

The regular meeting of the San Anselmo Planning Commission was called to order by Chairman George Buckle at 8:00 p.m. on September 18, 1978, in Room 6 of the Isabel Cook Community Center. Representing Town Staff: T. J. Robbins, Associate Engineer/Planner.

1. ROLL CALL

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

2. APPROVAL OF MINUTES - AUGUST 21, 1978

M/S Olive, Kapranos, to approve the minutes of August 21, 1978, as written.

Motion passed unanimously.

3. OLD BUSINESS

- A. U-502 - Kenneth P. Short, 1218-B San Anselmo Avenue, A/P 7-051-20, review of use permit allowing delicatessen (condition of the use permit granted on March 20, 1977).

Kenneth P. Short, applicant, present.

Mr. Robbins said the neighbors were not notified because this is only a review of the use permit approval. Since there have been no complaints from the Police Department or the neighbors, staff sees no problems with the operation.

Commissioner Olive suggested that the Commission hold another review in six months because the new apartment built opposite the delicatessen may generate a lot of traffic. The Police Department reported there is a lot of traffic in the area presently. Commissioners Ragan and Buckle felt this would not be necessary.

Mr. Robbins said although this property is zoned as Neighborhood Commercial (C-1), it still can generate outside traffic as with any other business.

Commissioner Olive expressed concern about the actual intent of Neighborhood Commercial Districts (to serve the immediate neighborhood) and the actual use of serving many just as a General Commercial District would).

M/S Ragan, Harle, to continue the use permit for a delicatessen in a C-1 zone for Kenneth P. Short, 1218-B San Anselmo Avenue, A/P 7-051-20, until such time that there are legitimate complaints about the operation.

Motion passed unanimously.

- B. V-796 - Laura Isi, 28 Hooper Lane, A/P 7-012-07, appeal of Planning Commission, who granted a four foot sideyard variance to allow an existing bedroom and bath to remain within four feet of the side property line.

Laura Isi, applicant, and Tom Gioseffi, realtor, present.

This application had been approved by the Planning Commission at their meeting of August 7, 1978; however, Commissioners Ragan and Buckle appealed their decision to the Town Council because it was felt they had reacted emotionally to the issue before them and they did not have enough information about the addition.

An addition had been made to the dwelling without building permits or variance approval when the property was owned by Don Wehr, according to Tom Gioseffi. Laura Isi said she did not know it was an illegal addition at the time of sale; however, she did find this out before closing the sale. Tom Gioseffi said the Wehr's placed \$2,000 in escrow to take care of the variance application fee and drawings (along with miscellaneous corrections necessary per Town's residential inspection).

Commissioner Ragan asked Tom Gioseffi if he had informed the buyer, Laura Isi, that the addition was illegal; Tom Gioseffi said no, her agent was informed though. Tom Gioseffi said he

ordered the residential and physical inspection report from the Town in order to make sure everything about the property was legal and safe. He noted that there was no mention of the addition being illegal.

Mr. Robbins said the Building Inspector cannot always distinguish a new addition from the original construction when he inspects the dwellings and our office does not always have floor plans of buildings.

Commissioner Ragan said someone has to be blamed for the illegal addition and should be punished (not necessarily the applicant). Mr. Robbins said the Town has no recourse in this situation because the previous owner is gone and the contractor is not known.

Commissioner Buckle said he would have put the addition where the deck is indicated on the drawings and more logically for the internal circulation purposes; this way the addition would have been within the required setbacks and a variance would not have been required.

Laura Isi said her neighbors, the Chambers, support her application.

Mr. Robbins pointed out that the building permit, when issued, will be at the double fee because the work has already been done. Also, it has been reported that some of the work was not constructed to Code which will be checked by Town staff.

M/S Ollinger, Kapranos, to approve V-796, application for a four foot sideyard variance to allow an existing bedroom and bath to remain within four feet of the side property line, for Laura Isi, 28 Hooper Lane, A/P 7-012-07, as shown on the drawing received by the Town of San Anselmo on July 31, 1978, on the basis that it will not be detrimental to the neighborhood; and that because of the small size of the house and its placement on the lot.

Motion carried - AYES: Buckle, Harle, Kapranos, Ragan
 NOES: Ollinger
 ABSTAIN: Olive

Commissioner Olive abstained because she was not at the meeting Of August 7, 1978, when the application was first heard.

