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The Regular Meeting of the San Anselmo Planning Commission was called to order by Chairman Duane Ragan at 8:00 p.m., Monday, June 20, 1977 in the Town Hall Council Chambers. Representing Town Staff: T. J. Robbins, Associate Engineer/Planner

1. ROLL CALL

Commissioners Present: Buckle, Goltz, Greenberg, Ollinger, Ragan  
Commissioners Absent: Olive (excused - vacation)

2. ELECTION OF VICE CHAIRMAN TO REPLACE SUE HULPKE

Commissioner Buckle nominated Bill Ollinger.

Commissioner Greenberg nominated George Buckle.

M/S Goltz, Ollinger that we close the nominations. Passed unanimously.

Vote: Goltz voted for Ollinger.  
Ollinger abstained.  
Greenberg voted for Buckle.  
Buckle abstained.  
Ragan voted for Buckle.

Commissioner Buckle was elected to serve as Vice Chairman.

DDC425  
3. OLD BUSINESS

- A. Z-158 - Holsinger/Bauer/Perkins "Tam View Knolls", Referral of condominium project from the Town Council to consider the rezoning of A/P's 6-091-07 and 59, 6-121-07 and 09 to SPD as shown on the drawing submitted to the Council's 6/14/77 meeting.

Keith Franc, architect, Max Holsinger and Jeff Armstrong (representing Herman Bauer) were present.

Mr. Franc stated that after hearing what the Planning Commission, Town Council and the applicant's site engineer wanted he had decided to make his own presentation to the Council. He stated the Council received his plan with a lot of positive thought. They had deferred to the Planning Commission for review.

Mr. Franc stated he had proposed four duplexes rather than the suggested five by the Planning Commission. This was to utilize light, air, the view and privacy. Mr. Franc felt that from an economic and planning standpoint this was a good plan. He had attempted to get away from the "row house" type development.

Chairman Ragan opened the discussion to the public.

Mr. Grant Perkins, listed as one of the developers of the project announced to the Commission he was in the process of selling his property to Messrs. Holsinger and Bauer (still in escrow).

He stated he was sympathetic with the architect, but was concerned there were certain problems that were not being taken care of. For example: The bottom piece of property is laced with easements. It was his understanding that easements couldn't be built over.

Another concern was the access road to his property. It was currently being pinched down to 25'.

Mr. Perkins felt "Plan A" would make a better project. He stated he would like to see as much open space as possible.

Mr. Holsinger stated that Mr. Perkins had only advised him of the easements on Parcel 4 tonight. It was the first time he knew about it. Mr. Holsinger stated he had contacted his engineer and had been advised there were no problems. One unit may have to be altered.

Chairman Ragan stated he couldn't understand Mr. Perkin's objections.

Mr. Perkins stated he felt the project looked great, but in reality he didn't think it would be so great. He stated he wouldn't prevent the project, but as proposed, the entrance would be very

The structures would be so close to the road that at one point the building might actually get hit by traffic.

Mr. Perkins stated that most houses were setback from the road. He felt it would be much more gracious if there was more space. It would be a better entrance to the project and to his residence.

With respect to the easement, Mr. Perkins stated that both Mr. Dill and Jim Kilty crossed the land.

Chairman Ragan questioned applicant as to his reason for withdrawing. Mr. Perkins stated he had other business interests. He stated he was not trying to disrupt the plan.

Mr. Perkins stated he knew there were alternatives available to get a reasonable project. Even if the buildings were moved over it would possibly help. He still believed there were many encumbrances and felt the study should be directed toward Plan A.

Commissioner Buckle stated that since this was a private driveway he was not too concerned about the easements as many streets have this condition.

Commissioner Buckle stated he agreed with Mr. Perkin's concern about the project's entrance. He felt that if there was another alternative that it would probably be more appropriate.

Mr. Perkins stated the street was also very steep with high retaining walls (5-6 feet).

