

The regular meeting of the San Anselmo Planning Commission was called to order by Chairman Buckle at 8:00 p.m. on December 4, 1978, in Room 6 of the Isabel Cook Community Center, 1000 Sir Francis Drake Boulevard. Staff present: C.R. Leitzell, Director of Public Works/Planning.

1. ROLL CALL

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

2. APPROVAL OF MINUTES - NOVEMBER 20, 1978

Item 4(A), insert before motions: "Chairman Buckle said it is time to stop the discussion and vote."

M/S Kapranos, Harle, to approve the minutes of November 20, 1978, as amended.

Motion passed with three ayes; Commissioner Ollinger abstaining.

3. OLD BUSINESS

- A. Z-169- Perry Paradiso, 130 Greenfield Avenue, A/P 6-171-06, application for a use permit for the Specific Plan Development and landscape review.

Perry Paradiso, applicant, and Harold Lezzeni, designer, present.

Mr. Robbins said the last step in the SPD rezoning process is to secure a use permit from the Planning Commission for the implementation of the specific plan. He said the Town Council in approving the SPD rezoning, concurred with the Commission's proviso that there be a minimum of 30 feet back-out behind parking space No. 5, with the option that Nos. 2, 3, 6, 7, 10 and 11 can be 9 feet wide.

Abe Froman, 208 Greenfield Avenue, asked Mr. Paradiso to explain his specific plan. Mr. Paradiso said he will be continuing his art supply business next door to his present business in a two story building with 13 parking spaces and possibly 14.

M/S Harle, Kapranos, to approve the use permit application under Z-169 (SPD rezoning of 130 Greenfield Avenue, A/P 6-171-06) as presented, on the basis that it affords the use of property rights and will not be detrimental to the neighborhood.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

With regard to the landscape plan, Mr. Lezzeni said there are four five-gallon Phoenicum Tenax Bronze plants proposed for the front of the building. This plant has a four inch wide sword-type leaf which is not like Pampas Grass. Also proposed for the front area are low feathery-type shrubs that will grow up to four feet high - Toyon Berry Heteromeles Arbutifolia, Dodonea Viscosa Saratoga, and Nandina Domestica, all of which are five gallon size and total 18 additional plants.

Chairman Buckle questioned whether hand watering will be adequate. Commissioner Kapranos said hand watering usually begets a second rate landscape because people don't do it; however, he feels the plantings in the back of the lot (Toyon Berry Heteromeles Arbutifolia) could be hand watered, but the plants in front should have a simple automatic watering system.

Mr. Lezzeni said this suggestion would be no problem with Mr. Paradiso.

M/S Ollinger, Harle, to approve the landscape plan under Z-169 (SPD rezoning of 130 Greenfield Avenue, A/P 6-171-06) based on drawings received by the Town of San Anselmo on December 1, 1978, consisting of Sheet 1, with the addition of an automatic sprinkling system for the front and side planting only.

Motion passed unanimously.

- B. U-523- Holland Oil Company, 400 Red Hill Avenue, A/P 6-121-15, review of landscape plan for service station. CONTINUED TO 01/15/79.
- C. Request from Town Council to show justification for the rezoning of 101 Ross Avenue as being consistent with the General Plan.

The Planning Commission said the proposed development at 101 Ross Avenue for married student housing is consistent with existing uses; the street is predominantly multi-family residential; it is close to downtown so encourages walking; and the type of housing will probably generate less automobiles than a single family residence with children who drive; and also provides low income housing.

