

The regular meeting of the San Anselmo Planning Commission was called to order by Chairman Olive at 8:00 p.m. on February 5, 1979, in Room 6 of the Isabel Cook Community Center, 1000 Sir Francis Drake Boulevard. Staff present: C.R. Leitzell, Director of Public Works/Planning, and T.J. Robbins, Associate Engineer/Planner.

1. ROLL CALL

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

2. APPROVAL OF MINUTES - JANUARY 15, 1979

Item 4B, insert, "Commissioner Goltz asked the Chairman to excuse him from the Commission table and then sat in the audience."

M/S Buckle, Ollinger, to approve the minutes of January 15, 1979, as amended.

Motion passed unanimously.

3. OLD BUSINESS

A. A-174 - Yolansdale School, 35 Elm Avenue, A/P 7-052-49, proposal to rezone from PPD R-1 (Preliminary Plan Development with a presumptive use of Single Family Residential) to R-1 (Single Family Residential).

Mary Beth Taggart, President of the Board of Trustees, Jerry Lloyd, member of the Board of Trustees, and Bev Egan, realtor, present.

Mr. Leitzell read a letter from Dan Hopkins, Pastor, and Stella Onizuka, Secretary, of the Marin Church of the Nazarene, which states that the Church plans to use the existing buildings and playground with few exterior changes and no new building additions. It was confirmed by Bev Egan that there have been three bids for the property; the Church has bid on all three parcels and two other parties have bid on only one parcel.

Ms. Taggart said the School District is not necessarily waiting for the Town to make a decision on the rezoning before accepting a bid for the property; the School District has ten working days to accept or reject the bids.

Commissioner Ollinger said he feels that the Commission is in a position that they either approve the rezoning or the Church will not buy the property. Ms. Egan said all three bids are for uses that are consistent with R-1 zoning, i.e., the Church (which would require a use permit under R-1 zoning).

Commissioner Goltz asked the School District why it is imperative to rezone the property to R-1. Mr. Lloyd said the District is concerned they will lost their potential buyers if the property is not rezoned at this time. Ms. Taggart added that under R-1 zoning, the Church would only have to pay \$50.00 for a use permit application versus \$500 for a SPD rezoning application. Ms. Egan said by rezoning the property to R-1 it would give a potential buyer a feeling of community support.

Chairman Olive said the neighbors are concerned about traffic problems in the neighborhood and the preservation of open space and this was a reason the property was originally zoned to PPD R-1.

Mr. Lloyd pointed out to the Commission that there were no neighborhood objections to the rezoning of the property to R-1 as the last School Board meeting.

Mr. Leitzell, referring to a memo from the Town Administrator, said there are four points made by the Town Council regarding the rezoning of this property to R-1: (1) PPD is an excessive control device for this small area; (2) R-1 zoning with use permit required for any use other than strictly single family residential meets legitimate requirements of the neighborhood; (3) the Council in its initiating action has considered and

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weighed all interests and factors; and (4) if the Council is called upon to consider a Planning Commission recommendation to rezone to other than R-1, they will take into account the public interest in cooperation rather than bickering between Town and School District.

Lorraine Ferrerese, 24 Elm Avenue, said she speaks for the neighborhood in saying they are very concerned about the Town retaining maximum control over the property and there are neighborhood objections to a church there.

Marc Glassof, 54 Scenic Avenue, said he sees no real difference in retaining the PPD R-1 zoning or rezoning to R-1. Chairman Olive said that with straight R-1 zoning, there could be seven single family residences on seven lots; whereas, with PPD R-1, a specific plan would be required for development and it allows for clustering of houses and provides for open space areas.

Commissioner Buckle pointed out to the School District that even if the Planning Commission should recommend to the Council that this property be rezoned to R-1, it must be approved by the Council (which requires two public hearings and a 30-day waiting period before the zoning becomes effective). Therefore, he does not understand how the Planning Commission decision would help the School District and bidders at this time. Ms. Egan said she is aware of the time period involved.

Lori Rayo, 28 Elm Avenue, wants the property to remain zoned PPD R-1; in fact, she would like to see a stricter zoning for this property.

Mary Glass, 25 Foss Avenue, said the Church is tax-exempt anyway, so the matter of use permit and specific plan fees should not be relevant to them.

Ron Basker, 106 Humboldt Avenue, suggested that the Church give the Commission and audience an approximate schedule of activities so that the neighborhood could understand the impact. However, the Commission pointed out that this would be the purpose of a use permit proceeding and is not relevant to this hearing.

