

The regular meeting of the San Anselmo Planning Commission was called to order on June 4, 1979, at 8:00 p.m. by Chairman Olive in Room 6 of the Isabel Cook Community Center, 1000 Sir Francis Drake Boulevard. T. J. Robbins, Assistant Director Public Works/Planning, present.

1. ROLL CALL

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

2. APPROVAL OF MINUTES - May 21, 1979

Item 3C, stipulation No. 3 in motion, change "if this permit . . ." to "if this occupancy permit . . ." - Olive

Item 3E, paragraph 4, change "He suggested putting a stop to further traffic, if legally possible" to "He wanted to know how many future developments would get access from Summit Road. He suggested putting a stop to future traffic impacts with proper design of this development." - Buckle

M/S Hayes, Buckle, to approve the minutes of May 21, 1979, as amended.

Motion carried with four ayes; Commissioner Harle abstained.

3. OLD BUSINESS

- A. Z-170 - Wayne Lowe, A/P Nos. 5-300-24 and 5-300-25, (off Woodside and Cherne), review of mitigated Negative Declaration for a proposed three-lot specific plan development.

Wayne Lowe, applicant, present.

Mr. Lowe said his revision of the project (which was originally a four-lot development) is close to being consistent with the Land Use goals in the General Plan, in his opinion. He also feels this reduced scope will be in harmony and with the character of the area. He said the land area is slightly short of three acres.

The Commission agreed that the mitigated Negative Declaration should be accepted on the basis of reduced density. Staff had recommended only a two-lot development in the Negative Declaration; however, Mr. Robbins pointed out that acceptance of the Negative Declaration is not acceptance of a two-lot development.

M/S Goltz, Buckle, to accept the mitigated Negative Declaration for the proposed three-lot specific plan development for Wayne Lowe, A/P Nos. 5-300-24 and 5-300-25, (off Woodside and Cherne).

Motion passed unanimously. Applicant advised of ten day appeal period.

- B. V-821 - Vincent Drucker, 14 Entrata Avenue, A/P 6-241-54, application for sideyard and frontyard variances to construct an arbor and bath addition - CONTINUED 06/18/79.

4. NEW BUSINESS

- A. SS-216 - Theodore Lachelt, 72 and 76 Angela Avenue, A/P Nos. 5-021-26, 5-021-27, 5-021-28 and 5-021-29, application for a lot line adjustment.

Mr. Robbins explained that this lot line adjustment had been approved in 1976; however, the final parcel map was never turned in for recording and, therefore, the tentative map approval expired.

M/S Goltz, Harle, to approve SS-216 for Theodore Lachelt, 72 and 76 Angela Avenue, A/P Nos. 5-021-26, 5-021-27, 5-021-28 and 5-021-29, application for a lot line adjustment as shown on the tentative map prepared by Joseph Grippi & Associates, and received by the Town on May 11, 1979; based on the fact that this lot line revision meets the Municipal Code requirements, with the provision that the final parcel map will record the utility easement shown on individually described Grant Deed for Wilson B. Partridge, Jr. and Jacklyn G. Partridge of 89 Angela Avenue, San Anselmo, recorded at the County of Marin.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

- B. Z-178 - Gary Long, 821 Sir Francis Drake Boulevard, A/P 6-081-07, review of Negative Declaration and application for the rezoning from R-3 (Neighborhood Apartment District) to C-3 (General Commercial District).

Gary Long, applicant, present.

Mr. Long said that he purchased the property with the understanding that he could live there and also operate a printing press there. The Town informed him that a use permit for a home occupation would be necessary for the printing press operation. The Planning Commission approved the permit. Mr. Long said he later found out that he could only have a one square foot sign unless he wanted to make an application for Design Review. The Design Review Committee unanimously approved a larger sign for the business. Mr. Long quoted the Council as saying it was a case of "a comedy of errors" in requiring a use permit for a home occupation, as this is clearly more than a "home occupation." Mr. Long feels the Town "did not guide me in the right direction." Mr. Long now wants to move from the property, but still keep the printing press there, which is not legal under a use permit; therefore, he wishes to rezone the property to commercial.

