

The regular meeting of the San Anselmo Planning Commission was called to order on May 18, 1981, at 8:00 p.m. by Chairman Ollinger in the Town Hall Council Chamber. T. J. Robbins present.

1. ROLL CALL

Commissioners Present: Harle, Hayes, Ollinger, Peterson, Ragan,  
Signorelli  
Commissioners Absent: McPeak

2. APPROVAL OF MINUTES

April 27, 1981

M/S Hayes, Peterson, to approve the minutes of April 27, 1981, as written.

Motion carried; Commissioners Ollinger and Ragan abstained.

May 4, 1981

Item 3D, motion, change " . . . is justified." to " . . . is required and justified."

M/S Ragan, Harle, to approve the minutes of May 4, 1981, as amended.

Motion carried; Commissioner Peterson abstained.

3. OLD BUSINESS

A. V-893 - San Francisco Theological Seminary, A/P 7-292-03, variance to add to a nonconforming use by constructing seven guest units with a lounge in an R-1 zone on Kensington Court (the Seminary is a legal, nonconforming use - established prior to use permit requirement for private school. Section 10-3.2306 of the SAMC requires variance for enlarging), and environmental review - CONTINUED 06/01/81.

B. U-557 - Christopher McCombs, 11 San Rafael Avenue, A/P 7-211-11, use permit to allow a medical office in a P zone.

V-936 - Christopher McCombs, 11 San Rafael Avenue, A/P 7-211-11, parking variances.

BOTH ITEMS CONTINUED 06/01/81.

C. C-180 - John Koyle, 606 Red Hill Avenue, A/P 6-092-04, design review of an additional covered area over parking and a new roof over an existing structure - CONTINUED 06/01/81.

D. V-938 - Thomas and Deborah Burke, 21 Valley Road, A/P 5-121-01, 2'6" and 4'6" sideyard variances to construct an open deck and living addition with a one foot overhang within 3'6" of the south side property line - WITHDRAWN.

E. 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, - request for one year extension to record final map to March 3, 1982.

Ronald and Kay Camozzi, applicants, not present.

M/S Ragan, Harle, to approve SS-223 for 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, a one year extension to record the final map to March 3, 1982, since all specifications remain the same as originally approved.

Motion passed unanimously.

F. SS-242 - Helen O. Wagner and Helen O. Gibbs, Sycamore Avenue, A/P Nos. 6-082-17 and 6-083-18, two-lot parcel split and environmental review.

Mr. and Mrs. Wagner and Mr. Gibbs, applicants, present.

Mr. Robbins said the size of the proposed lots is typical of those in the surrounding area, adding that carports and additions recently constructed in the area have required variances. Staff feels the accessory buildings need not be removed, but perhaps they could stand some maintenance.

Mr. Wagner said it would be a financial burden to remove the accessory buildings as they are used for storage and are in sound shape. Mrs. Gibbs added that even with the construction of the new dwelling, the lot coverage on both lots will be well below the 40 percent maximum allowed.

Kathy Dorinson, 130 Sycamore Avenue, said the accessory buildings are in a dilapidated condition and should be removed. Mr. Wagner and Mrs. Gibbs could not understand Mrs. Dorinson's concern as the buildings are hidden from her property by shrubbery and walnut trees, but agreed to fix up the buildings or construct a fence between their properties.

Commissioner Peterson said the greenhouse is an eyesore and perhaps if some of the outbuildings are removed a compromise could be reached with the neighbors.

Commissioner Harle pointed out that the lot split is not going to change the character or use of the outbuildings as they have existed for years; to which Commissioners Ollinger and Signorelli agreed. Commissioner Harle suggested that perhaps the neighbors are more concerned about retaining the proposed new lot as open space, which is a privilege that cannot reasonably be enforced.

Commissioner Peterson said the detriment is to the future owners of the proposed two lots as there will be outbuildings over the property line.

M/S Peterson, Ragan, to approve SS-242 for Helen O. Wagner and Helen O. Gibbs, Sycamore Avenue, A/P Nos. 6-082-17 and 6-083-18, two-lot parcel split, with the condition that the shed and garage at the rear of the property on the creek bank be removed in their entirety, but permitting the other structures as shown on the tentative map to remain; for the reasons that the shed and garage do not meet Building Code requirements; they would require several variances (exceptions) to remain there; and will be a detriment to the neighborhood. This application is approved on the basis that it conforms to the General Plan; the strict application of the subdivision ordinance would result in unnecessary hardships in that it would totally preclude any building on old Lot No. 145 in that there are exceptional circumstances due to the lot size of other lots in the neighborhood which would make this in general conformity; and the granting of the lot split will not be materially detrimental to the public welfare nor injurious to property or improvements in the area.

