

The regular meeting of the San Anselmo Planning Commission was called to order by Chairman Buckle at 8:00 p.m. on November 6, 1978, in Room 6 of the Isabel Cook Community Center, 1000 Sir Francis Drake Boulevard. Staff present: T. J. Robbins, Associate Engineer/Planner.

1. ROLL CALL

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

2. APPROVAL OF MINUTES - OCTOBER 16, 1978

Item 4(A), Paragraph 6, change "He said the building presently houses World College West" to "He said the building last housed World College West."

Item 4(A), Second motion, change "M/S Goltz, Harle, to rescind the previous motion . . ." to "M/S Goltz, Harle, to reconsider the previous motion . . ."

Item 4(A), Third motion, change ". . . to SPD (Specific Plan Development), a five unit complex . . ." to ". . . to SPD (Specific Plan Development) with a presumptive use of R-2 (Two Family Residential), a five unit complex. . ." (This correction was reconsidered later).

Item 5(B), Paragraph 6, change ". . . leave it there for the neighborhood." to ". . . leave it there for the neighborhood since it already belongs to the public."

M/S Goltz, Olive, to approve the minutes of October 16, 1978, as amended.

Motion passed with three ayes; Commissioners Kapranos and Ragan abstaining.

3. OLD BUSINESS

A. A-107 - Tam View Knolls, 72 Essex Street, review of landscape plan for 13 unit condominium development.

Max Holsinger, developer, present.

Mr. Holsinger said his landscape architect was unable to attend this meeting.

Commissioner Buckle noted that the proposed acacia trees may cause allergic reactions in some people, which some of the other Commissioners agreed. He also said the bottom dwellings (Units 1, 2 and 3) are the most visible and, therefore, should have 15 gallon evergree trees to ensure a proper screening.

Commissioner Kapranos said pampas grass is becoming a pest in the Bay Area because it is self-sowing and has a sharp cutting edge to the leaf. He claims it cannot be controlled, to which Paula Feingold, landscape contractor, 412 Red Hill Avenue, agreed.

Mr. Holsinger said, however, that pampas grass muffles sound which would come from Red Hill Avenue, and the acacia trees would provide a screening for the bottom dwellings.

Commissioner Goltz felt the landscape design is too spotty; there is not a total design. He pointed out that the slope is steep and the ground covers proposed may not survive. He suggested the large Eucalyptus tree that was removed between Units 9 and 10 be replaced with another large scale tree, rather than the smaller Japanese Black Pine and Olive trees.

Commissioner Ragan questioned why the irrigation plan was not shown on the drawings; Mr. Holsinger said the architect has not completed it, but proposes approximately 50,000 square feet of irrigation. Mr. Robbins said the irrigation plan could be a Building Department matter.

Mr. Holsinger asked the Commission for recommendations on a design and type of trees they are interested in seeing because he feels he is exhausting himself and his architect. However, the Commissioners felt they should not give professional advise. Commissioner Goltz said he would put Photinia Frasuri in front

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of Units 1, 2 and 3, which would not grow so high as to block the views, but would provide a screening and act as a noise buffer. He said the flat area behind the units could perhaps have a redwood grove to tie in with the rock-out cropping. He feels it would be good to put a ground cover in the rocky area in back of Units 10 and 11 and perhaps plant a tree here that would tie in with the trees in front of Units 1, 2 and 3. He emphasized that he was not giving professional advice, but just trying to help Mr. Holsinger understand what the Commission is requesting.

M/S Goltz, Olive, to refer A-107, review of landscape plan for Tam View Knolls, 72 Essex Street, back to the applicant because of the following objections recorded by the Planning Commission:

1. That pampas grass should be eliminated because of its tendency to grow wild;
2. that the acacia trees be eliminated because of its wild growing qualities and possibly that it would be annoying to those allergic to it;
3. that the base of the buildings, Units 1, 2 and 3, should be screened by planting in front of them;
4. that the size of the Photinia Frasuri and Japanese Black Pine are small and should be enlarged from five gallon to 15 gallon;
5. that to the northeast of Unit 9, a large specimen tree be planted to replace the one that was cut down (Eucalyptus);
6. that the existing trees also be shown for evaluation with the new planting;
7. that the area to the south of Units 1, 2 and 3 shown as the level ground area and rock-out cropping seems not to have a design scheme, and that the trees should be grouped and possibly some of the varieties be eliminated so there is more of a consistency in planting;
8. and that the applicant present an irrigation plan at the next Commission meeting or if that is not possible that he indicate on the landscape plans that the plantings will be property irrigated for their maintenance and health.