Commissioner Goltz said he cannot see a good reason why this property should be rezoned to R-1 and this is why he asked the School Board and Church why they felt it should be rezoned and the general response was that the bidders would be scared off if the zoning remained PPD R-1. He explained the PPD, SPD and R-1 types of zoning to the audience. His suggestion is to rezone the property to SPD R-1. Therefore, if the Church bought the property and left it as is, no use permits would be required. If there were use changes, then the Church would be subject to applying for an amendment to the specific plan (which are the school buildings and playground presently). This would involve a \$125.00 application fee and public hearings. Commissioner Goltz asked staff what was the likelihood that the Church would require an EIR for their proposal. Mr. Leitzell said if an EIR were required, it would be very limited in scope.

M/S Goltz, Buckle, to recommend to the Town Council that Z-174, Yolansdale School, 35 Elm Avenue, A/P 7-052-49, be rezoned 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).

Motion passed unanimously.

It was announced that this will be heard by the Council on February 13, 1979.

- B. Z-165 -E. Keith Franc, Summit Road, A/P Nos. 7-031-23 and 7-031-24, review of Draft Environmental Impact Report for proposed rezoning of the properties from PPD R-1 (Preliminary Plan Development with a presumptive use of Single Family Residential) to SPD (Specific Plan Development).

E. Keith Franc, developer, Nona Dennis and Gary Oates, Madrone Associates, present.

Mr. Leitzell told the audience the purpose of this hearing is to discuss the adequacy of the Draft EIR. It is assumed that after the final EIR is accepted, the developer will submit a specific plan for development of the property

Ms. Dennis said Madrone Associates investigated the site for constraints and then looked at the plans and alternatives the developer had submitted to the Town. Madrone also considered other alternatives to the proposed project: phased development of the plan, a reduced density development plan, and "no project."

Mr. Oates said the proposed development calls for expanding and paving Summit Road and drainage improvements, along with development of a recreation area including a swimming pool. Mr. Oates said the beneficial impacts of the proposed project are: (1) the site is currently used to graze horses and the vegetation has been stripped; this has led to drainage problems. The development would provide an opportunity to address the existing drainage problems and provide new improvements; (2) there would be 2.5 acres of permanent open space area; and (3) a water tank, which would be necessary for the houses, would serve as additional fire protection.

The adverse impacts pointed out by Mr. Oates were divided into two categories: Safety - (1) the project would increase the impervious surface and overload present drainage facilities on the downslope; (2) the project would add to the traffic burden significantly, jeopardizing safety on the narrow, winding roads; (3) there would be potential for slope instability because of the expansion and paving of Summit Road. Community Welfare - (1) the project would be in conflict with the San Anselmo General Plan and Fairfax planning goals; (2) there would be an adverse fiscal impact on the Town because the development would not provide sufficient property tax revenues to offset per capita costs of maintaining services and schools (he added that this would be true of any residential development in the light of Proposition 13); and (3) a 20' to 22' high water tank would be visible to the south and southwest particularly; however, this could be mitigated.

Chairman Olive told the audience that the State EIR guidelines stress that perfection should not be strived for; the purpose of this hearing is to look at the adequacy and completeness of the draft EIR.

Damon Kerby, 148 Francis Avenue, Enrico Guastavino, 16 Canyon Road, Helen Curtis, 310 Redwood Road (by letter), William Hoenes, 130 Scenic Avenue, Beverly Fish, 37 Canyon Road, Paul Brand, 130 Allyn Avenue, Tom Peacock, 43 Durham Road, Roger Van Craeynest, 112 Humboldt Avenue, and Diane and Jerry Lloyd, 540 Scenic Avenue, expressed concern about the condition of the roads in the area. They feel that Summit, Scenic, Humboldt and Canyon Roads are narrow and winding, and include many blind curves. They also pointed out that 19 units would result in many more cars crowding onto the main streets, i.e., Sir Francis Drake Boulevard. Mr. Lloyd pointed out that the use of mirrors and turnouts may themselves have an adverse impact on the neighborhood. Also mentioned was the potential possibility to provide another access to this development through Fairfax, thus breaking down the natural barrier between the two towns. Joyce Tysek, 1 Summit Road, questioned whether emergency vehicles would be able to drive up to the proposed development of these narrow roads.

Ernest Braun, 479 Scenic Avenue, said there is a natural ridgetop line running from Mt. Tamalpais through the Ross Valley and west to White's Hill, and this development, he feels, would destroy this natural line. Other persons in the audience agreed that there would be a great visual impact.

