

66 The regular meeting of the San Anselmo Planning Commission was called to order at 8:00 p.m. by Chairman Olive in the Town Hall Council Chamber, on Monday, November 5, 1979. T. J. Robbins, Assistant Director Public Works/Planning, present.

1. ROLL CALL

Commissioners Present: McPeak, Olive, Ollinger, Ragan
Commissioners Absent: Buckle, Harle, Hayes

2. APPROVAL OF MINUTES

Item 4D, condition 2 in the motion, change "reviewed in six months" to "reviewed in six months or earlier" - Olive

M/S Ragan, McPeak, to approve the minutes of October 15, 1979, as amended.

Motion passed unanimously.

3. OLD BUSINESS

- A. Z-173 - Ben O'Hare, Redwood Road, A/P Nos. 7-097-02, 7-097-05 and 7-141-04, review of final Environmental Impact Report and proposed rezoning from PPD R-1 (Preliminary Plan Development with a presumptive use of Single Family Residential) to SPD (Specific Plan Development) for four single family dwellings.

Ben O'Hare, applicant, present.

Mr. Robbins told the Commission that State Law mandates that a development application be acted upon within one year of receipt; if no action is taken to approve or deny, then the application is considered automatically approved. He said that subject application will be one year old on November 6, 1979. The Law does provide for a 90 day extension, which has been agreed upon between the applicant and the Town. If the four-lot project is not approved, staff is recommending, for the benefit of the applicant, that he be allowed to submit a new application at no additional fee. Mr. Robbins said that staff is recommending denial on the basis it is not in conformance with the General Plan.

Gay Kagy, 280 Redwood Road, said that although various citizen's letters were mentioned in the EIR, perhaps they should be attached as an addendum for quick reference. Mr. Robbins pointed out that all comments will be kept in a separate environmental Z-173 file for easy reference. Ms. Kagy said that would be sufficient.

M/S Ragan, Ollinger, to recommend to the Town Council acceptance of the final EIR prepared by Gene Wedell Group for Z-173, Ben O'Hare, Redwood Road, A/P Nos. 7-097-02, 7-097-05 and 7-141-04.

Motion passed unanimously.

Mr. O'Hare questioned whether the Commission should hear the rezoning application prior to the Council's acceptance or denial of the EIR. He feels that the Commission may turn down the SPD rezoning based on the EIR; if the EIR is not accepted by the Council then, Mr. O'Hare claims, the Commission would be acting on an erroneous document. Mr. Robbins stated that if the Council did not agree with the final EIR, the changes would most likely be minimal at this point, and probably detrimental rather than mitigating.

The Commissioners agreed that the density is too high with this project and there could be precedent setting.

Mr. O'Hare disagreed, saying that if he were to follow the density of the surrounding existing houses around his property, he could build 15 houses; he only proposes to build four.

M/S Ragan, McPeak, to recommend to the Town Council to deny Z-173 for Ben O'Hare, Redwood Road, A/P Nos. 7-097-02, 7-097-05 and 7-141-04, proposed rezoning from PPD R-1 (Preliminary Plan Development with a presumptive use of Single Family Residential)

to SPD (Specific Plan Development) for four single family dwellings, on the basis that the environmental constraints involved cannot satisfactorily be mitigated; that it is in conflict with the General Plan due to the environmental constraints, and it is a greater density than allowed by the General Plan;

Further move, for the applicant's benefit, to allow submittal of a new application at a lower density with no additional rezoning fee involved, and to set the date of the hearing on the new application for November 19, 1979.

Motion passed unanimously.

Mr. Robbins announced there will be no further notice unless the meeting date is changed; then the Town will notify the immediate neighbors by telephone.

- B. Z-184 - Spaulding Street, a portion of A/P Nos. 6-271-38, 6-271-39, 6-271-40, 6-271-47, 6-271-48, 6-271-49, 6-271-50, 6-271-51, 6-271-57, and all of A/P Nos. 6-271-52, 6-271-53, 6-271-54, 6-271-55, and 6-271-56, from PPD R-3 (Preliminary Plan Development with a presumptive use of Multiple Family Residential) to SPD (Specific Plan Development) for a private parking lot for the 'Symposion Restaurant,' and review of Negative Declaration.