Applicant was advised of the ten day appeal period.

4. PUBLIC HEARINGS - REZONINGS

- A. Z-166 - 125 and 130 Pine Street, A/P Nos. 7-252-14 and 7-251-26, respectively, proposal to rezone from C-2 (Central Business District) to P (Professional Zone).

Mrs. Albaugh, 130 Pine Street, said she did not receive any notice of the proposed rezoning until today when she received the agenda for tonight's meeting. She said she has called the Planning Department and repeatedly asked that all agendas be sent to her regarding this property and never receives any information (staff note: The usual postcard notice and agenda for this meeting, as with others, were sent to Mrs. Albaugh, and the public hearing was advertised in the Ross Valley Reporter on September 6, 1978).

Commissioner Buckle explained to the audience that the intent of the Professional (P) zone is to act as a buffer between commercial and residential property.

M/S Ragan, Harle, to recommend to the Town Council that 125 and 130 Pine Street, A/P Nos. 7-252-14 and 7-251-26, respectively, be rezoned from C-2 (Central Business District) to P (Professional Zone).

Motion passed unanimously.

Commissioner Buckle informed the audience that the Town Council will hear this proposal on October 10, 1978.

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- B. Z-167 - 16 and 18 San Rafael Avenue, A/P Nos. 7-162-16 and 7-162-15, respectively, proposal to rezone from C-2 (Central Business District) to P (Professional Zone); 22 San Rafael Avenue, A/P No. 7-162-14, proposal to rezone from R-3 (Neighborhood Apartment District) to R-1 (Single Family Residential); 15 San Rafael Avenue, A/P 7-211-09, proposal to rezone from C-2 (Central Business District) to R-3 (Neighborhood Apartment District); 11 and 13 San Rafael Avenue, A/P Nos. 7-211-11 and 7-211-10, respectively, proposal to rezone from C-2 (Central Business District) to P (Professional Zone).

Rosalie Coerageous, 18 San Rafael Avenue, said she did not understand the purpose of rezoning these properties for residential use (original proposal).

Commissioner Buckle said the Town does not want the residential areas to become too commercialized.

Commissioner Olive said 16 San Rafael Avenue is an extremely narrow lot and perhaps should be rezoned to professional use since the 7-11 Store is right next door. She also suggested rezoning 15 San Rafael Avenue from C-2 to R-2; 11 and 13 San Rafael Avenue from C-2 to P; and 18 and 22 San Rafael Avenue from R-2 to R-1.

The other Commissioners agreed, except that 18 San Rafael Avenue should be rezoned from R-2 to P. Commissioner Olive was concerned that having 16 and 18 San Rafael Avenue both zoned P may lead to more traffic than if one lot is zoned for residential use; the other Commissioners disagreed.

M/S Ragan, Harle, to recommend to the Town Council to rezone 16 and 18 San Rafael Avenue, A/P Nos. 7-162-16 and 7-162-15, respectively, from C-2 (Central Business District) to P (Professional Zone); to rezone 22 San Rafael Avenue, A/P No. 7-162-14, from R-3 (Neighborhood Apartment District) to R-1 (Single Family Residential); to rezone 15 San Rafael Avenue, A/P No. 7-211-09, from C-2 (Central Business District) to R-3 (Neighborhood Apartment District); and to rezone 11 and 13 San Rafael Avenue from C-2 (Central Business District) to P (Professional Zone).

Motion passed unanimously.

Commissioner Buckle informed the audience that the Town Council will hear this proposal on October 10, 1978.

- C. Z-168 - Richard Moore, 450 Redwood Road, A/P 7-191-03, application to rezone the property from PPD R-1 (Preliminary Plan Development, with a presumptive use of Single Family Residential) to SPD R-1 (Specific Plan Development, Single Family Residential).

Richard Moore, applicant, present.

The Commissioners questioned staff on why it was necessary to go through a rezoning to SPD when only a single family residence was planned. Mr. Robbins said all vacant lots above 20,000 feet must go through this rezoning before construction.

Commissioner Olive suggested that the fee would have been less if the applicant applied for a rezoning to R-1, rather than SPD. Staff said the applicant was not informed of this because it is not the intent of the zoning ordinance.

