

The regular meeting of the San Anselmo Planning Commission was called to order by Chairman Olive at 8:00 p.m. on March 19, 1979, in the auditorium of the Isabel Cook Community Center, 1000 Sir Francis Drake Boulevard. Staff present: C. R. Leitzell, Director Public Works/Planning, T. J. Robbins, Assistant Director.

1. ROLL CALL

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

2. APPROVAL OF MINUTES - MARCH 5, 1979

Item 4B, Paragraph 5, change "attractive" to "very Mexican looking."

Item 4C, Paragraph 1, change typographical error "March" to "Marin."

Item 4C, Paragraph 17, eliminate "(such as liquid amber)."

Item 4I, Motion was omitted, add "M/S Buckle, Goltz, to approve the Negative Declaration as prepared by Planning Staff for SS-214 for Alec Liu, 535 Oak Avenue, A/P Nos. 7-201-07 and 7-201-08, application for a lot split, on the basis that it conforms to the General Plan; and that it will not be detrimental to persons in the neighborhood. Motion passed unanimously."

M/S Goltz, Ragan, to approve the minutes of March 5, 1979, as amended.

Motion passed unanimously.

3. OLD BUSINESS

A. V-815 - Vincent R. Rege, 53 Bella Vista Avenue, A/P 6-082-08, application for a 17 foot frontyard variance to construct a house within three feet of the front property line - house relocated and driveway located to clear other private property.

Vincent Rege, applicant, present.

Mr. Robbins said the applicant has proposed to move the house back three feet from the front property line, as the Commission had expressed concern about a zero foot setback at the last meeting. The applicant also has proposed to move the driveway off the neighbor's private property off Bella Vista Avenue. Mr. Robbins added that the front fence will be taken down and constructed 20 feet in front of the new house.

The Commissioners agreed that this new proposal is in keeping with their thoughts at the last meeting.

M/S Buckle, Ragan, to approve V-815 for Vincent Rege, 53 Bella Vista Avenue, A/P 6-082-08, application for a 17 foot frontyard variance to construct a house within three feet of the front property line, on the basis that the driveway is being relocated to clear other private property in the vicinity; that there are exceptional circumstances of the land in that there is a creek in the back and the disposition of the existing street would generally not apply to other lands; that it is necessary for the preservation and enjoyment of substantial property rights; and that it will not be detrimental to the health and safety of persons residing in the neighborhood; to be in keeping with the drawings dated January, 1979, and received by the Town on March 19, 1979.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

B. V-820 - Arthur Segal and Alice Webb, 29 Park Drive, A/P 6-041-15, application for a one foot sideyard variance to construct a hot tub within seven feet of the side property line, and an eight foot sideyard variance for tub equipment and enclosure within zero feet of the side property line (after-the-fact) - variance rehearing with sound level readings available.

Arthur Segal and Alice Webb, applicants, present.

Mr. Robbins said the sound level reading was done at 5:40 p.m. on a weekday and indicated a noise factor of 65 decibels. The

Noise Ordinance only permits a noise level of 55 decibels at that time of day for equipment in a residential neighborhood.

Mr. Segal said he plans to remove the bamboo fence separating his property from the Becker's and replace it with a substantial fence to absorb some of the noise from the jacuzzi.

Commissioners Harle and Goltz were present when the noise readings were taken.

Ruth Becker, 23 Park Drive, said her bedroom is six feet away from the hot tub equipment and the jacuzzi is very loud.

Commissioner Ollinger questioned the type of fence proposed by the applicant. He said a fence would push the sound up and down again and would only muffle it a little. Mr. Segal said he wants harmony in the neighborhood and is willing to move the equipment away from the property line; however, this would cost \$600.00.

Bob Robert, 8 Ivy Lane, suggested the applicant use housing to muffle the sound of the equipment. Mr. Segal said there is housing on the sides, but it is dangerous to put it above the equipment. Ron Basker, 106 Humboldt Avenue, said it is only dangerous to put housing above the heater, but it is not dangerous above the pumps. Mr. Robbins added that to completely muffle the sound would require a lot of insulation.