Enrico Guastavino, 16 Canyon Road, said there would be a noise factor involved with the construction equipment. Jane Robinson, 203 Scenic Avenue, said she had asked the Town to install a mirror on her street because everyone that drives past her house honks

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their horn so that oncoming cars will know they are there. She said the Town told her they would not install a mirror here because it would most likely be stolen anyway. Ms. Robinson anticipates more honking with the new development.

One gentleman from Fairfax mentioned the possibility of an earthquake resulting from the development.

Jerald Jakl, 24 Canyon Road, said the storms cause a storm drain on his property to fill with dirt that slides down from the hills above. He feels the proposed development will result in even more sliding. One gentleman referred to the recent slides in Southern California ridgetops and said that the Summit Road development, he believes, would have similar drainage and erosion problems. Ernest Braun, 479 Scenic Avenue, said the house across his street has shifted and on either side of his property there has been erosion problems.

Several persons mentioned the adverse impact this development would have on vegetation and wildlife. One gentleman said he leases half the Sky Ranch as a horse ranch. There have been vandals up in this area who throw rocks at the horses and empty the water troughs, and throw matches in the grass. He feels this development will bring more people to the Sky Ranch area and would have an adverse impact on him. He said if a road is developed through to Fairfax it will have to go through the Sky Ranch. Jerald Jakl, 24 Canyon Road, said the draft EIR did not mention the herds of deer that are in the open space area.

In response to Madrone Associates' determination of beneficial impacts resulting from the proposed development, Mrs. Howard Blair, 59 Summit Road, said that one horse grazing in this area is better for the land than a lot of people and houses. She said Madrone has determined the 2.5 acres of permanent open space that will be part of the development is a beneficial impact; but how can that be beneficial when there are now 6+ acres of open space. Mrs. Blair also said the water tank will be highly visible and will serve as no benefit to the houses down the hill.

Paul Brand, 130 Allyn Avenue, said this development will set a precedent for other development of the ridgetops, to which many persons agreed. Brian Whittenkeller, 69 Lincoln Avenue, said there are many other parcels around the Summit area that would most likely be developed if this project is approved.

Mary Glass, 25 Foss Avenue, suggested the Town purchase the subject property for open space by using the maintenance money allotted for the future upkeep of the proposed street improvements. Other persons in the audience agreed.

Howard Blair, 59 Summit Road, read a response to the draft EIR prepared by himself, Jonathon Braun, 439 Scenic Avenue, Ronald Basker, 106 Humboldt Avenue, and others in the neighborhood. This response states that it is a "summary of some of the more glaring misstatements of fact, misleading statements, and omissions in the EIR" (see file). Mr. Basker suggested only one to two units be built on the property and the remaining open space be sold back to the Town (see letter in file).

Rebecca Hammond, Fairfax Planning Department, submitted a list of "recommendations for correcting the text (Draft EIR)" by the Fairfax Planning Commission (see file). She said the Fairfax General Plan works towards preservation of the ridgetops and allows for less density in this area than San Anselmo's General Plan. Frank Egger, Fairfax Councilman, said if this property were within the Fairfax Town limits, only one house would be allowed on these six acres. He feels the draft EIR is inadequate in that it does not speak of the development as being adjacent to a recreation area (a horse ranch). Mr. Egger said this would put pressures on Fairfax to develop the Sky Ranch and put a road through from Fairfax to the Summit Road area.

Lucille Dandeleit, 126 Redwood Road, read a letter from Helen Curtis, 310 Redwood Road, which questions a possible conflict to the General Plan by developing this area (see file).

Brian Whittenkeller, 69 Lincoln Avenue, read a letter from Barbara Boxer, Supervisor, Second District, who acknowledged the planning decisions for this project lie with the Town; however, she said that "planning controls are the best long-term solution to the development of these ridges" (see file).

Mr. Leitzell said preserving the open space areas is a goal in the General Plan; however, the Town does not have money to purchase the property and the County is not interested in providing this money. Therefore, any property that is designated in the General Plan to be part of the public acquisition area can be developed by private persons as long as it is not bought by the Town. Mr. Leitzell noted that the Town had purchased some ridgetop properties near the San Rafael and Sleepy Hollow lines when there were available funds.

Mr. Leitzell pointed out that when the General Plan was finished, the Creek Ordinance and Ridgetop Ordinance were turned down. At the time, the people did not want controls on their property. When the Planning Commission proposed to rezone the conservation areas to a lighter density, the people did not want that. So the Town Council decided to wait to see what pressures would be put on the Town for development of these areas.