Motion passed unanimously.

- B. Z-171 - San Francisco Theological Seminary, 101 Ross Avenue, A/P Nos. 7-283-06 and 7-283-07, application to rezone the property from R-1 (Single Family Residential) to SPD (Specific Plan Development) with a presumptive use of R-2 (Two Family Residential), a student housing complex and a multi-purpose room.

Dr. Come, President of the Seminary, and Mr. Hooper, architect, present.

Dr. Come said he contacted Sohner Tree Service and learned that the large Sequoia tree on this property is diseased and has a very short life left. Therefore, the plan has been changed to move the three bedroom units over a few feet where this tree is now. The new plan also involves the old house on the lot, which will most likely house three single women students.

Commissioner Goltz suggested that the fence around the old house seems to isolate it from the rest of the units and perhaps would be better if it were not there. Dr. Come said the fences will probably be removed and may be replaced, but is not certain.

Dr. Come again explained that the multi-purpose room will be used only by residents of the 22 units in the area; there will

be no outside visitors. Commissioner Goltz said if this is the case, then he sees no problems with the proposed parking (11 spaces).

Carolyn Kahlke, 80 Ross Avenue, said the present plan is a great improvement over the last plan; however, she still feels this is over development on the lot. The Commission said that this lot, presently zoned R-1, could accommodate 3+ dwellings and the proposal is for six living units (three buildings plus the multi-purpose room). Ms. Kahlke requested that the Seminary consider landscaping with as much greenery as possible; the Commissioner assured her that they will not approve a landscape plan that is not.

Alan Bronstein, 80 Ross Avenue, said the Seminary appears to be turning Ross Avenue into a housing development for students. He also feels that the old house will eventually be torn down because it will prove uneconomical to the Seminary.

Commissioner Goltz suggested making a hammer head out of the parking off of Ross Avenue so that cars would not be backing out into traffic.

Barbara Tracy, 228 Crescent Road, said there are no storm drains on Ross Avenue; the water presently drains off Mariposa Avenue. She is concerned that the building on this lot will perhaps eliminate all the natural draining that is left on Ross Avenue. Staff advised her that the Town will look into this problem. Commissioner Buckle said that building on this lot is not going to increase flooding.

Commissioner Olive said she is "still against the change from R-1 zoning for three reasons: 1. Ross Avenue is a congested traffic area with severe parking problems and the proposed project will increase the density; 2. the San Anselmo Historical Commission has noted the house is one of the oldest in the community and such houses are very valuable in the private housing market now. It would seem that the best preservation of this community asset would be guaranteed by private owner's R-1 use, rather than by institutional housing and modification; 3. the Seminary has other sites within their grounds for the proposed facilities and so this property could best benefit the community by returning it to the tax rolls as the privately owned residence it was intended to be when constructed."

The Commission assured the public that when a specific plan is approved any change in use must have Town approval.

M/S Ragan, Kapranos, to recommend to the Town Council to approve Z-171, application to rezone 101 Ross Avenue, A/P Nos. 7-283-06 and 7-283-07, from the San Francisco Theological Seminary, from R-1 (Single Family Residential) to SPD (Specific Plan Development), a student housing complex with a multi-purpose room be approved.

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

- C. U-520 - J. Gary Mitchell, 163 Tunstead Avenue, A/P 7-251-10, application for a use permit to allow a home occupation of a film distribution business.

Gary Mitchell, applicant, present.

Mr. Robbins said that any change in occupancy requires that the building be brought up to Code, according to the Uniform Building Code. The applicant's architect said this would cost thousands of dollars. Therefore, although this property is zoned commercial, the use is residential and a use permit for a home occupation is necessary (at the meeting of October 16, 1978, the Planning Commission felt the applicant did not need a use permit for a home occupation since the property is zoned commercial).

Commissioner Goltz said this seems ludicrous and would like to discuss the interpretation of the Zoning Ordinance as it relates to home occupations at a future meeting.

Mr. Mitchell said he will use only 25 percent of his building and employ one person to conform to the home occupation requirements.