Commissioner Harle said he would not approve this variance for the equipment because it is loud and perhaps the applicant should not go through the trouble of insulating it if he cannot be sure the sound will be muffled.

Commissioner Ragan questioned whether moving the tub back seven feet would change the level of noise the Becker's hear; however, he agreed the pumps should be moved anyway.

Commissioner Goltz pointed out to the applicant that if he moves the pumps, he must adhere to the 20 foot rear yard setback requirement as well as the eight feet on the side yard.

M/S Buckle, Ollinger, to approve that portion of V-820 for Arthur Segal and Alice Webb, 29 Park Drive, A/P 6-041-15, application for a one foot side yard variance to construct a hot tub within seven feet of the side property line, on the basis that there are circumstances of the land - it is a narrow lot - which does not generally apply to other lands; that it is necessary for the preservation and enjoyment of substantial property rights; and that it will not be significantly detrimental to the health and safety of persons residing in the neighborhood.

Motion passed unanimously.

M/S Buckle, Goltz, to deny that portion of V-820 for Arthur Segal and Alice Webb, 29 Park Drive, A/P 6-041-15, for a seven foot side yard variance for tub equipment and enclosure to be within one foot of the side property line, because the noise exceeds the noise level ordinance and, therefore, is detrimental to the neighborhood.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

- C. Z-165 - E. Keith Franc, Summit Road, A/P 7-031-23 and 7-031-24, environmental impact review - discussion of reduced scope.

E. Keith Franc, applicant, present.

There was some confusion among the Commissioners and audience as to why the EIR had not been completed (to include the information from the last meeting) for this meeting, but instead the applicant is asking the Commissioners to accept the EIR as written if he reduces the density of the project.

Mr. Leitzell said Mr. Franc feels his original proposal (14 units) is not a viable plan because of the neighborhood's concerns and the conflict with the General Plan. Mr. Franc wants to know if the additional work, as requested by the Commission at the meeting of February 5, 1979, to the EIR is still necessary if Mr. Franc reduces the scope of the project from 14 units to eight units.

Mr. Robbins added that the reason Madrone Associates did not do the work requested by the Commission (correction of errors, amplification of surface drainage, and more visual impact data) was based on the applicant's request. It would not be economical for Madrone to do the work piece-meal. If the Commission feels that the additional work they previously requested (determine current allowable densities on undeveloped parcels within the study area, cumulative effect, precedent-setting, effect on ground water, noise impact, and evaluation of the Master Drainage plan) is or is not necessary with the proposed reduced scope, then Madrone will begin their work.

Commissioner Buckle said density is important in considering an EIR. He also added that some work, i.e., foundation studies, do not have to be in an EIR because it is taken care of in the building permit process.

Commissioner Ollinger said density is not an issue right now. The EIR should be completed as requested by the Commission previously. Commissioner Goltz added that the three items agreed to in the original contract with Madrone (correction of errors, amplification of surface drainage, and more visual impact data) should have been completed for this meeting. Commissioner Goltz pointed out that Nona Dennis of Madrone said there is a definite conflict between the General Plan and the Zoning Ordinance and they cannot make a reliable impact statement in regard to density.

In regard to the additional work beyond the original contract, Commissioner Goltz said determining current allowable residential development densities on undeveloped parcels within the immediate study area in San Anselmo and Fairfax, cumulative effects, precedent setting, and evaluating adequacy of the Master Drainage Plan in light of the proposed and future developments in the immediate vicinity would not be necessary data for him. However, two other items under "additional work" are noise impact and effect on ground water, which should be included in the EIR, along with any information required under the original contract.

Mr. Leitzell, in response to a question about density, said the average density for the areas in the conservation zone (per the General Plan) was set at one unit per ten acres. Some areas may have a density of one unit per twenty acres; other areas may be one unit per five acres, etc.

Rebecca Hammond, Fairfax Planner, said Fairfax has not actually set up density limits in the open space areas, but as developers come in with plans, there are several "characteristics" which apply to the land that determines the density allowed.