Jeff Armstrong, 1889 Manzanita Drive, Oakland (representing Mr. Bauer) stated Mr. Beattie's report said the retaining walls would be 4 ft.

Commissioner Buckle calculated a 2:1 slope with a retaining wall 20' long. He didn't feel that was too steep.

Commissioner Ollinger stated he was concerned about the distance between units 11 and 12. He felt units 10 and 11 should be realigned to open the road. Possibly the building could be higher up and the garage tucked in so as to avoid the easements. He felt the architect had given the design a lot of thought. It made a lot of sense and it had a good relationship.

Commissioner Goltz agreed with Commissioner Ollinger about the units, but felt there should be three units. He felt that Mr. Perkins was right about the ungraciousness of the entrance. It would be tight and it would not be right. He felt the lower buildings (12-13) should be in line with Bauer's units. Commissioner Goltz also stated he was bothered by the retaining walls. Mr. Franc stated that, if possible, he would like to eliminate them.

M/S Ollinger, Buckle to recommend to the Town Council (for their meeting of June 28th), rezoning of A/P's 6-091-59, 6-091-07, 6-121-07 and 6-121-09 for Holsinger, Bauer, Perkins "Tam View Knolls" from R-1 to SPD for a total of 13 units which includes the three units now under construction by Mr. Bauer plus one other building which is occupied by Mr. Perkins be approved.

Also recommend to the Council that the remaining 10 units be in the form of four duplexes and two single family dwellings and that they be situated generally as shown on the drawing submitted to us dated 6/9/77. Guest parking should accommodate a minimum of 15 cars and the majority of the parking should be of a floating nature.

Special attention should be given to the width of the main access road between units 11 and 12, and further consideration should be given to the easements on the 50' by 118' piece of land in the southeast corner on the approach road."

Motion carried: Ayes: Buckle, Greenberg, Ollinger, Ragan  
Nays: None  
Abstain: Goltz

- B. U-475 - Richard Puntillo, 116 Jordan Avenue, application to permit separate living quarters for live-in baby-sitter. Held over until July 11, 1977.
- C. U-484/VAR-727 - Sidney and Elizabeth Philcox, 727 Sir Francis Drake Blvd., A/P 6-083-07, application to permit outdoor eating and a variance from the parking requirements.

Peter Brekhus, 1010 B Street, attorney for the Philcox's was present. Mr. and Mrs. Philcox were also present.

Staff made the recommendation that the proposed parking arrangement had too many obstructions and there were too many variances involved.

Mr. Brekhus stated he and his clients had no quarrel with the fact that the revised plot plan depicting the parking was inadequate. Mr. Brekhus stated that from his client's experience, their customers had no difficulty with parking. The parking in the rear was rarely used and it seemed appropriate to grant the variance.

A list of customers stating they had no problems with the parking, as is, was submitted to the Commission.

One unintelligible regular customer from San Rafael stated there were never any parking problems.

Commissioner Goltz stated that if 120 feet was cut off the deck, only three additional parking spaces would be necessary. He felt this was a self-imposed hardship as the applicant was increasing the space, which required the variance. Commissioner Goltz felt that 5-6 cars could be accommodated in the back, and if the applicants were able to get an agreement with Mobil Oil for 4 parking spaces there would be no problem.

Mr. Philcox stated they had six parking spaces and four at Mobil Oil. Commissioner Goltz stated that the way the plan was laid out it was not workable and he would not approve the plan that way.

Commissioner Ollinger agreed with Commissioner Goltz. He felt the maneuverability of the plan first submitted was difficult, especially if customers had to park themselves. He suggested eliminating the stairs in order to get a better arrangement against the east property line.

Mr. Breckhus stated that rather than recording an agreement between Mobil Oil and his clients, he would rather have the use permit revocable.

Commissioner Buckle questioned the applicant as to how they arrived at the geometrics for the deck. Were tables actually drawn in to test it or was it arbitrary? Applicant stated it was flexible.