Motion carried: AYES: Harle, Peterson, Ragan  
NOES: Ollinger, Signorelli  
ABSTAIN: Hayes

Commissioner Hayes abstained as he did not attend the April 20, 1981, hearing of this application and has not seen the map.

Applicants were advised of the ten day appeal period.

Commissioner Peterson noted that the original map had the proposed new house and new garage penciled in within the setback requirements.

- G. Z-192 - Astra Enterprises, Incorporated, A/P Nos. 177-250-30 and 177-220-50, off of Tomohawk Drive, proposed rezoning from PPD R-1 (Preliminary Planned Development with a presumptive use of Single Family Residential) to SPD (Specific Planned Development) for 25 single family dwellings.

Siegfried Pfenndt, applicant, and Kent Mitchell, Attorney, present.

Mr. Robbins said the applicant has indicated that he has a revised plan for development of only A/P 177-250-30; however, that plan has not yet been submitted so this hearing is for the original plan. He explained that the applicant has been advised by staff that if he intends to relinquish ownership of A/P 177-220-50, the two parcels must be legally recognized by the Town as separate building sites prior to the sale. The Town's decision as to the legality of the sites will depend on information supplied by the applicant. He advised the Commission that the applicant is reluctant to get a 90-day extension for action on this application.

Kent Mitchell said after reviewing the specifics of PPD and R-1 zoning he has determined that the presumptive zoning, which is R-1 in this case, dictates the density. The allowable R-1 density exceeds what the applicant is requesting as he has chosen to use the proposed Density Ordinance as a guide, which would allow 24 units. Mr. Mitchell stated that at a previous meeting he and his client indicated they would be willing to change the density from 25 to 24. Mr. Mitchell said it may be possible to preserve the back ridge for open space in conformance with the General Plan; however, the total square footage of the property should be included in the determination of allowable density. He wants a policy determination of the density yield his client can expect. If they are given the assurance in good faith that 24 units will be approved with no development on the north ridge and subject to any physical constraints, they will request the 90-day extension. He added that the entire development is proposed to be handled by one party.

Commissioners Peterson, Signorelli and Ragan agreed that they could support 24 units, but would first like to see a plan. Commissioner Signorelli pointed out that the lower area is contiguous to much smaller parcels.

Commissioner Ollinger agreed with the attorney's interpretation of code; however, pointed out that the property is in the public acquisition area and the General Plan gives the Commission leeway to designate uses and density on that land. There are other considerations besides density, i.e., access, slope, etc., and the density allowed is a maximum.

Jonathon Braun, 479 Scenic Avenue, said it would be dangerous for the Planning Commission to commit themselves to a density before seeing a plan. He suggested the Commission keep in mind the comments made at the last public hearing, to which Mary O'Dell, 41 Elkhorn Way, agreed. She added that 10 to 12 units would still provide the applicant with a reasonable economic profit.

Commissioner Hayes agreed with Commissioner Ollinger that there are other considerations besides density and suggested he cannot indicate what number he would go for without seeing a plan.

Commissioner Harle said he cannot state a number without looking at a plan, adding that 12 to 16 units in the lower area could serve as a mitigation and provide the applicant with an ample economic benefit. He said the value of most of these undeveloped properties is derived to a degree by the surrounding community. This plan is a clear impairment to the surrounding area; there needs to be a fair exchange.

M/S Hayes, Harle, to reconsider the motion of the Planning Commission meeting of April 27, 1981, on this application, and to delete reference to a 90-day extension for action on this matter.

Motion failed: AYES: Harle, Hayes  
 NOES: Peterson, Signorelli  
 ABSTAIN: Ollinger, Ragan

Commissioners Ollinger and Ragan abstained as they did not attend the April 27, 1981, meeting.

M/S Hayes, Harle, to deny Z-192 for Astra Enterprises, Incorporated, application to rezone A/P Nos. 177-250-30 and 177-220-50 from PPD R-1 (Preliminary Planned Development with a presumptive use of Single Family Residential) to SPD (Specific Planned Development) for a 24 single family development on the basis that (1) it is not in conformance with the Town General Plan, specifically, Conservation Goal I (E) calling for preservation of ridgetops, nor with similar portions of the Marin Countywide Plan; and (2) adverse environmental impacts stated in the EIR remain unmitigated, i.e., fire risk engendered due to the long access road and visual impact of such development. There will be no further rezoning fees charged to the applicant for submittal of a new application.