M/S Ragan, Kapranos, to approve U-520 for J. Gary Mitchell, application for a use permit to allow the home occupation of a film distribution business at 163 Tunstead Avenue, A/P 7-251-10, with the following conditions:

1. That there be no signs;
2. that there be only one employee;
3. that the area to be used for the home occupation conform to Fire Code requirements;

on the basis that this will not be detrimental to the neighborhood because other home occupations exist in the area; and that the granting of this use permit is for the enjoyment of substantial property rights.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

4. NEW BUSINESS

- A. Z-172 - Tamalpais Avenue, Nos. 12, 14/16, 19, 25, 27, 35, 41, 43, 47, 51 and 57, A/P Nos. 7-211-19, 7-211-20, 7-212-20, 7-212-18, 7-212-17, 7-212-48, 7-212-14, 7-212-13, 7-212-12, 7-212-11 and 7-212-10, respectively, proposal to rezone the above properties as follows: Nos. 12, 14/16, 19 and 25 from C-2 (Central Business District) to P (Professional); No. 27 from C-2 (Central Business District) to P (Professional) or R-2 (Neighborhood Apartment District); No. 35 from C-2 (Central Business District) to R-3 (Neighborhood Apartment District); Nos. 41, 43 and 47 from R-1 (Single Family Residential) to R-2 (Two Family Residential); and Nos. 51 and 57 from R-3 (Neighborhood Apartment District) to R-2 (Two Family Residential).

Commissioner Buckle explained to the audience the purpose of the downtown rezoning project and also explained the new professional zone (P).

Mr. Robbins suggested that Nos. 19 and 25 remain zoned C-2 since No. 21 is not proposed to be changed from commercial. He also questioned the proposed rezoning of Nos. 41, 43 and 47 from R-1 to R-2 because the lots are narrow.

James Ottery, 62 Tamalpais Avenue, said he has a second unit on his property that is registered with the Town; he would like his property zoned from R-1 to R-2.

Commissioner Goltz said when a second unit is registered it can only have maintenance during a period of five years from 25 percent of assessed value to 25 percent of market value; if he exceeds this allowable amount, then he is subject to rent control. Therefore, the property owner will not make large improvements to his property; however, if the property were zoned R-2, he would be more apt to make improvements.

Mr. Robbins said the purpose of the Second Unit Ordinance is to give the Town control; property with second units should not be zoned to R-2.

Peter Blasko, 25 Tamalpais Avenue, said he is currently building store space on his C-2 zoned property and does not want to see it rezoned to P for office space.

The Commission decided to readvertise for a public hearing on additional parcels on Tamalpais Avenue, which are indicated below:

(Mrs. Frank Sousa, 40 Tamalpais Avenue, told the Commission what the current uses are on the various parcels on Tamalpais Avenue).

Nos. 14/16, A/P 7-211-20, from C-2 to P; No. 22, A/P 7-211-22,

from C-2 to R-3; Nos. 34, 40, and 44, A/P Nos. 7-211-25, 7-211-26 and 7-211-27, respectively, from R-2 to R-1; No. 48, A/P 7-211-42, from R-2 to R-3; No. 62, A/P 7-211-33, from R-1 to R-2; No. 27, A/P 7-212-17, from C-2 to R-3 or P; No. 35, A/P 7-212-48, from C-2 to R-3; Nos. 41, 43 and 47, A/P Nos. 7-212-14, 7-212-13 and 7-212-12, respectively, from R-1 to R-2; Nos. 51 and 57, A/P Nos. 7-212-11 and 7-212-10, respectively, from R-3 to R-2.

The Commission agreed that the following parcels on Tamalpais Avenue should remain zoned the same:

No. 12, A/P 7-211-19, to remain C-2; No. 20, A/P 7-211-21, to remain R-3; No. 26, A/P 7-211-23, to remain R-3; No. 30, A/P 7-211-24, to remain R-2; Nos. 60 and 63, A/P Nos. 7-211-32 and 7-212-09, respectively, to remain R-1; Nos. 19, 21 and 25, A/P Nos. 7-212-20, 7-212-19 and 7-212-18, respectively, to remain C-2.

M/S Ragan, Goltz, to continue Z-172; the rezoning of parcels on Tamalpais Avenue, to the next regular meeting of November 20, 1978.

Motion passed unanimously.

- B. EU-2 - Luther Herrick, 261 Brookside Drive, A/P 5-111-15, application for a use permit to allow an existing second unit to remain on change in ownership.

Mrs. Herrick, applicant, present.