Mrs. Martinez, owner of the 'Symposion Restaurant', and Mr. Zerbe, engineer, were present.

Mr. Robbins said a soils and geological report will be prepared for this project. Commissioner Ollinger expressed concern about the cut in the hill for the parking lot.

M/S Ragan, McPeak, to accept the Negative Declaration for Z-184, Spaulding Street, rezoning a portion of A/P Nos. 6-271-38, 6-271-39, 6-271-40, 6-271-47, 6-271-48, 6-271-49, 6-271-50, 6-271-51, 6-271-57, and all of A/P Nos. 6-271-52, 6-271-53, 6-271-54, 6-271-55, and 6-271-56, from PPD R-3 (Preliminary Plan Development with a presumptive use of Multiple Family Residential) to SPD (Specific Plan Development) for a private parking lot for the 'Symposion Restaurant.'

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

M/S Ragan, McPeak, to recommend to the Town Council to approve Z-184, Spaulding Street, rezoning a portion of A/P Nos. 6-271-38, 6-271-39, 6-271-40, 6-271-47, 6-271-48, 6-271-49, 6-271-50, 6-271-51, 6-271-57, and all of A/P Nos. 6-271-52, 6-271-53, 6-271-54, 6-271-55, and 6-271-56, from PPD R-3 (Preliminary Plan Development with a presumptive use of Multiple Family Residential) to SPD (Specific Plan Development) for a private parking lot for the 'Symposion Restaurant.'

Motion passed unanimously.

- C. U-538 - George Martinis, Spaulding Street, a portion of A/P Nos. 6-271-38, 6-271-39, 6-271-40, 6-271-47, 6-271-48, 6-271-49, 6-271-50, 6-271-51, 6-271-57, and all of A/P Nos. 6-271-52, 6-271-53, 6-271-54, 6-271-55, and 6-271-56, use permit to allow a private parking lot for 'Symposion Restaurant.'

M/S Ragan, McPeak, to approve U-538 for George Martinis, Spaulding Street, a portion of A/P Nos. 6-271-38, 6-271-39, 6-271-40, 6-271-47, 6-271-48, 6-271-49, 6-271-50, 6-271-51, 6-271-57, and all of A/P Nos. 6-271-52, 6-271-53, 6-271-54, 6-271-55, and 6-271-56, to allow a private parking lot for the 'Symposion Restaurant.'

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

- D. SS-222 - Wayne Lowe, A/P Nos. 5-300-24 and 5-300-25 (off Woodside Drive and Cherne Lane), parcel split for two-lot development.

Wayne Lowe, applicant, present.

Mr. Robbins said that Commissioner Buckle had been concerned at a previous hearing about the cost of the off-site improvements to the applicant. Mr. Robbins Works function, rather than a Planning function. These will be approved by the Town Engineer. Mr. Robbins pointed out that the applicant can appeal to the Council the Engineer's decision.

M/S McPeak, Ragan, to approve SS-222 for Wayne Lowe, A/P Nos. 5-300-24 and 5-300-25 (off Woodside Drive and Cherne Lane), parcel split for two-lot development, based on the tentative map received by the Town on October 22, 1979

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

- E. NU-13 - Carol E. Throop, 63 Magnolia Avenue, A/P 7-213-55, use permit for a new second unit - CONTINUED 11/19/79.
- F. V-852 - Patricia Frisch, 37 Cordone Drive, A/P 5-223-09, variances to construct a deck, hot tub and tub equipment - CONTINUED 11/19/79.
- G. EU-5 - George Noble, 47 Humboldt Avenue, A/P 7-033-01, use permit to allow an existing second unit to remain on change in ownership - CONTINUED 11/19/79.
- H. V-861 - Arthur R. Ciancutti, M.D., 19 Myrtle Lane, A/P 7-172-06, variances to construct an accessory building - CONTINUED 11/19/79.

4. NEW BUSINESS

- A. V-863 - Edward Hageman, 18 Bank Street, A/P 6-253-02, parking variance.

Edward Hageman, architect, and C. Paul Bettini, owner, present.

Four parking spaces are required for a duplex. Mr. Hageman said he would rather have three parking spaces and more landscaping. His second alternative was to have four parking spaces 9'6" x 20' with the fourth space on the southerly side.