Chairman Olive said she agrees with Commissioner Buckle that density is an issue right now.

Enrico Guastavino, 16 Canyon Road, said the Town Council did not implement the General Plan originally, and, therefore, there is no policy guideline to follow. He added that the human element - how this development would effect the people - has been neglected.

Some people told the Commission that as this project drags itself out, less people show up at the meetings to protest the development and they feel that eventually Mr. Franc will get all 19 units approved. Chairman Olive pointed out that the Commission received two petitions signed by hundreds of people at the last meeting and the Commission is, therefore, very aware of the people's feelings toward this development.

Diane Lloyd, 535 Scenic Avenue, said she is opposed to the anticipated increase in traffic and drainage problems caused by this development. Don Mansell, 100 Holstein Road, said he wants "cumulative effects" addressed in the EIR. Jonathon Bruan, 479 Scenic Avenue, said he feels the EIR should include all the information brought up at the last Planning Commission meeting by the people and Commissioners as well as the information required by the original contract.

Paul Brand, President, San Anselmo Homes Association, said he still cannot understand why the EIR does not include the information requested by the Commission at their last meeting. He suggested automatic traffic counters for weekend and weekday counts and the cumulative effects be addressed.

Howard Blair, 50 Summit Road, said he still does not understand why the corrections have not yet been made to the EIR; he feels it is a delaying tactic. He asked Commissioner Goltz why he feels additional information is not needed. Commissioner Goltz said the State mandates an EIR for certain projects. He said the original information requested should be put in the final EIR, along with noise impact and effect on ground water; the other items do not pertain to the scope of this project. It is important that the Commission accept the EIR and then get on with the rezoning application for the specific plan.

Ronald Basker, 106 Humboldt Avenue, added that he does not understand the "putting off" tactics of Mr. Franc and Town staff. He feels it was clearly stated at the last meeting that more information is needed. Veronica Basker added that she feels that Mr. Franc and staff are holding back information so that it is more difficult to let the people in the area know what is going on with the project.

Mr. Leitzell said the Planning Commission recommended to the Council a few years ago that there be density limits on the ridges. The people did not want any Town controls at that time. So the Council decided to leave the matter be until developers came forward with plans. Howard Blair said the San Anselmo Homes Association requests the Planning Commission to study the General Plan and come up with ordinances to control density.

Commissioner Ollinger pointed out to the audience that delaying tactics can work both ways; they can go on and on repeating that they want "more information" and the project will get no where. He feels traffic, safety and drainage should be addressed in the EIR.

Commissioner Harle also pointed out that if the Commission accepts the EIR, it does not mean that the Commission agrees with what it says. He feels the noise and ground water impacts should be addressed also.

Mayor Signorelli asked the Commission to give the Council a recommendation on density for the ridgetops.

M/S Goltz, Harle, for Z-165 for E. Keith Franc, Summit Road, A/P Nos. 7-031-23 and 7-031-24, in regard to the Environmental Impact Report, the applicant be requested to supply to the Planning Commission through the Planning Staff a revised Environmental Impact Report including:

1. Correction of errors;
2. traffic measurements;
3. amplification of surface drainage; and
4. more visual impact data.

(Specifically, all items covered on Page 2 of Madrone letter dated February 13, 1979).

Work not included in the original scope covering:

1. Noise impact; and
2. effect on ground water.

Hearing continued to the meeting of April 16, 1979.

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

4. NEW BUSINESS

Commissioner Buckle excused himself from the meeting.

A. Review of Preliminary Plan - Creek Park Final Phase

Paul Leffingwell, architect, present.

Mr. Leffingwell presented four circulation studies to the Commission and audience.

Plan A: Traffic would come in off San Anselmo Avenue and exit onto Center Boulevard over the pedestrian/service way between the two buildings (636 and 638 San Anselmo Avenue). Parking would remain as is between the two buildings. There would be two bus shelters (approximately 15 seats each) about 130 feet apart and fronting Center Boulevard. There would be room for four busses to park in a "saw-tooth" fashion on Center Boulevard with a handicapped ramp from the busses to the bus shelters and down to the buildings. There would also be a service entrance off Center Boulevard (northwest side) which would circle in front of the two buildings and exit onto Center Boulevard. Traffic would also be exiting from the Creek Park Parking Lot onto Center Boulevard. This three-way exit would be to the southeast of the bus shelters.