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

M/S Kapranos, Ragan, to approve EU-2 for Luther Herrick, application for a use permit to allow an existing second unit to remain on change in ownership at 261 Brookside Drive, A/P 5-111-15, with the following conditions:

1. Subject to a Rental Agreement with the Town to be made within 30 days; if agreement is not made within that time, staff will set a revocation hearing.

(Note: a smoke detector has already been installed in the second unit).

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

- C. EU-15 - Marilyn J. Root, 86 Hawthorn Avenue, A/P 5-129-19, application for a use permit to allow an existing second unit to remain on change in ownership.

Agent, representing Ms. Root, present.

M/S Goltz, Ragan, to approve EU-15 for Marilyn J. Root, 86 Hawthorn Avenue, A/P 5-129-19, with the following stipulations:

1. That two annual parking spaces be rented in the parking area on the corner of Sir Francis Drake Boulevard and Butterfield Road (Note: the parking spaces are rented up to August, 1979);
2. that the use permit be subject to annual review as long as that unit exists;
3. that a Rental Agreement between the applicant and Town be entered into within 30 days; if agreement is not made within that time, staff will set a revocation hearing;

on the basis that this use permit will not be detrimental to those living in the neighborhood; and to afford substantial property rights.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

- D. EU-27 - Dan Kelly/Jack Benjamin, 47 Elm Avenue, A/P 7-052-54, application for a use permit to allow an existing illegal second unit to remain.

Applicants were not present.

Commissioner Olive said she saw construction being done downstairs in the main dwelling and wonders if there is a third illegal unit on the property. Staff will look into the matter.

M/S Ragan, Goltz, to continue EU-27 for Dan Kelly and Jack Benjamin, 47 Elm Avenue, A/P 7-052-54, application for a use permit to allow an existing illegal unit to remain, to the next regular meeting of November 20, 1978.

Motion passed unanimously.

(Note: applicant was advised of the November 6, 1978 meeting).

- E. U-521 - LaVerne Swaney, 45 Barber Avenue, A/P 6-241-30, application for a use permit to allow the home occupation of dressmaking.

Ms. Swaney, applicant, present.

Staff had no comments; there was no one in the audience to comment.

It was noted that Ms. Swaney had a similar operation years ago in her home.

M/S Ragan, Olive, to approve U-521 for LaVerne Swaney, 45 Barber Avenue, A/P 6-241-30, application for a use permit to allow the home occupation of dressmaking, on the basis that it will not be detrimental to the neighborhood, and it will allow reasonable property rights.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

- F. U-522 - R. Steven Richardson, 1405 San Anselmo Avenue/21 Humboldt Avenue, A/P 7-023-04, application for a use permit to allow a recording studio to remain on change in ownership.

Mr. Richardson, applicant, was not present.

M/S Goltz, Kapranos, to continue U-522 for R. Steven Richardson 1405 San Anselmo Avenue/21 Humboldt Avenue, A/P 7-023-04, application for a use permit to allow a recording studio to remain on change in ownership, to the next regular meeting of November 20, 1978.

Motion passed unanimously.

(Note: applicant was advised of the November 6, 1978 meeting).

- G. U-523 - Holland Oil Company, 400 Red Hill Avenue, A/P 6-121-15, application to amend U-519, allowing a service station in a C-3 zone, to increase the hours of operation, and review of the landscape plan.

Mr. Cooper, representing Holland Oil Company, present.

Mr. Cooper said Holland Oil Company will not purchase the property if there are restricted hours of operation; they may want to stay open 24 hours and they may not if the demand does not exist. He pointed out that a gentleman who lives right next door to this property welcomes the station; however, the Commission said the gentleman, who is not present at this meeting, made no mention that he would want to see the station open 24 hours.

Mr. Robbins said he did not believe that the other service stations in San Anselmo who have use permits have restricted

hours of operation.

Paula Feingold, 412 Red Hill Avenue, said she is concerned about the service station being open 24 hours because she has had a lot of vandalism at the Essex Center and feels the workers from the last service station may have been responsible.

Mr. Timmer, real estate agent, said that if the station is open 24 hours it will serve as an advantage to her by having some activity next door.

Commissioner Ragan pointed out that use permits can be revoked at any time if there is a legitimate problem.

M/S Goltz, Ragan, to approve U-523 for Holland Oil Company, 400 Red Hill Avenue, A/P 6-121-15, application to amend U-519, to strike the second condition from the motion, which stated that the hours of operation be between 6:00 a.m. and 10:00 a.m. and to add, that six months after the service station begins operating on a 24 hour basis, the applicant shall be brought back to the Planning Commission to review this amendment.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

(The Design Review for this applicant was started).

