

The regular meeting of the San Anselmo Planning Commission was called to order by Chairman George Buckle at 8:00 p.m. on May 1, 1978, in Room 6 of the Isabel Cook Community Center. Representing Town Staff: Lynn McGovern, Planning Technician.

1. ROLL CALL

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

2. APPROVAL OF MINUTES

April 17, 1978

Item 3-A, paragraph 3, change to read, "Mr. Robbins said the applicant still does not have sufficient parking available to him."

Item 5-C, motion, change to read, ". . . with the top elevation not to exceed 106'0" . . ."

M/S Ragan, Harle, to approve the minutes of April 17, 1978, as amended.

Motion passed unanimously.

April 24, 1978

Item 2, last paragraph, change to read, ". . . but submit a plan for the whole area to the Town Council."

M/S Harle, Olive, to approve the minutes of April 24, 1978, as amended.

Motion passed unanimously.

3. OLD BUSINESS - PUBLIC HEARING

A. Criteria For Residential Parking Required When Additions Are Made to Dwellings. CONTINUED TO 05/15/78.

4. OLD BUSINESS - USE PERMIT

A. EU-22 - Betty Jane (Mondala) Logwood, 25 Bella Vista Avenue, A/P 6-082-35, application to allow an existing second unit to remain. CONTINUED TO 05/15/78.

5. NEW BUSINESS - PUBLIC HEARING

A. Proposed Rezoning of the Properties, 125 Pine Street, 129 Pine Street, 130 Pine Street and 140 Pine Street, A/P Nos. 7-252-14, 7-252-13, 7-251-26, 7-251-27, respectively, from C-2 (Central Business District) to R-1 (Single Family Residential).

Commissioner Buckle explained to the audience that studying the possible rezoning of Pine Street is consistent with the goals of the General Plan.

M/S Ragan, Olive, to approve the Negative Declaration prepared for the Pine Street rezoning project on the basis that any change in the environment caused by this rezoning will be insignificant.

Motion passed unanimously.

Mrs. Albert Ferrari, 140 Pine Street, said this property has been used as commercial for ten years. She pointed out that Erwin Berliner, initiator of the proposal, purchased the property at 129 Pine Street when it was zoned commercial and, therefore, should not attempt to have these properties rezoned to residential.

Mary Fishman, 129 Pine Street, said the current zoning of these properties (C-2) is a detriment to the neighborhood because it results in increased traffic.

Commissioner Buckle suggested zoning these properties to R-2 or R-3; however, Mr. Berliner said he did not want apartments in this neighborhood.

Vera Holleman, 182 Pine Street, also voiced objections to having

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apartments or businesses in the neighborhood because of the traffic problems.

Mrs. and Mr. Roy Bailey, 161 Pine Street, Mr. Rodney Barron, 158 Pine Street, and Mr. Richard Hacker, 165 Pine Street, agreed there is a traffic problem on this street.

Al Lindelli, 159 Tunstead Avenue, said this rezoning would take away the property owners' rights. He suggested rezoning the property of only those property owners who want it.

Mike Albaugh, 130 Pine Street, said that currently the properties on Pine Street southwest from the four lots which are zoned C-2 are currently zoned R-1. Since the Town appears to be downzoning areas to residential use, he doubts the entire street would ever be commercial. Therefore, he feels the properties which are currently zoned C-2 should remain so. Mrs. Albaugh added that the property at 130 Pine Street has been in the family for many years and she has it as an investment for her future. She feels it will be worth more as a resale if it remains zoned for commercial use.

Marcella Murphy, friend of the Albaugh's, pointed out that there is a concrete wall right up to the property lines of 130 Pine Street on both the rear and sideyards (the property is adjacent to commercial zones) and, therefore, this property would not be as valuable if zoned R-1 as the other residential properties are. However, if it remains zoned commercial, aesthetic concerns will not be as great.

Mr. Berliner said that if only his property is rezoned to R-1, and the other three properties remain C-2, it remains a detriment to the neighborhood.

Commissioner Buckle said the Planning Commission is considering a new zone which would be "P" for daytime professional uses only, i.e., physician. This "P" zone would act as a buffer between residential and commercial zones.

Commissioner Harle pointed out that the Town's zoning regulations are to meet the needs of the community, not change the value of one's property. Zoning must be established in accordance with the General Plan; just because a person buys property does not mean the zoning is final. The original value was conferred by the Town in its present zoning ordinance, so if it changes again, there is no question of inequity.

Commissioner Olive suggested rezoning the properties to R-1 at this time, and then if a P zone is adopted, the properties can be rezoned as such.

M/S Olive, Harle, to recommend to the Town Council adoption of an ordinance for the rezoning of Assessor Parcels 7-252-14, 7-252-13, 7-251-26, 7-251-27, 125 Pine Street, 129 Pine Street, 130 Pine Street and 140 Pine Street, respectively, from C-2 (Commercial Business District) to R-1 (Single Family Residential).

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

Commissioners Buckle and Kapranos felt that rezoning the properties from C-2 to R-1 now with the idea in mind that if a P zone is adopted these properties could be rezoned again is a questionable move. It would be better to leave the zoning as it is now until a buffer zone, i.e., P zone, is established.