Plan B: Traffic would come in off San Anselmo Avenue and exit to the southeast of the one bus shelter onto Center Boulevard, along with traffic from the Creek Park Parking Lot. The one bus shelter would have approximately 30 seats and be located in front of the southeast building. There would be five diagonal parking spaces between the two buildings (636 and 638 San Anselmo Avenue) and five diagonal parking spaces in front of 69/79 Center Boulevard. This traffic would also exit on the southeast side of the bus shelters onto Center Boulevard. There would be parallel parking spaces for three busses on Center Boulevard. There would also be a ramp for the handicapped from the bus shelter to the buildings.

Plan C: Traffic would come in off San Anselmo Avenue and exit onto Center Boulevard, along with traffic from the Creek Park Parking Lot. A service entrance would be provided off Center Boulevard on the northwest side which would go in front of 69/79 Center Boulevard and all traffic would exit onto Center Boulevard on the southeast side. There would be two bus shelters (approximately 15 seats each) about 80 feet apart fronting Center Boulevard with handicapped ramps leading down to the two buildings on San Anselmo Avenue. There would be room for four busses parking in a "saw-tooth" fashion on Center Boulevard. There would be five diagonal parking spaces between the two buildings.

Plan D: Traffic would come in off San Anselmo Avenue and exit onto Center Boulevard (southeast) along with traffic from the Creek Park Parking Lot, and the service drive which would enter on the northwest side of Center Boulevard. There would be "saw-tooth" spaces for four busses on Center Boulevard. The two bus shelters would have approximately 15 seats each and be about 125 feet apart fronting Center Boulevard. There would be handicapped ramps from each bus shelter down to the two buildings.

Mr. Leffingwell pointed out that Plans A & D would provide more planting areas than Plans B & C. He also said Plans A, C and D propose two bus shelters which would both be lower than the one shelter proposed in Plan B.

Mr. Leitzell noted than Bill Hendrickson, owner of the two buildings and parking areas, has a say in which plan is used because the proposals all utilize part of his property.

Commissioner Ollinger said he is concerned about the circulation pattern. He would prefer to see something put in between the two buildings, rather than a driveway. He said he would rather see two bus shelters, than one. He said he prefers Plans A & D.

Mr. Leffingwell added that he does not like Plan B because cars would be parked two feet from the sidewalk by bus parking space No. 2 and also because the one shelter is very large.

Bob David, Golden Gate Transit District, said the Company always had hoped for at least four parking spots for busses on Center Boulevard and likes the "saw-tooth" proposal. With two bus shelters, the commuters could stand in one of the two, depending on where they were going.

Commissioner Goltz asked if it would be possible for the bus drivers to arrive at the same slot each trip and whether it would result in a jam up. Mr. David said the District could control the drivers so it would work. Commissioner Goltz said if the "saw-tooth" approach is not used, the busses will need more room. Mr. David added that articulated busses were not designed for this area, but if used then one would take two slots.

Commissioner Goltz feels two bus shelters are better than one because they do not hide the buildings, as the one large one would. He said that since the service entrance would have sidewalk paving, it could act as a mall when there were no deliveries. He feels the possible parking area in front of the buildings (Plan B) should be up to the owner of those buildings because it would partly be on his property. He suggested tandem parking between the two buildings. Commissioner Goltz said the flow of traffic coming off San Anselmo Avenue and exiting at the same place as the traffic from the Creek Park Parking Lot is a poor arrangement because the vehicles will be "coming at each other."

Mr. Hendrickson said he would prefer to have the area between the two buildings closed to through traffic and used for tenant parking. Chairman Olive feels it is dangerous to have cars backing out onto San Anselmo Avenue. She added that the wood walkway spanning the bridge over the creek is nice.