Commissioner Buckle said he is concerned about precedent setting and a cumulative effect from this project. Commissioner Harle agreed and added that the increased traffic on the roads is a crucial matter that needs to be studied more thoroughly than the draft EIR has done.

Commissioner Ollinger concurred with Commissioners Buckle and Harle and also made mention of the potential impact on Fairfax this development would have.

Commissioner Goltz complimented Madrone Associates on a clear and concise report which answers all requirements according to CEQA. Regarding page 9, he feels the "Fal" drainage system is dealt with very carefully; however, the "Fb12" was not carried through to logical impact conclusions. Commissioner Goltz said the comment on page 22 regarding the Land Use General Plan was wrong, but this is understandable because the General Plan is not clear. The Land Use map calls for one unit per acre; whereas, Table 111, "Holding Capacity of Vacant lands", calls for 22 units per 225 acres (approximately one unit per 10 acres). The reason for this discrepancy is that the General Plan was never implemented by an ordinance. Commissioner Goltz said he will submit written comments.

Chairman Olive echoed the comments about possible precedent setting and cumulative effects from the project, the noise factor from honking horns, and appreciated the suggested alternative from Mr. Basker regarding Town acquisition of part of the area.

Nona Dennis said the vegetation and wildlife concerns were not mentioned at the last hearing, August, 1978, so they were not looked at thoroughly in the report. She said the oak trees at the top of Summit are in poor condition because of the overgrazed condition of the area. She also said a study on possible cumulative effects may not be in the original scope of Madrone's work, but this will be worked out with the developer. She also said Madrone did no new traffic counts for this project. Ms. Dennis said it will be necessary to establish the area of accountability if a study is to be made of the cumulative effects. She suggested just looking at developable lands only in San Anselmo and Fairfax surrounding the Summit area; which she felt would be a reasonable area.

Jonathon Braun submitted two petitions: one stating the Town should "seek ways of implementing acquisition of this property" which was signed by 489 Citizens; another petition stated the people are against this development was signed by 349 citizens.

M/S Goltz, Ollinger, to refer the draft EIR prepared by Madrone Associates for E. Keith Franc, Summit Road, A/P Nos. 7-031-23 and 7-031-24, a rezoning application from PPD R-1

(Preliminary Plan Development with a presumptive use of Single Family Residential) to SPD (Specific Plan Development) back with these specific changes and modifications:

1. Comments from the Public Works Director be included;
2. comments encompassed in the document prepared by San Anselmo citizens and dated February 5, 1979, be included;
3. comments from the Town of Fairfax, dated February 5, 1979, be included;
4. any written comments received by the Planning Commission be included;
5. those pertinent comments heard from the audience be considered and sifted, and be included also;

to be returned to the Planning Commission at their meeting of March 19, 1979, in its final form.

Motion passed unanimously.

Mr. Leitzell told the audience that comments may be forwarded to Madrone Associates through the Planning Department. The final EIR will be available for public review; however, there will be no further mail or newspaper notices regarding the EIR for this project.

- C. Z-172- 27 Tamalpais Avenue, A/P 7-212-17, proposal to rezone from C-2 (Central Business District) to P (Professional) or R-3 (Neighborhood Apartment District).

Marshall Donig, owner, present.

Mr. Donig said the current use is R-3; however, he would like the property to remain zoned C-2 because he has future plans to use the property for commercial.

The Planning Commission agreed that C-2 zoning would not be appropriate because the purpose of the downtown zoning has been to halt commercial zones from creeping up into the residential areas.

Since Mr. Donig was confused as to what uses would be allowed in P and R-3 zoning, the Commission suggested that they hold this matter over to the meeting of March 5, 1979, so the owner can obtain information from the Planning Department.

M/S Buckle, Ollinger, to continue Z-172 for 27 Tamalpais Avenue, A/P 7-212-17, proposal to rezone from C-2 (Central Business District) to P (Professional) or R-3 (Neighborhood Apartment District), to the meeting of March 5, 1979, for reconsideration.

Motion passed unanimously.

- D. EU-5 -Robert B. Finn, 47 Humboldt Avenue, A/P 7-033-01, application for a use permit to allow an existing second unit to remain on change in ownership.

Robert Finn, applicant, present.