Mr. Robbins pointed out to the applicant that under residential zoning, a use permit was necessary and the Town did not mislead him into believing otherwise. Mr. Robbins asked Mr. Long if he did not get exactly what he asked for. Mr. Long said "yes."

Mr. Long said he had a sound reading made at the property and found the noise to be approximately 20 decibels higher than is allowed in a residential neighborhood. He feels his business will not increase traffic substantially or create parking problems. He read a letter from Police Chief Del Santo which stated there have been no traffic complaints regarding the business to date.

M/S Buckle, Harle, to accept the Negative Declaration as prepared by Town staff for Z-178 for Gary Long, 821 Sir Francis Drake Boulevard, A/P 6-081-07, application for the rezoning from R-3 (Neighborhood Apartment District) to C-3 (General Commercial District).

Motion passed unanimously. Applicant advised of ten day appeal period.

Al Creighton, 56 Bella Vista Avenue, read a petition signed by several neighbors opposing the rezoning for reasons of traffic on Bella Vista Avenue, anticipated traffic congestion which will develop at the intersection of Bella Vista Avenue and Sir Francis Drake Boulevard, lack of off-street parking, and that additional maintenance will eventually be required on Bella Vista Avenue as a result of more traffic.

Some other residents of San Anselmo and friends of the applicant told the Commission that as customers of the press, they have never had parking problems there.

Commissioner Goltz suggested the property remain zoned R-3 and that the applicant apply for a use permit for the press (per Section 10-3.703(b) of the Municipal Code). Although "printing press" is not mentioned in allowable uses with use permits, it does say that other uses in the opinion of the Commission that are similar can operate; therefore, according to Commissioner Goltz, a use permit could be considered by the Commission. This would then protect the rights of the applicant and his neighbors. Mr. Robbins questioned that a printing shop could be interpreted as a similar use to those mentioned in the R-3 zone.

Some of the Commissioners agreed that they would not approve C-3 zoning for this property. Commissioner Buckle said the General Plan shows this strip as future C-3 zoning.

M/S Buckle, Hayes, to refer Z-178, application for the rezoning of 821 Sir Francis Drake Boulevard, A/P 6-081-07, from R-3 (Neighborhood Apartment District) to C-3 (General Commercial District) back to Gary Long for application for a use permit; to be continued to the meeting of July 2, 1979.

Motion passed unanimously.

Motion approved unanimously.

- C. Neil Burton and R. M. D. Childs, Grove Hill Avenue North, A/P Nos. 6-117-04 and 6-117-05, environmental review of three lot development - CONTINUED 06/18/79.
- D. V-834 - Laura Carstarphen, 180 Spring Grove Avenue, A/P 6-221-07, application for a third story variance.

Laura Carstarphen, applicant, present.

M/S Hayes, Goltz, to approve V-834 for Laura Carstarphen, 180 Spring Grove Avenue, A/P 6-221-07, application for a third story variance, on the basis that it is necessary for the preservation and enjoyment of substantial property rights; that it will not materially affect adversely the health and safety of those living in the neighborhood; and that there is a condition of the land in that the site is extremely steep and in addition the location of the building is such that the bedroom cannot be anywhere else on the lot.

Motion approved unanimously.

Applicant was advised of the ten day appeal period.

- E. V-835 - Lawrence P. Manning, 13 Sheila Court, A/P 5-021-12, application for a five foot frontyard variance and a one foot sideyard variance to construct a carport within 15 feet of the the front property line and seven feet of the side property line.

Lawrence Manning, applicant, present.

Mr. Manning said he is using his garage for storage and, therefore, needs to provide off-street parking somewhere else on the lot. Mr. Robbins said if the applicant converts his garage to living space then he needs two legal parking spaces or a variance. This carport variance is not a variance for parking; it is a variance for a carport.

M/S Goltz, Buckle, to approve V-835 for Lawrence P. Manning, 13 Sheila Court, A/P 5-021-12, application for a five foot frontyard variance and a one foot sideyard variance to construct a carport within 15 feet of the front property line and seven feet of the side property line, on the basis that the existing garage is too small for two large cars; that the driveway is located on the site in such a way that a new structure has to be in the setbacks; that the granting of this variance is necessary for the preservation and enjoyment of substantial property rights; and that it will not be detrimental to those residing in the neighborhood.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

- F. SS-217 - Dan Goltz, A/P 177-160-01, End of Holstein Road, (across from 50 Holstein Road), application for a two-lot parcel split.