4. NEW BUSINESS

- A. Z-173-Ben O'Hare, (off Redwood Road, across from 286 Redwood Road), A/P Nos. 7-097-02 and 7-097-05 from PPD R-1 and 7-141-04 from PPD R-1 B-20 (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, referring to the parcel map of these lots, said Lots 1 through 12 (which now make up A/P nos. 7-097-02, 7-097-06, 7-097-05 and 7-097-04) were a subdivision that took place in the 1950's. The Town recently received a request for Certificates of Compliance for these lots. Lots 1, 2 and 3 do constitute a legal building site. However, the neighbors in this area area agreed to purchase Lots 1 through 12 and later swung the property lines of Lots 6 and 9 to the northeast. These lot line changes were not done with Town concurrence so if the SPD rezoning is approved by the Commission, the next step will be to apply for a lot line adjustment for Lots 6 and 9. A/P 7-141-04 was left over from the original subdivision of the lots fronting Redwood Road. The proposal is to establish two building sites out of this one parcel. This parcel is zoned PPD R-1 B-20 (minimum 20,000 square feet per lot) and is also in the General Plan's conservation zone, which proposes a density of one unit per acre or less. A deviation could be allowed for this if the lot were subdivided, with justification.

Mr. Robbins also said that Lots 4, 5, 10, 11 and portions of 6 are under different ownership than the applicant. A portion of Lot 9 and Lots 10 and 11 are owned by Mrs. Berger and the easement which goes across her property serves as her driveway, and access to the proposed subdivision.

Commissioner Ollinger questioned the surface water flow getting into the grades and contours. Mr. Robbins said the subdivider is responsible for any drainage problems that may result from the development.

Mr. Robbins said the easement, 20 feet wide, is adequate for emergency vehicles and the Fire Department may require paving the 20' width by the subdivider.

Chairman Buckle said the driveway approach seems inadequate - it looks like it is very steep and should be wide enough to accommodate and should be wide enough to accommodate two-lane traffic which means that the easement should be larger than 20 feet wide."

Caterina Chase, 232 Redwood Road, said she has a three foot culvert that goes under Redwood Road and dumps water and debris on her property, and then continues down to Floribel. She is concerned that there will be more water dumping on to her property. She is also concerned about the possible increase in traffic.

David Lakes, 249 Redwood Road, Adolph Segal, 419 Redwood Road, Libby Ginsberg, 60 Redwood Road, and Louis Albedi, 78 Fernwood Drive, said they are concerned about the traffic that will be generated from the four proposed houses.

Eugene DePrado, 248 Redwood Road, said this project will have a major impact on the neighborhood because there will be a lot of grading, resulting in increased water runoff, and each of the four houses will most likely result in three to four cars.

Helen Curtis, 310 Redwood Road, Mary Cone, 349 Redwood Road, Gay Cagy, 280 Redwood Road, Karen Johnson 296 Redwood Road, and Carvel Johnson, 296 Redwood Road, were generally concerned about drainage problems with the project. The past construction of White Way was brought up, saying it permanently ruined Redwood Road and was never repaired. Some were also questioning whether in the end the total number of houses on these parcels would be six, rather than four.

There was also a concern in the audience for wildlife in this area.

Gloria Berger, 269 Redwood Road, said her main concern is the access road off of Redwood Road, which is on her property. It is a 20 foot wide easement that is steep in areas, is not that wide and if emergency vehicles have to drive up it when other cars are driving down, it will be impossible to get through. Mrs. Berger said a proposal to subdivide the property on the north side of the subject development was turned down in 1965 because of the narrow access road and the slope policy. This subdivision would have resulted in five houses. She suggested that the developer pay for any damages to Redwood Road, take care of any drainage problems, conduct a soils test for stability of the land, and provide a thick roadway to prevent a washout, if this proposal is accepted by the Commission. She also felt that this project may set a precedent for other construction in this area.

Gay Cagy mentioned that Redwood Road is not Town maintained above No. 126. Mr. Robbins said the only Town maintenance is for pot holes when it becomes difficult for emergency vehicles to drive on it. Chairman Buckle pointed out that in order for a street to be accepted by the Town, it must be brought up to Code by the property owners.

John Sanfiner, 9 White Way, feels the development will result in a large traffic increase - resulting in noise pollution and general deterioration of Redwood Road. He said the Negative Declaration issued by Town staff ignores the geologic fault in the middle of the ridge which, if disturbed, could result in soil slippage.

John Arnold asked if the ridge tops were included in the open space element of the General Plan and if so, how are they protected. Chairman Buckle said there is no ridge top ordinance in San Anselmo. Design Review used to review projects on grades greater than 30 percent, but Design Review has since been abolished. Chairman Buckle also pointed out that under a SPD rezoning, the Town has control to mitigate the harshness of design on slopes.