Commissioner Ollinger told the applicant a letter of protest had been received from Veronica Basker, 106 Humboldt Avenue claiming that the landlord does not live on the property and there is a parking problem. Mr. Finn said Ms. Basker is an absentee property owner, but he lives on the property

M/S Buckle, Goltz, to approve EU-5 for Robert B. Finn, 47 Humboldt Avenue, A/P 7-033-01, application for a use permit to allow an existing second unit to remain on change in ownership because it will not be detrimental to the health or safety of persons residing or working in the neighborhood; it will not be injurious to property; and is necessary for the preservation and enjoyment of substantial property rights, contingent upon the following:

1. Owner shall live on the premises within 12 months of the effective date of the use permit;
2. A Rental Agreement shall be entered into within 30 days; and
3. The owner shall rent the upstairs unit.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

#### 4. NEW BUSINESS

- A. Z-167 - 13 San Rafael Avenue, A/P 7-211-10, proposal to rezone from P (Professional) to R-3 (Neighborhood Apartment District).

Jerry Allen Kler, owner, present.

Staff had no comment.

M/S Goltz, Harle, to recommend to the Town Council to rezone 13 San Rafael Avenue, A/P 7-211-10, from P (Professional) to R-3 (Neighborhood Apartment District), and that this rezoning is in conformance with the General Plan.

Motion passed unanimously.

- B. V-814 - Kenneth A. Houy and W. Eurie and Judith A. Walsh, 32 Foothill Road, A/P 7-033-07, application for a 20 foot frontyard variance to construct a carport within zero feet of the rear property line.

Applicants were not present. CONTINUED TO 03/05/79.

- C. V-815 - Vincent R. Rege, 53 Bella Vista Avenue, A/P 6-082-08, application for a 20 foot frontyard variance to construct a house within zero feet of the front property line.

Applicant was not present. CONTINUED TO 03/05/79.

- D. V-816 - Curtiss and Sandy Kim, 222 Oak Springs Drive, A/P 5-291-05, application for a two foot sideyard variance to construct an addition within six feet of the side property line and a roof overhang within four feet of the side property line.

Curtiss Kim, applicant, present.

Commissioner Goltz asked the applicant if he moved the building addition two feet to the east, would it affect the floor plan detrimentally. Mr. Kim said he wants to maintain the current building lines so that the construction will not stand out as a new addition.

M/S Buckle, Ollinger, to approve V-816 for Curtiss and Sandy Kim, 222 Oak Springs Drive, A/P 5-291-05, application for a two foot sideyard variance to construct an addition within six feet of the side property line and a roof overhang within four feet of the side property line, on the basis that there are exceptional circumstances of the existing structure which limits expansion to this direction based on internal circulation which generally does not apply to other lands; that it will preserve substantial property rights; and that it will not adversely affect the health and safety of persons residing in the neighborhood.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

- E. V-817 - Donald R. Tope, Jr., 21 Canyon Road, A/P 7-064-49, application for a 14 foot frontyard variance and a four foot sideyard variance to construct a trellis over an existing carport within six feet of the front property line and four feet of the side property line.

Donald Tope, applicant, present.

Mr. Tope said the roof over his carport is necessary because the trees are staining his cars and when it rains he gets wet. His proposal is to have a clear plastic roof which will allow sunlight to shine through. Mr. Tope said he is aware that the previous owner applied for a variance to build a wooden cover for the carport, which was turned down because it would cut off the sunlight from the abutting neighbor's property.

The same neighbor, Richard Jow, 17 Canyon Road, wrote a letter protesting Mr. Tope's application because he feels this proposed cover will also block the sun from shining on his property. Mr. Tope said that Mr. Jow is an absentee property owner, so his complaint is not really justified.

M/S Goltz, Ollinger, to approve V-817 for Donald R. Tope, Jr., 21 Canyon Road, A/P 7-064-49, application for a 14 foot frontyard variance and a four foot sideyard variance to construct a trellis over an existing carport within six feet of the front property line and four feet of the side property line, for the reasons that the lot is small and steep; that there are large redwood trees which affect the applicant's cars, and it would be impossible to move the carport; and that it will not be detrimental to those residing and working in the neighborhood, and is necessary for substantial property rights; to be based on drawings dated January 15, 1979, and received by the Town of San Anselmo on January 17, 1979.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

5. DOWNTOWN REZONING WORKSHOP

Magnolia Avenue, Library Place, City Hall Avenue. CONTINUED TO 03/05/79.

6. ADJOURNMENT

The regular meeting of the San Anselmo Planning Commission was adjourned at 1:30 a.m. to the next regular meeting of March 5, 1979.

LISA BURGLIN  
PLANNING COMMISSION SECRETARY