Dan Goltz, applicant, present. Mr. Goltz excused himself from the Commissioners' table.

Mr. Goltz said he would like the option to be able to provide a generating device for electricity (windmill) on the property.

Mr. Robbins said there is a minimum of one acre per dwelling unit per the General Plan. The total area is 3.97 acres so it is in conformance with the General Plan regarding density.

Don Mansell, 50 Holstein Road, said it is not good planning to have a one-half acre lot next to other lots which have a maximum density of one unit per ten acres.

M/S Buckle, Hayes, to approve a two-lot parcel split for SS-217 for Dan Goltz, A/P 177-160-01, end of Holstein Road (across from 50 H lstein Road), on the basis that it is in conformance with the General Plan; that an offer of dedication be made for that portion shown on the tentative map as private open space and this area be more specifically delineated based on the tentative map, "Goltz Division of Land" dated March, 1979, and suggest that Town staff may consider other ways of dealing with this open space on a legal basis as an option.

Motion carried: AYES: Buckle, Harle, Hayes  
ABSTAIN: Goltz, Olive

Commissioner Olive abstained since she had not been present at the other hearings regarding this application.

Applicant was advised of the ten day appeal period.

- G. Z-179 - Eva and Gizella Fias, C. Paul Bettini, 18 Bank Street, A/P 6-253-02, review of Negative Declaration and application for the rezoning from R-2 (Two Family Residential) to C-3 (General Commercial District) for retail use.

Eva and Gizella Fias and Brian Bettini, applicants, present.

Ms. Gizella Fias said the Bettini's have had their insurance operation for years on this property (although the property is zoned R-2, the use is grandfathered and a use permit or rezoning had not been necessary for that use). She feels there is more than adequate parking on the lot for a boutique.

Several neighbors said they were not aware that this property was zoned for residential use and are pleased that it is. They do not want a commercial operation at this address.

The Commission agreed that C-3 zoning would not be appropriate for this property, as it is surrounded on three sides by residentially zoned lots.

M/S Buckle, Goltz, to accept the Negative Declaration as prepared by Town Staff for Z-179 for Eva and Gizella Fias and C. Paul Bettini, 18 Bank Street, A/P 6-253-02, application for the rezoning from R-2 (Two Family Residential) to C-3 (General Commercial District) for retail use.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

The Commission suggested continuing this application so that the applicant can consider rezoning the property to P (Professional Zone) or another approach.

M/S Goltz, Harle, to continue Z-179 for Eva and Gizella Fias and C. Paul Bettini, 18 Bank Street, A/P 6-253-02, application for the rezoning from R-2 (Two Family Residential) to C-3 (General Commercial District) to the meeting of July 16, 1979.

Motion passed unanimously.

- H. C-162 - Jeffory Morshead, 400 Red Hill Avenue, A/P 6-121-15, application for design review of proposed office.

Jeffory Morshead, applicant, present.

Mr. Morshead showed pictures of other Frank Howard Allen offices and emphasized that he wants the office to look "more like a home than an office, thus, the reason for the fireplace." Mr. Morshead said the exterior will be redwood and brick with dark trim for accents. The roof will be natural cedar shingles that are fire retardant.

M/S Buckle, Goltz, to approve C-162 for Jeffory Morshead, 400 Red Hill Avenue, A/P 6-121-15, application for design review of an office to be based on drawings received by the Town on May 17, 1979, and dated May 11, 1979, "Frank Howard Allen & Company."

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

5. DOWNTOWN REZONING WORKSHOP

Magnolia Avenue, Library Place, City Hall Avenue - CONTINUED 06/18/79.

6. ADJOURNMENT

The regular meeting of the San Anselmo Planning Commission was adjourned at 12:35 a.m. to the next meeting on June 18, 1979.

*Lisa Burclin*

LISA BURGLIN  
PLANNING ASSISTANT