Paul Sellinger, representing the buyer, said he was a member of the Open Space Element Committee for the General Plan when it was being developed, and is very concerned about open space. However, he pointed out that other people have been allowed to build on their lots in the subject area, so why should the owner of these parcels not be allowed to build. Chairman Buckle also pointed out that in a hypothetical situation if a owner held onto his property for ten years and then decided to build, shouldn't he be given an equal chance as the others were years ago. Chairman Buckle added that he has taken the neighbors concerns into account and feels the following items should be studied in a focused EIR: Traffic, density, soils problems, consideration of damage to roads, precedent setting, noise pollution and wildlife.

Gordon Ashby, owner of A/P 7-097-06 (next to A/P 7-097-05), said he has tried to build on his property for years. Originally he was told he would have to put a six inch line in to bring water to the property and fire hydrant. When he could

afford to do this he was told the property was being considered as part of the open space zone and could not build.

Ben O'Hare, developer, said the four houses will not create a huge increase in the amount of traffic. As far as setting a precedent, he said the access road is the right of way to 269 Redwood Road and legally can only be used by the subject parcels. He also said that drainage for these lots will be improved with the proposed development.

Gloria Berger said the easement is referred to as non-exclusive and questioned whether this indeed does mean that only the subject parcels can use it. Mr. Robbins said the access road was set up to serve only these lots unless the easement is extended in the future in a legal manner.

There were two petitions signed by people in the neighborhood against the application.

M/S Ollinger, Harle, to not accept the Negative Declaration as prepared by the Town of San Anselmo relative to A/P Nos. 7-097-02, 7-097-05, and 7-141-04 for Ben O'Hare, off of Redwood Road, and that a focused EIR be prepared considering the changes in topography or ground surface relief features, seismic considerations, changes in absorption rates, drainage patterns, or the rate and amount of surface water runoff, changes in existing wildlife habitats, changes in noise levels, alteration of the present land uses, alterations in density, generation of additional vehicular movement, impact on existing transportation systems, increase in traffic hazards to motor vehicles, bicyclists or pedestrians, consideration of visual impact, consideration of accumulative effects as related to other developments on Redwood Road, and to review its consistency with the General Plan.

Motion passed unanimously.

Mr. Robbins told the audience that when the application comes back to the Planning Commission for the rezoning, there will be another notification.

- B. Z-172- 12 Tamalpais Avenue, A/P 7-211-19, proposal to rezone from C-2 (Central Business District) to one of the following: R-1 (Single Family Residential), R-2 (Two Family Residential), R-3 (Multi-Family Residential) or P (Professional).

Chairman Buckle said his initial feelings were to leave the property zoned commercial, but now feels that with the P zone it would require five foot sideyard setbacks abutting residential property which would be good.

Commissioner Harle suggested that the lot is so small that perhaps any setback requirements would severely limit the possible uses on the lot.

There was no one in the audience to comment on the application.

M/S Harle, Kapranos, to recommend to the Town Council to rezone 12 Tamalpais Avenue, A/P 7-211-19, from C-2 (Central Business District) to P (Professional Zone).

Motion passed unanimously.

- C. V-806 -Lawrence E. Ubaldi, 35 Humboldt Avenue, A/P 7-023-13, application for a 20 foot frontyard variance to construct a parking deck and garage within zero feet of the front property line.

Lawrence E. Ubaldi, applicant, present.

Mr. Robbins said the applicant will have to have the front property line staked.

M/S Kapranos, Harle, to approve V-806, application for a 20 foot frontyard variance to construct a parking deck and garage

within zero feet of the front property line, for Lawrence E. Ubaldi, 35 Humboldt Avenue, A/P 7-023-13, on the basis that it will not be detrimental to the neighborhood and it affords substantial enjoyment of property rights; that the hardship is there is no off-street parking for this lot because of the slope and steepness of the lot, and the location of the dwelling.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

- D. V-807 - John and Heidi McLaughlin, 7 Grove Hill Avenue, A/P 6-111-06, application for 2'8" sideyard variances within 5'4" from the side property lines, and a third story variance for the construction of a living room and bedroom additions.