M/S Ragan, Harle, to recommend to the Town Council to rezone 450 Redwood Road, A/P 7-191-03, from PPD R-1 (Preliminary Plan Development, with a presumptive use of Single Family Residential) to SPD R-1 (Specific Plan Development, Single Family Residential) based on drawings received by the Town of San Anselmo on September 1, 1978.

Motion passed unanimously.

5. USE PERMITS

- A. U-516 - Tom Strano, 89 Valley Road, A/P 5-081-02, application for a use permit to allow the renting of two rooms in the base-

ment of her dwelling for approximately five years. She was not aware that a use permit is required to do so up until now. Mrs. Strano said she also was not aware that her neighbors were bothered by parking or noise problems because they had never come to her before this time to complain. If the neighbors had, she contends, she would have been most cooperative in taking care of any problems. Mrs. Strano said she recalls one renter who was a nuisance and may have bothered the neighbors; however, she was evicted as soon as possible. Mrs. Strano added that perhaps if the neighbors had voiced their complaints about this renter, they may have been able to evict her even sooner.

Mr. Robbins said there is no specific parking arrangement required when granting such a use permit; it is up to the discretion of the Planning Commission.

Rudolf Huppert, 80 Valley Road, turned in a petition signed by 28 neighbors in the area opposing the application. His reasons for opposing the application are that the road is very narrow and, therefore, access for emergency vehicles is limited. Their children play on the street because there is no sidewalk and the renting of these two rooms will increase traffic in the neighborhood.

Catherine Huppert, 80 Valley Road, said there is a hot plate in the rooms that are rented and this is dangerous; she asked if this would constitute a "kitchen." Mr. Robbins said technically yes, but would be difficult to control. She also said the renters play music so loud that she cannot sleep. Mrs. Strano said she has never heard the music of any of her tenants.

Elsie Pipan, 72 Valley Road, said there are other people renting in the neighborhood that the Town does not know of and it has resulted in excess garbage on properties.

The Commissioners told the audience the purpose of the use permit procedure is to control how many renters there are in a single family residential neighborhood. They encouraged the neighbors to report the illegal rentals.

Ramona Mark, 91 Valley Road, said the Strano's garage is being used for storage; therefore, parking is not adequate on the lot.

Mrs. Strano suggested that in future ads, she say that a prospective renter cannot own an automobile. The neighbors said the renter would still have friends with cars; Mrs. Strano pointed out that everyone in the neighborhood has visitors with cars.

Some neighbors said the Stranos had two or three renters there at one time; Mrs. Strano said that is not true, in fact she is always commenting on how quiet her tenant is.

Commissioner Ollinger said he finds it hard to believe that all the parking and traffic problems are caused by this one renter, but he takes the problem into consideration.

The neighbors said they complain to the Police Department once a week, sometimes every day, about the parking problem that is emanating from the Stranos.

Commissioner Kapranos suggested that if additional parking could be found for the tenant, would this solve the concern of the neighborhood. The neighbors said no, it is a matter of density. Commissioner Buckle said it is possible a family could move in this house with four children, all owning an automobile. The neighbors agreed this would be uncontrollable; however, renting can be controlled.

Commissioner Ragan's primary objection was that there was too much density and, therefore, the applicant does not warrant approval of the use permit.

Mr. Robbins said there are additional second units allowed in this neighborhood; therefore, density is not too high. Although a second unit is different from just renting rooms, they both involve density.

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One gentleman in the audience said that if this use permit is granted then all the neighbors will apply for a use permit to rent rooms and parking will become worse. Commissioner Olive pointed out that use permits are granted on a first come first serve basis for renting rooms or second units. The use permit approval gives the Town control.

M/S Olive, Harle, to approve U-516, application for a use permit to rent two rooms in the basement of the dwelling, for Tom Strano, 89 Valley Road, A/P 5-081-02, with the following provisions:

1. That the existing garage must be accessible for parking (one car garage) before the unit can be rented;
2. That there be a maximum of two cars owned by people residing on the property with three parking spaces;
3. That the rental be to one person only;
4. That this permit be reviewed within six months or sooner upon receipt of a legitimate complaint;
5. That this be granted to guarantee to the owners substantial property rights and that this use with these provisions will not be a detriment to the neighborhood.