Motion carried: AYES: Harle, Hayes, Ollinger, Ragan, Signorelli  
 NOES: Peterson

It was announced that if appealed, the Town Council will hear this item on May 26, 1981, and there will be no further notification to neighbors for this application.

#### 4. NEW BUSINESS

- A. V-952 - Mr. and Mrs. Mike Hernon, 18 Morningside Drive, A/P 5-184-07, a two foot south sideyard variance to construct an addition within six feet of the south side property line.

Mr. and Mrs. Hernon, applicants, and Gus Kubichek, designer, present.

Two neighbors spoke in favor of the application.

M/S Ragan, Hayes, to approve V-952 for Mr. and Mrs. Mike Hernon, 18 Morningside Drive, A/P 5-184-07, a two foot south sideyard variance to construct an addition within six feet of the south side property line, on the grounds that the configuration of the lot is such that the construction cannot be placed elsewhere; it will not effect the neighbors on either side; and is necessary for the enjoyment of sufficient property rights.

Motion passed unanimously.

Applicants were advised of the ten day appeal period.

- B. V-953 - Roberta and Philip Clar, 9 Vine Avenue, A/P 7-273-17, a four foot west sideyard variance to construct an addition within four feet of the west side property line and a third story variance.

Roberta and Philip Clar, applicants, and John Thayer, architect, present.

Mr. Thayer explained the plans and the neighbors, Don Mansell, 21 Melville Avenue, and Linda Enis, 11 Vine Avenue, were present to support the application.

Philip Clar submitted photographs of homes in the area that have third stories and a letter of support from another neighbor, Mary Moreland, 7 Vine Avenue.

M/S Hayes, Harle, to approve V-953 for Roberta and Philip Clar, 9 Vine Avenue, A/P 7-273-17, a four foot west sideyard variance to construct an addition within four feet of the west side property line, on the grounds that it is necessary for the enjoyment of substantial property rights; it will not be detrimental to persons living in the neighborhood; it is necessitated by the relative steepness of the lot; and the location of the house on the lot and its proximity to the west side property line.

Motion passed unanimously.

Applicants were advised of the ten day appeal period.

- C. V-954 - Edwin S. Werden and Susan J. Schaadt, 54 Hillside Avenue, A/P 7-121-21, 9'6" to 10'6" frontyard variances and a four foot sideyard variance to construct an open deck within 4'6" to 3'6" of the front property line and two feet of the side property line.

Edwin Werden, applicant, present.

Mr. Werden said he had discussed this application with his neighbors.

M/S Peterson, Signorelli, to approve V-954 for Edwin S. Werden and Susan J. Schaadt, 54 Hillside Avenue, A/P 7-121-21, 9'6" to 10'6" frontyard variances and a four foot sideyard variance to construct an open deck within 4'6" to 3'6" of the front property line and two feet of the side property line, on the grounds that it is necessary for the full enjoyment of substantial property rights; it will not be detrimental to the health and welfare of the neighborhood; and is necessitated by the steepness of the lot and the placement of the home on the lot.

Motion passed unanimously.

Applicants were advised of the ten day appeal period.

Commissioner Ollinger acknowledged that he prefers this plan to the plan submitted in 1979.

- D. V-955 - James L. and Catherine E. Bedilion, 108 Brookmead Court, A/P 5-131-01, a 2'6" north sideyard variance and a 1'6" south sideyard variance to construct a second story addition within 5'6" of the north side property line and 6'6" of the south side property line.

James and Catherine Bedilion, applicants, present.

Mr. Bedilion submitted letters from both the north and south side neighbors supporting the application.

Commissioners Ollinger and Ragan said they had been concerned the addition might bother the neighbors.

M/S Ragan, Harle, to approve V-955 for James L. and Catherine E. Bedilion, 108 Brookmead Court, A/P 5-131-01, a 2'6" north sideyard variance and a 1'6" south sideyard variance to construct a second story addition within 5'6" of the north side property line and 6'6" of the south side property line, for the reasons that the configuration of the lot and size of the house are such that an addition cannot be constructed elsewhere on the lot; it will not offend neighbors residing in the area; and will give the applicants sufficient enjoyment of property rights.