John and Heidi McLaughlin, applicants, present.

Mr. Robbins said the eave overhang is less than six feet from the side property line and, therefore, a sideyard variance is required to allow a 2' overhang and a 2'8" sideyard variance for the structure on both sides.

Commissioner Ollinger asked why the applicant does not expand to the rear of the property, rather than create a third story. Mr. McLaughlin said the lot is very steep in the rear. Mrs. McLaughlin added that from the street, the house will appear to only have two stories.

M/S Harle, Ollinger, to approve V-807, application for 2'8" sideyard variances within 5'4" of the side property lines for the structure and within 3'4" of the side property lines for the eave overhang, and a third story variance to construct a living room and bedroom additions, on the grounds there is a building site hardship in terms of slope for accommodating the additional floor space for the third floor and the building seems to not be detrimental to the neighborhood and allows substantial enjoyment of property rights.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

- E. V-808- James and Nancy Bostwick, 158 Crescent Road, A/P 7-221-34, application for a seven foot sideyard variance to construct a support for an existing deck within one foot of the side property line (construction begun without Town approval).

James and Nancy Bostwick, applicants, present.

Mr. Robbins said a Stop Work Order was posted on the property on July 12, 1978, because no building permit was issued for the construction on the site.

Mr. Bostwick apologized for beginning this work without permits and told the Commission he did not realize he would need Town permission to rebuild a support for an existing deck. He said he is not moving the existing lines of the deck, but is removing posts and replacing them. He has made it possible to fit two cars on the deck now.

Don Nance, 156 Crescent Road, said the project is okay with him as long as the deck does not get closer to his property next door. Mr. Robbins told him that if the deck were proposed to be closer to the property line, Mr. Bostwick would need another variance. Mr. Bostwick said he is selling the property.

Nancy Bottmeyer, representing the buyer, was present.

M/S Ollinger, Kapranos, to approve V-808, application for a seven foot sideyard variance to construct a support for an existing deck within one foot of the side property line, for James and Nancy Bostwick, 158 Crescent Road, A/P 7-221-34, along with the two new supports now in place. This variance does not allow for any additional construction to the existing deck or enclosure of the space underneath the deck. This variance is granted on the basis that it will not be detrimental to the neighborhood and allows for the substantial use of property rights; it replaces an existing condition of deteriorating supports; and it allows for additional parking.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

- F. SS-213- Usonia, Incorporated, The Alameda, A/P 5-043-31, lot line adjustment.

Applicant was present.

Mr. Robbins said the Lands of Marche which is indicated to the east of Lot 133 (A/P 5-043-31) is not to be included in this subdivision. The small area (30.9 feet x 164.81 feet) off the northeast corner of Lot 133 is being included as an addition to A/P 5-043-31. This area is in the County.

Mr. Robbins said the portion of Lot 133 indicated at the south end of the lot was broken off by deed years ago, but never recognized by the Town. Therefore, the Town needs a recorded map to recognize it.

M/S Kapranos, Harle, to approve SS-213, application for a lot line adjustment, for Usonia, Incorporated, The Alameda, A/P 5-043-31, because it is onconformance with the General Plan.

Motion passed unanimously.

5. APPOINTMENTS

Appointment of Chairman and Vice-Chairman of the Planning Commission for the 1979 year. CONTINUED TO 01/15/78.

6. DISCUSSION

- A. Request for a second unit in neighborhoods with zero allowable density remaining (variances do not apply to the Code chapter covering second units).

Mr. Robbins told the Commission that there are set figures of allowable second units. Mr. Robbins said variances cannot be applied for this, but requests have been received. Staff suggests sticking to densities set by the ordinance.

Chairman Buckle said that perhaps this can be discussed at a future Planning Commission meeting after the downtown rezoning project is finished.

- B. Magnolia Avenue, City Hall Avenue and Library Place - Downtown Rezoning Workshop. CONTINUED TO 01/15/78.

LISA BURGLIN
PLANNING SECRETARY

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