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

Applicant was advised of the ten day appeal period.

- B. U-517 - Carden Marin School, 921 Sir Francis Drake Boulevard, A/P 6-073-09, application for a use permit to operate a private school in a R-3 zone.

Laurene Jensen, applicant, present.

Ms. Jensen explained that the school is private with six staff members and 56 students. The hours of operation are between 8:30 a.m. and 3:30 p.m. The younger children will not be in class on the second floor of the building unless it is sprinklered.

Commissioner Ragan said it is a very fine school and serves a useful purpose for the community.

M/S Ragan, Kapranos, to approve U-517, use permit to operate a private school in a R-3 zone at 921 Sir Francis Drake Boulevard, A/P 6-073-09, for Carden Marin School with the provision that they comply with the Fire Department letter of September 6, 1978 (see file).

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

- C. U-518 - Brian L. Usilton, 27 Mountain View Avenue, A/P 5-225-17, application for a use permit to allow a mail-order jewelry business as a home occupation.

Brian Usilton, applicant, present.

Mr. Usilton said he will advertise his jewelry in magazines. He will have no employees. There will be two desks; one for packing and one for typing. Stock will be kept in a bank vault, shipped directly from Hong Kong to the bank. There will be no reworking of the jewelry.

Mr. Robbins said the applicant is allowed one sign and one employee if the use permit is granted, unless the Commission states conditions against such.

M/S Ragan, Ollinger, to approve U-518, use permit to allow a mail-order jewelry business as a home occupation, for Brian Usilton, 27 Mountain View Avenue, A/P 5-225-17, with the following provisions:

1. That there be no employees;
2. that there be no signs;
3. that there be no walk-in trade;
4. that the use permit be approved on the basis that this will not be detrimental to the neighborhood and affords the applicant substantial property rights.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

- D. NU-9 - Heide Cronqwist, 401 The Alameda, A/P 5-041-33, application for a use permit to allow a second unit.

Heide Cronqwist, applicant, present.

Ms. Cronqwist said the second unit exists now and is usually used for overseas guests, but would like the option of renting it out. She said there is a carport and front area for parking.

M/S Ragan, Harle, to approve NU-9, use permit to allow a second unit at 401 The Alameda, A/P 5-041-33, for Heide Cronqwist with the following provisions:

1. That a smoke detector be installed in the second unit;
2. that a Rental Agreement be entered into with the Town;
3. that the use permit be granted on the basis that it will not be detrimental to the neighborhood and it affords substantial property rights.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

6. VARIANCE

- A. V-780 - Gary Hansen, 27 Indian Rock Road, A/P 177-250-21, application for a 20 foot frontyard variance to construct a ramped driveway within zero feet of the front property line.

Gary Hansen, applicant, present.

Mr. Hansen explained the different alternatives for parking access besides the ramped driveway. Access from the north would require going through the neighbor's property; parking near the property line would mean a steep climb to the house; and a parking landing in front of some oak trees on his lot would necessitate backing cars out of the lot into the street. He proposes to elevate the ramp to maintain the trees and vegetation, while keeping the driveway not too steep. There will be a two-car garage. There will be a Y-shaped turnaround in front of the garage.

M/S Kapranos, Ragan, to approve V-780, a 20 foot frontyard variance to construct a ramped driveway within zero feet of the front property line, for Gary Hansen, 27 Indian Rock Road, A/P 177-250-21, on the basis that it affords reasonable property rights; that it will not be detrimental to the neighborhood; that the underlying reason is the extreme steepness of the frontyard requires that such an imaginative design be provided to gain car and pedestrian access to the house level.

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

Chairman Buckle abstained because he is a neighbor of the property.

Applicant was advised of the ten day appeal period.

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7. APPOINTMENT

M/S Ragan, Kapranos, to appoint Dan Goltz to the Parking Committee and Mary Olive as an alternate.

Motion passed unanimously.

8. DISCUSSION

Chairman Buckle asked staff to have the Town Council write the Planning Commission a letter stating what their Design Review function is to be.

9. ADJOURNMENT

The regular meeting of the San Anselmo Planning Commission was adjourned at 12:17 p.m. to the next regular meeting of October 2, 1978.

Lisa Burglin

LISA BURGLIN
PLANNING COMMISSION SECRETARY