M/S Goltz, Greenberg that we approve U-484 for outdoor dining area for Sydney and Elizabeth Philcox at 727 Sir Francis Drake Blvd., A/P 6-083-07, with the stipulations that the existing and proposed structure not exceed 2500 square feet, based on the drawing received by the Town of San Anselmo May 23, 1977, on the basis that it will not be detrimental to those living and residing in the neighborhood and is necessary for enjoyment of property rights.

This use permit is contingent upon the agreement being made for four additional off street parking spaces, in accordance with Section 10-3.1803, and that if this second stipulation is not fully met, this use permit shall be subject to a revocation hearing.

Further move that under the requirements of Section 10-3.1803, this permit be referred to the Town Council for approval. Passed unanimously.

Commissioner Ollinger noted that with less deck he may not need as many parking spaces and he may come up with another configuration.

M/S Goltz, Greenberg that VAR-727 be referred back to the applicant for further study in the event that this particular variance is not required. Further move that he can return to the Planning Commission without another fee. Passed unanimously.

- D. U-479/VAR-722 - Jim McDonald, 1201 San Anselmo Avenue, A/P 7-081-34, application for use permit to allow construction of a new building to accommodate a commercial area on the ground floor and three one-bedroom apartments on the second floor with variances.

Applicant was present.

Chairman Ragan stated that the April 18th minutes reflected the applicant had withdrawn his application. It was his opinion that Mr. McDonald had meant to have the application referred back to him.

M/S Ragan, Buckle the minutes of April 18th be amended to indicate applicant had application referred back to him for future submission. Passed unanimously.

Mr. McDonald made his presentation. He stated he had reduced the width of the parking spaces, which increased the amount of spaces by one. He now proposed an open stairway, and had pushed the front of the building back 4'.

Commissioner Buckle questioned whether there had been any thought of rezoning this property. These commercial areas had been developed when the railway passed through San Anselmo. Since there was no consideration of rezoning this property, Commissioner Buckle felt the project was appropriate.

Commissioner Ollinger stated he felt there was more than should be on the lot.

Mr. C. Nerviani, owner of 1201 San Anselmo Avenue stated he was trying to upgrade his property.

Mr. Guy Mier, 1229 San Anselmo Avenue, manager of "Our Store" stated this property was at a heck of an intersection. The whole situation was quite ugly. He felt there was too much congestion in the area. He stated the building looked very nice, but there was a large amount of tar, asphalt and cars going in and he did not feel it would upgrade the neighborhood.

Mr. George Sirk, 1214 San Anselmo Avenue stated he preferred Mr. Nerviani's project to no project at all. He felt it was a nice building and would not cause too many new problems.

Commissioner Greenberg stated it was a nice building, but the objection was to having everything on the front part of the lot. The Commission had suggested previously that they would like to see the building pushed back from the intersection and lower in construction.

Commissioner Buckle noted that the height of the building and bulk, had been greatly reduced. There were also areas where you could see through the building. The amount of parking had been increased, and while not up to Code, the traffic safety was increased. Commissioner Buckle felt that depending on the use of the commercial area, the project as a whole would not generate traffic. He stated he was in favor of the project.

Commissioner Goltz felt the question to ask about this use was whether or not the use is consistent with the zoning ordinance. The use should be compatible with the surrounding uses and an auxiliary use to R-1. Commissioner Goltz felt the Commission had to analyze whether the proposed use would be detrimental to those living and residing in the neighborhood. He felt the traffic would create a detrimental situation. Commissioner Goltz also felt the neighborhood was basically R-1 with some R-2.

Commissioner Goltz felt the requirement of variances were self-

imposed. The lot is approximately 6,000 S.F. and he felt there was no condition of the site in order to justify granting the variance.

Chairman Ragan stated he didn't agree with Commissioner Goltz since there was an apartment building (R-3) directly across the street.