The Commission announced there will be a public hearing at the Town Council meeting on May 9, 1978, for this proposed amendment.

6. NEW BUSINESS - USE PERMIT, VARIANCES

- A. U-509 - Paul Suber, 42 Red Hill Avenue, A/P 6-201-02, application for a use permit to serve beer and wine in a restaurant (The Oasis)

Paul Suber, applicant, present.

Mr. Suber said he has no intentions of expanding his business or having live entertainment.

The audience had no comments.

M/S Ragan, Kapranos, to approve U-509, use permit to allow the serving of beer and wine in conjunction with the restaurant for Paul Suber, 42 Red Hill Avenue, A/P 6-201-02, on the basis that the use will not be detrimental to the neighborhood as the use has existed in the past with no complaints; and the granting of the application is necessary for the enjoyment of substantial property rights. The rights granted under the permit are personal to the applicant and are not transferable or assignable.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

- B. V-777 - Bob Chapman, 33 Hillside Avenue, A/P 7-115-26, application for a parking variance from one parking space, and a 16' frontyard variance with a 4' frontyard setback, and a 3' sideyard variance with a 5' sideyard setback for the space being provided.

Bob Chapman, applicant, present.

Commissioner Ragan said that parking is almost impossible on this hillside and this plan to have some off-street parking will help the situation.

The audience had no comments.

M/S Ragan, Olive, to approve V-777, a parking variance including a 3' sideyard variance to permit a 5' sideyard setback; a 16' frontyard variance to permit a 4' frontyard setback, and a variance from one parking space for 33 Hillside Avenue, A/P 7-115-26, for Bob Chapman, on the basis that a steep down-sloping lot which limits the area of construction for a carport; that the granting of the variance will not be detrimental to the neighborhood; but it will benefit the area which has a narrow street and little on-street parking; and the granting of the variance is necessary for the preservation and enjoyment of substantial property rights.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

- C. V-778 - James F. Barrett, 54 Rutherford Avenue, A/P 5-122-06, application for a parking variance to allow an existing situation to remain; tandem parking in the frontyard setback and a parking space size variance to permit two 8' x 20' spaces.

James Barrett, applicant, and Jim McDonald, architect, present.

Mr. McDonald said the applicant is planning to construct a family room, bedroom and half bath (583 square feet) all within the required setbacks. The present interpretation of the Municipal Code requires either two legal size, 10' x 20' parking spaces or a variance when additions are made to a dwelling. The applicant is asking for permission to have tandem parking which has existed since 1930, and to allow one 10' x 20' parking space within 3' of the frontyard setback.

Susan Eisgrau, 56 Rutherford Avenue, said the proposed addition would result in 37% lot coverage of the dwelling (the maximum in an R-1 zone is 40%). She said a heritage tree on the applicant's sideyard was removed in 1976 and now an addition is proposed in the same place. The Planning Commission had turned down an application to construct a bathroom, closet and sitting area in 1974; however, it was approved by the Town Council. The set of plans approved were different than what was actually built.

Ms. McGovern said the applicant was issued a tree permit for removal because the roots had cracked the foundations of the dwelling.

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Mr. McDonald added that although the approved plans were not exactly the same as those used, the construction was still within the approved setbacks.

Ms. Eisgrau said her primary objection is the parking problem. The applicant is now proposing a four bedroom home without legal parking. The street is only 18' wide and with cars parked on both sides, it will make it difficult for the Fire Department to have access to her home. The other homes in the neighborhood have remained small, while the applicant's is very large.

Ms. Eisgrau said that although he could not attend tonight's meeting, Commissioner Goltz told her he would vote to deny this application since there would be major lot coverage with these additions and a 4' sideyard variance had already been granted for other construction on the lot.

The Commissioners agreed that since the lot coverage of the building will be 37% and all new construction is within the legal setbacks, there is no justified objection to the application.

M/S Kapranos, Harle, to approve V-778, a variance to permit parking in tandem and two spaces 8' wide, for 54 Rutherford Avenue, A/P 5-122-06, on the basis that the condition of the building constitutes a hardship because the garage cannot accommodate two, unobstructed parking spaces, nor can they be provided elsewhere on the site; that the granting of the variance will not be detrimental to the neighborhood; the parking plan has existed for many years without detriment; and the granting of the variance is necessary for the preservation and enjoyment of substantial property rights.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

7. DISCUSSION ITEM

A. Downtown Rezoning Study - specifically Magnolia Avenue and Tunstead Avenue.

Louis Kreuzer, 169 Tunstead Avenue, said he bought this property because it is zoned commercial. He has established his residence and his wife's dance studio at this address. He does not want Tunstead Avenue rezoned for residential use.

The Commissioners assured Mr. Kreuzer this is only a workshop and a means of implementing the General Plan. When and if his property is ever proposed for rezoning, he will be notified.

Staff Note: At their regular meeting of May 15, 1978, the Commission will set a public hearing for the possible rezoning of Tunstead and Magnolia Avenues for some future date.

8. ADJOURNMENT

The regular meeting of the San Anselmo Planning Commission was adjourned at 10:44 p.m. to the next regular meeting of May 15, 1978.

Lisa Burclin

LISA BURGLIN
PLANNING COMMISSION SECRETARY