Eric Swenson, 31 Lincoln Avenue, submitted a letter to the Commission signed by himself and two other neighbors. He feels the property was rezoned in 1958 from R-1 to R-2 just so that Mr. Bettini could have his business use. Therefore, Mr. Swenson feels this rezoning was illegal and should be

Randy and Christina Heubach, 61 Lincoln Avenue, said the project will be very nice.

M/S Ragan, Ollinger, to approve V-863 for Edward Hageman, 18 Bank Street, A/P 6-253-02, for the following variances:

1. An eight foot southerly sideyard variance for parking only;
2. to reduce the parking spaces in width from the required 10 feet x 20 feet to 9'6" x 20 feet, or a six inch variance for four parking spaces,

on the basis that the configuration of the lot is such that to park elsewhere on the property without a variance would result in a serious traffic hazard, endangering the neighbors in the area; that it will afford substantial property rights; and that it is not prejudicial to the best interests of the neighborhood.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

- B. V-864 - Mark Ammen, 119 Floribel Avenue, A/P 7-091-06, a 20 foot frontyard variance to construct a roof over an existing parking deck within zero feet of the front property line.

Mark Ammen, applicant, present.

Commissioner McPeak was concerned about the roof of the deck extending out to the road and suggested making the roof only 20 feet long, rather than 23 feet.

M/S McPeak, Ragan, to approve V-864 for Mark Ammen, 119 Floribel Avenue, A/P 7-091-06, a 20 foot frontyard variance to construct a roof over an existing parking deck within zero feet of the front property line, with the condition that the roof not extend more than 20 feet from the east end of the existing deck; on the basis that it will not be detrimental to the neighborhood; it is necessary for substantial property rights; and the hardship is the condition of the lot, based on the drawing dated September 26, 1979.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

- C. SS-224 - Elaine Cook, 168 Barber Avenue, A/P 6-191-14, parcel split for two lots, and review of Negative Declaration.

Ron Smith, representing Ms. Cook, present.

Mr. Robbins suggested that a proviso of approval be that access be only from Sir Francis Drake Boulevard and not Barber Avenue.

M/S Ragan, Ollinger, to approve the Negative Declaration for SS-224 for Elaine Cook, 168 Barber Avenue, A/P 6-191-14, parcel split for two lots.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

M/S Ragan, Ollinger, to approve SS-224 for Elaine Cook, 168 Barber Avenue, A/P 6-191-14, parcel split for two lots, as indicated on the tentative map prepared by Hoel and Lockett received by the Town on October 19, 1979; for the reason that this is in compliance with the General Plan; with the stipulation that egress and ingress be from Sir Francis Drake Boulevard only.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

- D. SS-223 - Ronald and Kay Camozzi, 20 Oak Avenue, A/P 7-266-24, lot line adjustment between their lands and lands of 18 Oak Avenue, A/P 7-266-23 - CONTINUED 11/19/79.
- E. V-865 - Don Miguel's Restaurant, 115 San Anselmo Avenue, A/P 7-301-19, variance for parking spaces (proposes to expand restaurant to include outdoor eating) - CONTINUED 11/19/79.
- F. SS-225 - E. Keith Franc, Summit Road, A/P Nos. 7-031-23 and 7-031-24, parcel split for two-lot development.

E. Keith Franc, applicant, was ill and could not attend.

Mr. Robbins said the Commission and Council approved the SPD rezoning based on the same drawing as presented tonight, showing the building envelope and lot designs. This hearing is also to look at the lot design; the use permit/design review hearing will look at the building envelopes, elevations and landscaping.

M/S Ragan, Ollinger, to approve SS-225 for E. Keith Franc, Summit Road, A/P Nos. 7-031-23 and 7-031-24, parcel split for two-lot development, as shown on the drawing received by the Town on November 2, 1979.

Motion passed unanimously.

Audience was advised of the ten day appeal period.

5. DOWNTOWN REZONING WORKSHOP

Belle Avenue and Tunstead Avenue - CONTINUED TO SPECIAL WORKSHOP
11/12/79.

6. ADJOURNMENT

The regular meeting of the San Anselmo Planning Commission was adjourned at 10:30 p.m. to the special workshop meeting on November 12, 1979.

Lisa Burclin

LISA BURGLIN
PLANNING ASSISTANT