Mr. McDonald stated his client was not asking for anything special. He just wanted to replace the building the Town had ordered him to tear down. Mr. McDonald stated that unless he was allowed to develop, as proposed, it would become a dramatic economic hardship.

Commissioner Ollinger reminded Mr. McDonald there were only two apartments in the building in the first place. (One illegal unit was located downstairs in the commercial area.)

M/S Buckle, Greenberg to approve U-479 and VAR-722 for Charles Nerviani at 1201 San Anselmo Avenue, A/P 7-081-34 to allow construction of a new building to accommodate a commercial area on the ground floor and three one bedroom apartments on the second floor with the following variances:

1. A 12' variance for the deck.
2. An 18' variance for building and parking (frontyard).
3. A 6' sideyard variance for the structure.
4. An 18' rearyard variance for deck and structure.
5. Variances for two parking spaces and a 1' in width variance for six parking spaces.

Approval is on the basis that there appears to be no detriment to the neighborhood and that it will allow appropriate property rights for the applicant. The hardship is based on the replacement of an existing structure on a small, pie-shaped lot.

Ayes: Buckle, Ragan

Nays: Goltz, Greenberg, Ollinger

Motion failed.

Commissioner Goltz stated he didn't have any problems with the variances for the building setbacks, but was extremely concerned when there's a parking problem.

- E. SS-205 - Cory Marcus, 95, 97 and 97A Florence Avenue, A/P 7-011-08, application to subdivide the property into three (3) parcels to accommodate the three (3) single family dwellings.

Mr. Mark Parode, applicant and Cory Marcus, owner were present.

Mr. Parode stated he wished to object to Staff's recommendation of undergrounding utilities. All the surrounding lots would still have service above-ground, and the pole serving these units would still be there whether the wires were underground or not. (Approximate cost would be \$3,000 to \$5,000.)

M/S Greenberg, Ollinger to approve SS-205, application for a 3 lot parcel split of A/P 7-011-08 (95, 97 and 97A Florence Avenue), with the following exceptions:

Lot 1: a) an 18' rearyard variance for the existing house, and b) exception from 40' frontage.

Lot 2: a) 20' rearyard variance for the existing house.

Lot 3: a) 14' and 10' frontyard variance for the existing house.

Justification for the above exceptions is that this is a reasonable lot split and that the variances required are due to the building locations on the lot.

Also move to approve:

1. Waiving sidewalk requirements as there are no existing sidewalks for this area of Florence Avenue and sidewalks would serve no public purpose.
2. Waiving requirement of installing underground utilities on the grounds that it would be unfair to burden current owners with cost of installing underground utilities unless this was a full parcel split and surrounding properties had underground utilities.
3. Acceptance of the proposed improvement section of Florence Avenue as dedicated on the Tentative Map. The above approval is based on Tentative Land Division Map of Lot 51 and Portion of Lot 40, Amended Map No. 2 of Bush Tract as prepared by J. Grippe & Associates with latest revision of June 14, 1977.

Approval of this parcel split is conditional upon the unused portion of the existing roadway easement reverting to Lot 1. Passed unanimously.

4. NEW BUSINESS

- A. EU-12-George Pantazes, 112 San Francisco Blvd., use permit not required - deleted from agenda.
- B. EU-13-Carl Yeakey, 30 Island Drive, A/P 6-201-20, application to allow existing second unit to remain.

Mr. Yeakey was present. He stated he had not received the Staff Report. Chairman Ragan read Staff's report.

Mr. and Mrs. Johnson, neighbors were present to verify no parking problems on the street by the second unit.

M/S Goltz, Greenberg to approve EU-13, for Carl Yeakey at 30 Island Drive, A/P 6-201-20, for an existing second unit to remain on the basis that this will not be detrimental to the neighborhood and that property rights will be provided in allowing a legal use with the following conditions:

1. That a rent guarantee contract be entered into between the applicant and the Town and that the agreement be consummated within sixty (60) days of this meeting; if it is not, then a revocation hearing will be held.
2. That one smoke detector be installed in each unit.