Motion passed unanimously.

Applicants were advised of the ten day appeal period.

- E. V-956 - James D. Schaefer, 25 Laurel Avenue, A/P 7-112-30, a 20 foot rearward variance and an eight foot south sideyard variance to construct a garage and workshop within zero feet of the rear and side property lines.

James Schaefer, applicant, present.

Mr. Schaefer said his plans are to rebuild an existing dilapidated structure, increasing the height by eight feet to permit a loft to be used for storage.

Carolyn Sojourner and Jim Nelson, 27 Laurel Avenue, said they are concerned about the proposed height of the structure.

M/S Peterson, Ragan, to refer V-956 for James D. Schaefer back to the applicant to give him the opportunity to redesign the plans giving consideration to height and meet with the neighbors; to be heard by the Commission on June 1, 1981.

Motion passed unanimously.

- F. V-957 - David Subke and Theresa Madden, 3 Hazel Avenue, A/P 7-114-02, a three foot rearward variance and a three foot east sideyard variance to construct a swimming pool within five feet of the rear and east side property lines; and a 20 foot frontyard variance for two-car parking.

David Subke and Theresa Madden, applicants, present.

Mr. Subke and Ms. Madden told the Commission they plan to remove the garage structure, which they feel is ugly and said has never been used for parking, and construct a built-in pool. They said four of the neighbors have a master plan to landscape and screen their properties and everyone supports this project. It was noted that two letters of support had been received from neighbors.

The Commissioners generally felt this project would be over-development of the lot and did not favor removing a parking structure.

The applicants said this should not be considered over-development as they are actually removing a structure. They said a pool would provide them with enjoyment of their property as they work in the evenings and could use the pool during the day.

M/S Signorelli, Harle, to approve V-947 for David Subke and Theresa Madden, 3 Hazel Avenue, A/P 7-114-02, a three foot rearward variance and a three foot east sideyard variance to construct a swimming pool within five feet of the rear and east side property lines; and a 20 foot frontyard variance for two-car parking, due to the configuration of the lot; the location of the house on the property; it seems the variances would be no problem with the neighbors; and for the applicants to enjoy their property rights.

Motion failed: AYES: Harle, Ollinger, Signorelli  
NOES: Hayes, Peterson, Ragan

Applicants were advised of the ten day appeal period.

- G. U-561 - Atsumi Kajita, 727 Sir Francis Drake Boulevard, A/P 6-083-07, use permit for the on-sale of beer and wine upon change of ownership.

Atsumi Kajita, applicant, and his architect were present.

Mr. Robbins said the Police Department reports no problems with the existing restaurant.

M/S Peterson, Ragan, to approve U-561 for Atsumi Kajita, 727 Sir Francis Drake Boulevard, A/P 6-083-07, use permit for the on-sale of beer and wine upon change of ownership, on the grounds that it will not be detrimental to the neighborhood; and it will permit substantial enjoyment of property rights; the hours of beer and wine service are to be confined to the hours of serving food.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

- H. V-958 - Mr. and Mrs. Jack Lyons, 25 Angela Avenue, A/P 5-022-18, a 1'8" south sideyard variance to construct a second floor living addition within 6'4" of the south side property line.

Mr. and Mrs. Lyons, applicants, and Harold Wagstaff, architect, present.

Mr. Nash, 39 Angela Avenue, said he is concerned about losing his view.

M/S Signorelli, Ragan, to approve V-958 for Mr. and Mrs. Jack Lyons, 25 Angela Avenue, A/P 5-022-18, a 1'8" south sideyard variance to construct a second floor living addition within 6'4" of the south side property line, as it is necessitated by the location of existing improvements on the lot; there will be no adverse effect on the community; and it is necessary for the enjoyment of property rights.

Motion passed unanimously.

Applicants were advised of the ten day appeal period.

Commissioner Ollinger explained that the Commission felt the neighbor was some distance away from the property and if the construction was even moved back into the required setbacks, it would not make a significant difference.

- I. V-959 - Timothy Dyckman, 85 Alder Avenue, A/P 7-042-02, 6'6" to seven foot west sideyard variances to construct a carport within 1'6" to one foot of the west side property line -  
CONTINUED 06/01/81.

##### 5. ADJOURNMENT

The regular meeting of the San Anselmo Planning Commission was adjourned at 11:54 p.m. to the next regular meeting on June 1, 1981.

*Lisa Burghin*

LISA BURGLIN  
PLANNING ASSISTANT