Commissioner Buckle said he would like to see some tall trees in front of the station.

Commissioner Goltz said the proposed plan is grossly under planted and it would be a good idea to perhaps take out some of the concrete and replace it with greenery. He also thinks the drawings are incomplete in that they do not indicate colors, but rather just "earth tones" is written.

Paula Feingold, 412 Red Hill Avenue, pointed out that the 20 foot planter box in front of the station has only five plants proposed, which are small and will never amount to anything. She also suggested removing some of the concrete on the east and west sides of the station and planting trees.

Mr. Cooper said an adequate screening could have been planted by the Essex Center on their property, but it was not; therefore, the service station should not be responsible. However, Mr. Cooper assured the Commission that they will take their plans back to the landscape architect for reworking.

M/S Ragan, Kapranos, to refer the landscape plan for Holland Oil Company, 400 Red Hill Avenue, A/P 6-121-15, back to the applicant and to continue it to the meeting of November 20, 1978.

Motion passed unanimously.

- H. V-804 - John H. Speights, 53 Oak Springs Drive, A/P 5-254-09, application for a two foot frontyard variance and a one foot sideyard variance to construct a solarium within 18 feet of the front property line and seven feet of the side property line, respectively.

John Speights, applicant, and his architect were present.

Commissioner Goltz said he was not sure the sideyard variance was necessary, but it is only one foot and does not go beyond the confines of the present deck lines.

M/S Olive, Ragan, to approve V-804 for John H. Speights, 53 Oak Springs Drive, A/P 5-254-09, application for a two foot frontyard variance and a one foot sideyard variance to construct a solarium within 18 feet of the front property line and seven feet of the side property line, respectively, for the following reasons:

1. That the granting of this variance will guarantee substantial property rights;
2. that it will not be detrimental to those living and working in the neighborhood;
3. and that there is no other place on the lot to build it because of the layout of the existing deck.

Motion carried: AYES: Buckle, Kapranos, Olive, Ragan
ABSTAIN: Goltz

Applicant was advised of the ten day appeal period.

- I. V-805 - Barbara Wensch Semler, 72 Oak Knoll Avenue, A/P 5-154-28, application for a sixteen foot rear yard variance to construct a photographic studio and study within four feet of the rear property line.

Barbara Wensch Semler, applicant, present.

The Commission questioned why Ms. Semler did not get variance approval and building permits to construct these additions. Ms. Semler said she did not think she needed permits because she talked to someone in the Public Works Office who told her a permit is not necessary when making an addition that is less than 20 percent of the square footage of the main dwelling (Staff questions if the Public Work's Office was contacted). It has been noted the Semler's do have permits for a hot tub that was recently installed.

Mr. Robbins said plumbing facilities are allowed, with the exception of bathing facilities, in this addition.

M/S Kapranos, Ragan, to approve V-805 for Barbara Wensch Semler, 72 Oak Knoll Avenue, A/P 5-154-28, application for a sixteen foot rear yard variance to construct a photographic studio and study within four feet of the rear property line, in the interest of the property rights of the owner; that it will not be detrimental to surrounding property owners; that there are two existing rear structures and a large tree which makes it impractical to place this addition in a different position.

Motion carried: AYES: Buckle, Kapranos, Ragan
NOES: Olive
ABSTAIN: Goltz

Applicant was advised of the ten day appeal period.

5. DISCUSSION

A. Proposed Rezoning of Magnolia Avenue

There was no discussion; to be continued to the meeting of November 20, 1978.

B. Density in Renting Rooms

Commissioner Buckle suggested that when rooms are rented this increases neighborhood density; therefore, like all second units, the rental should be put on a density map and restricted after so many rooms are rented.

M/S Buckle, Ragan, to recommend to the Town Council to include room rentals as numbers to be added to second units when determining density.

Motion denied: AYES: Buckle, Olive
NOES: Goltz, Kapranos, Ragan

Commissioner Goltz said this would be difficult to control.

6. ADJOURNMENT

The regular meeting of the San Anselmo Planning Commission was adjourned at 1:00 a.m. to the next regular meeting of November 20, 1978.

Lisa Burklin
LISA BURGLIN
PLANNING COMMISSION SECRETARY