Passed unanimously.

- C. U-485 - Nancy Spencer, 635 San Anselmo Avenue, A/P 7-212-25, application to permit outdoor serving of food and on-sale business of serving beer and wine.

M/S Goltz, Greenberg to hold over U-485 for Nancy Spencer, 635 San Anselmo Avenue, A/P 7-212-25, until next Monday night, June 27th. Passed unanimously.

- D. U-486 - Robert & Linda Franco, 69 Center Blvd., A/P 6-102-21, application to permit the outdoor serving of food and the on-sale business of serving beer and wine.

M/S Greenberg, Ollinger to approve that portion of U-486 allowing for the on-site sale of beer and wine for Robert and Linda Franco at 69 Center Blvd., A/P 6-102-21, on the basis that this is not detrimental to the neighborhood and affords property rights. Passed unanimously.

M/S Buckle, Goltz to defer application for use permit #486 for Robert and Linda Franco, 69 Center Blvd., A/P 6-102-21, for outdoor serving of food until June 27th. Passed unanimously.

- E. VAR-728 - Edwin Bergeson, Jr., 120 Crescent Rd., A/P 7-221-30, application to permit the construction of a swimming pool with a 0'9" west and 3'8" east sideyard variance.

Applicant was present. He stated the swimming pool had been a part of his plans for a long time. He felt that this was a good year to get all of the work out of the way while everything was dying.

M/S Ollinger, Greenberg to approve the variance #728 for E. Bergeson, Jr., 120 Crescent Rd., A/P 7-221-30, for a 3'8" sideyard variance on the east and a 9" sideyard variance on the west for construction of pool and related landscaping as there is a site hardship as the lot is narrow at the rear of the house which is the most logical spot for the pool; this variance will not be a detriment to the neighborhood; and it allows applicant the right to exercise his property rights.

Motion carried: Ayes: Buckle, Greenberg, Ollinger, Ragan  
 Nays: None  
 Abstain: Goltz

Applicant was advised of the 10-day appeal period.

- F. VAR-729 - Stewart-DeWitt & Shaw, 81 Woodside Drive. Variance not required. Deleted from agenda.

5. APPROVAL OF MINUTES - April 18, 1977

M/S Goltz, Greenberg we approve the minutes of April 18th as amended.

Amendments:

Pg. 3, 8th line of motion to read: "neighborhood. This variance would provide necessary off street parking, is not detrimental to the neighborhood and allows owner the right to exercise property rights.

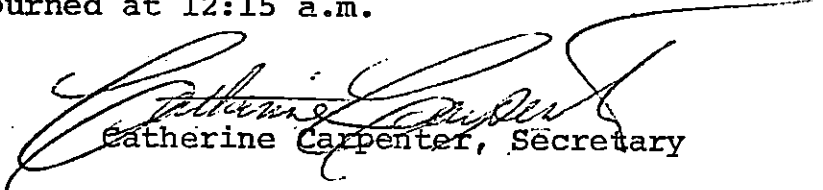
Pg. 5, 2nd para., 3rd line to read: "more in keeping with the surrounding structures."

Pg. 6, insert para. between 2nd and 3rd para., "Commissioners Olive, Hulpke and Goltz made recommendations that traffic and congestion generated by the existing business, through and local traffic would be a problem."

Delete 11th paragraph and insert following: "In response to Mr. McDonald's comments in defense of his design, Commissioner Goltz was not criticizing the architect's design, he just disagreed with the variances required and the applications extreme use of the property."

Delete 12th and 13th paragraph, insert following: "Applicant took these plans back on referral."

6. ADJOURN - Meeting adjourned at 12:15 a.m.

  
 Catherine Carpenter, Secretary

DDC425