Commissioner Goltz said he favors Plan A; Commissioners Harle and Ollinger like both Plans A and D; Commissioner Ragan favors Plan D; and Chairman Olive prefers Plans A and D.

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- B. V-824 - Bob Bertram, 702 San Anselmo Avenue, A/P 6-102-21, application for a variance to enlarge a non-conforming use.

Bob Bertram, applicant, present.

Mr. Robbins said the non-conforming use is the parking on the lot.

M/S Ragan, Ollinger, to approve V-824 for Bob Bertram, 702 San Anselmo Avenue, A/P 6-102-21, application for a variance to enlarge a non-conforming use, on the basis that the existing building does not have enough room to permit additional parking to make it conforming; that the use proposed is similar to the previous use; that it will not be detrimental to those working in the neighborhood; and that it is necessary for the enjoyment of substantial property rights.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

- C. V-825 - James W. Mistrion, 40 Floribel Avenue, A/P 7-081-58, application for a two foot sideyard variance for a living room and kitchen addition within six feet of the side property line, and a third story variance.

James Mistrion, applicant, present.

Mr. Mistrion told the Commission he proposes to extend the front of the house.

Commissioner Ollinger said he is concerned about the neighbor to the North of 40 Floribel Avenue, whose house is fairly close. He suggested moving the additions south.

Commissioner Goltz said he sees no problem with the kitchen addition, but is concerned about the third story. He feels it will affect the neighbor to the North. He suggested adding to the house in the rearyard instead.

Commissioner Ragan said he cannot find a hardship with the third story. Commissioner Harle suggested expanding on the southerly side where there is 19 feet of clearance (less an eight foot setback).

Chairman Olive said that because of the flow of traffic in the house, a third story is necessary; however, she cannot approve the third floor sideyard variance for the master bedroom.

M/S Harle, Ragan to approve that portion of V-825 for James W. Mistrion, 40 Floribel Avenue, A/P 7-081-58, which refers to a two foot sideyard variance on the second floor for a kitchen addition to be within six feet of the side property line, on the grounds that this will allow the enjoyment of substantial property rights; that it will not be detrimental to the neighboring properties or their occupants; that the location of other rooms in the house presents a hardship; and that due to the configuration of the house on the lot presents a hardship.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

M/S Ragan, Ollinger, to refer back to the applicant that portion of V-825 for 40 Floribel Avenue, A/P 7-081-58, dealing with third story variance and the sideyard variance for the third story; and to be continued to the meeting of April 2, 1979.

Motion passed unanimously.

- D. V-821 - Vincent Drucker, 14 Entrata Avenue, A/P 6-241-54, application for a seven foot sideyard variance for hot tub equipment (drawing no. 1, sheet 2); an eight foot sideyard variance for an arbor (drawing no. 4); a 12 foot frontyard variance for glassing in a porch (drawing no. 5); and a five foot sideyard variance for a bathroom over the carport (drawing no. 6).

Vincent Drucker, applicant, present.

Mr. Drucker said he is restoring the house. The arbor and glassed in porch used to be there. However, the hot tub, tub equipment and bath are new additions. He noted that the hot tub and tub equipment were installed without Town permits.

Mr. Robbins added that some interior remodeling had also begun without permits, but Mr. Drucker has since obtained permits. He pointed out that the hot tub does not require variance approval because it is within the required setback. Mr. Robbins said the two decks being constructed do not require variances either; however, they will also require building permits.

A woman in the audience questioned whether Mr. Drucker had a permit to rent a unit on his property. Mr. Drucker said his tenant will be moving out by the end of March (density is too high in this neighborhood to allow another second unit).

Commissioner Ragan asked Mr. Drucker why he built without Town permits. Mr. Drucker only said he has obtained after-the-fact permits for the decks. The only after-the-fact variance he is applying for is for the tub equipment.

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Mr. Drucker said the proposed arbor will separate his property from the neighbors' and cannot relocate it within the setbacks. He said he has tried to make the hot tub equipment unobtrusive and quiet. One of his neighbors added that she cannot hear the equipment. Mr. Drucker said the proposed bathroom cannot go any other place because it would require walking down two flights of stairs.

