tamalpais Avenue, said she wants 40 Tamalpais Avenue to remain zoned R-2, although the present use is R-1, because she may put in a second unit on the property some day (it was noted by Commissioner Olive that a second unit could exist on a R-1 lot; however, it would be subject to rent control). She also asked that 51 Tamalpais Avenue remain zoned R-3, although the present use is R-1 because it is a beautiful lot that could be developed with apartments someday. She pointed out that No. 57 has apartments and No. 47 has a registered second unit; so No. 51 should not be rezoned to R-1.

Mr. Greenberg said he wants to see Tamalpais Avenue rezoned to its current uses (which would basically be to downzone to residential). He feels the professional zone is the same as commercial and does not believe a buffer is necessary on this street because present residential uses are right next door to commercial uses and it does not make sense to rezone these lots to professional. Mr. Greenberg says the traffic is very congested on this street and commuters and downtown shoppers are using the street to park their cars. Mr. Greenberg said, in his opinion, the reason some of these lots were originally zoned commercial was because at the time there was not a real need for residential buildings. He said if you now downzone a lot from commercial to professional where the use is residential, this is an incentive to increase the density.

Mary Darrett, 60 Tamalpais Avenue, agreed with Mr. Greenberg that the parcels should be downzoned to their current use.

The owner of 48/50 Tamalpais Avenue said his property is presently zoned R-2 and since the use is R-2, he would like to see it remain as such.

Commissioner Harle said 12 Tamalpais Avenue has an existing use of Single Family Residential, but it is right up against a commercial building and this fact limits the value of 12 Tamalpais Avenue to be resold as a single family residence.

Joseph Amigone, 66 Tamalpais Avenue, also said the professional zone is just another name for commercial zoning and any rezoning on Tamalpais Avenue should be to downzone to its current use. He also suggested that 62 Tamalpais Avenue has three parties living on the premises. James Otterlee, 62 Tamalpais Avenue, confirmed that there are two living units on the property; the second unit is registered with the Town. However, there is not a third unit.

Commissioner Goltz believes the professional zone would not work well for Nos. 12 and 14/16 Tamalpais Avenue. The existing uses on these two lots is residential and No. 12 is next door to a

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commercial building. He feels the professional zone works well next to a parking lot which is next door to commercial property. He feels the two subject parcels should be downzoned to residential. Commissioners Goltz and Olive suggested rezoning 14 & 16 Tamalpais Avenue to R-2 from C-2.

Commissioner Harle pointed out to the audience that a right to a "fixed" zoning does not come with the purchase of property and, therefore, it does not make good planning sense to spot zone in order to protect individual property rights.

Commissioner Olive questioned why the Commission has proposed to rezone Nos. 34, 40 and 44 from R-2 to R-1 (existing uses are R-1), and across the street at Nos. 41, 43 and 47 from R-1 to R-2 (existing uses are R-1).

Commissioner Buckle felt that since the uses are R-1 for Nos. 34, 40 44, 41, 43 and 47 Tamalpais Avenue, they should be zoned as such.

Commissioners Goltz, Kapranos and Ragan felt Nos. 34, 40 and 44 should remain zoned R-2. Commissioner Goltz's contention is that there is more demand for housing in this area. If property is zoned R-1, then second units must come under rent control. A second unit under a use permit only allows limited maintenance, which invites the downgrading of buildings.

M/S Ragan, Goltz, to recommend to the Town Council to rezone 14 & 16 Tamalpais Avenue, A/P 7-211-20, from C-2 (Central Business District) to R-2 (Two Family Residential).

Motion passed unanimously.

M/S Olive, Ragan, to recommend to the Town Council to rezone 22 Tamalpais Avenue, A/P 7-211-22, from C-2 (Central Business District) to R-3 (Neighborhood Apartment District).

Motion passed unanimously.

M/S Olive, Harle, to recommend to the Town Council to rezone 34 Tamalpais Avenue, A/P 7-211-25, from R-2 (Two Family Residential) to R-1 (Single Family Residential).

Motion failed: AYES: Buckle, Harle, Olive  
NOES: Goltz, Kapranos, Ragan

M/S Harle, Olive, to recommend to the Town Council to rezone 40 Tamalpais Avenue, A/P 7-211-26, from R-2 (Two Family Residential) to R-1 (Single Family Residential).

Motion failed: AYES: Buckle, Harle, Olive  
NOES: Goltz, Kapranos, Ragan

M/S Harle, Olive, to recommend to the Town Council to rezone 44 Tamalpais Avenue, A/P 7-211-27, from R-2 (Two Family Residential) to R-1 (Single Family Residential).

Motion failed: AYES: Buckle, Harle, Olive  
NOES: Goltz, Kapranos, Ragan

M/S Olive, Harle, to recommend to the Town Council to rezone 48 & 50 Tamalpais Avenue, A/P 7-211-42, from R-2 (Two Family Residential ) to R-1 (Single Family Residential).

Motion failed: AYES: Buckle, Harle, Olive  
NOES: Goltz, Kapranos, Ragan

M/S Olive, Harle, to recommend to the Town Council that 62 Tamalpais Avenue not be rezoned, but remain zoned R-1 (Single Family Residential).

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

M/S Goltz, Ragan, to recommend to the Town Council to rezone 27 Tamalpais Avenue, A/P 7-212-17, from C-2 (Central Business District) to R-2 (Two Family Residential).

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

M/S Goltz, Ragan, to recommend to the Town Council to rezone 35 Tamalpais Avenue, A/P 7-212-48, from C-2 (Central Business District) to R-3 (Neighborhood Apartment District).

Motion passed unanimously.

M/S Olive, Harle, to recommend to the Town Council that 41, 43 and 47 Tamalpais Avenue, A/P Nos. 7-212-14, 7-212-13 and 7-212-12, respectively, not be rezoned, but remain zoned R-1 (Single Family Residential).

Motion carried: AYES: Buckle, Harle, Kapranos, Olive, Ragan  
NOES: GOLTZ

M/S Harle, Olive, to recommend to the Town Council that 51 Tamalpais Avenue, A/P 7-212-11, be rezoned from R-3 (Neighborhood Apartment District) to R-1 (Single Family Residential).

Motion failed: AYES: Harle, Olive  
NOES: Buckle, Goltz, Kapranos, Ragan

M/S Olive, Ragan, to recommend to the Town Council that 57 Tamalpais Avenue, A/P 7-212-10, not be rezoned, but remain zoned R-3 (Neighborhood Apartment District).

Motion passed unanimously.

#### 5. DISCUSSION

- A. Magnolia Avenue- Downtown Rezoning Workshop- CONTINUED TO 12/04/78.
- B. City Hall Avenue- Downtown Rezoning Workshop- CONTINUED TO 12/04/78.
- C. Library Place- Downtown Rezoning Workshop- CONTINUED TO 12/04/78.

#### 6. ADJOURNMENT

The regular meeting of the San Anselmo Planning Commission was adjourned at 11:00 p.m. to the next regular meeting of December 4, 1978.

LISA BURGLIN  
PLANNING SECRETARY

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