Warren Perry, 15 Barber Avenue, spoke for some of the neighbors said the neighborhood's concern is the illegal second unit and the parking of cars for this unit on a neighbor's property. Mr. Perry said there are no hardships for the arbor and equipment.

Chairman Olive said she could see no hardship with the arbor or equipment. Commissioner Goltz felt the arbor and glassed in porch could be considered restoration, but felt the bathroom could be located within the setbacks. Commissioner Ollinger agreed with Commissioner Goltz; both felt the hot tub equipment should be approved since it is unobtrusive and not a detriment to the neighborhood. Commissioner Ragan felt none of the variances should be approved. Commissioner Harle agreed with Commissioners Goltz and Ollinger.

M/S Goltz, Harle, to refer back to the applicant, Vincent Drucker, 14 Entrata Avenue, A/P 6-241-54, that portion of V-821 for restudy of the five foot sideyard variance for a bath proposed to be within three feet of the side property line; to be continued to the meeting of April 16, 1979.

Motion passed unanimously.

M/S Goltz, Ollinger, to approve that portion of V-821 for Vincent Drucker, 14 Entrata Avenue, A/P 6-241-54, for the arbor structure which requires an eight foot sideyard variance and a 14 foot frontyard variance to be within zero feet of the side property line and six feet of the front property line on the basis that the legal hardship is restoration to a historic building; that it will not be detrimental to those residing in the neighborhood; and is necessary for the preservation and enjoyment of substantial property rights.

Motion failed: AYES: Goltz, Harle
NOES: Olive, Ollinger, Ragan

M Ragan, to deny that portion of V-821 for Vincent Drucker, 14 Entrata Avenue, A/P 6-241-54, for the hot tub equipment for a seven foot sideyard variance to be within one foot of the side property line, and a 12 foot frontyard variance to enclose a porch with glass within eight feet of the front property line, because there are no hardships and, therefore, does not conform to the San Anselmo Municipal Code.

Motion died for lack of a second.

M/S Goltz, Harle, to approve that portion of V-821 for Vincent Drucker, 14 Entrata Avenue, A/P 6-241-54, for a 12 foot frontyard variance to enclose an existing porch with glass within eight feet of the front property line on the grounds that it is restoration to a historic building; that it will not be detrimental to the neighborhood; and is necessary for the enjoyment of substantial property rights.

Motion carried: AYES: Goltz, Harle, Olive, Ollinger
NOES: Ragan

M/S Ragan, Harle, to deny that portion of V-821 for Vincent Drucker, 14 Entrata Avenue, A/P 6-241-54, for a seven foot sideyard variance for hot tub equipment to be within one foot of the side property line because there is no hardship and, therefore, does not conform to the San Anselmo Municipal Code.

Motion passed unanimously.

M/S Harle, Ollinger, to reconsider the motion denying that portion of V-821 for Vincent Drucker, 14 Entrata Avenue, A/P 6-241-54, for an eight foot sideyard variance and a 14 foot frontyard variance for an arbor to be within one foot of the side property line and six feet of the front property line.

Motion carried: AYES: Goltz, Harle, Olive, Ollinger
NOES: Ragan

M/S Goltz, Ollinger, to refer that portion of V-821 for Vincent Drucker, 14 Entrata Avenue, A/P 6-241-54, regarding the eight foot sideyard variance and a 14 foot frontyard variance for an arbor to be within one foot of the side property line and six feet of the front property line back to the applicant and to be continued to the meeting of April 16, 1979.

Motion carried: AYES: Goltz, Harle, Olive, Ollinger
NOES: Ragan

Applicant was advised of the ten day appeal period.

5. DOWNTOWN REZONING WORKSHOP

Magnolia Avenue, City Hall Avenue, Library Place. CONTINUED TO 04/02/79.

6. ADJOURNMENT

The regular meeting of the San Anselmo Planning Commission was adjourned at 1:40 a.m. to the next regular meeting of April 2, 1979.

Lisa Burglin

LISA BURGLIN
PLANNING SECRETARY

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