

The regular meeting of the San Anselmo Planning Commission was called to order by Chairman Buckle at 8:00 p.m. on January 15, 1979, 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, Harle, Olive, Ollinger, Ragan  
Commissioners Absent: Kapranos

2. APPROVAL OF MINUTES - DECEMBER 4, 1978

Item 3(C), Paragraph 2, add: ". . .also provides low income housing."

Item 4(A), Paragraph 3, change "These building lines . . ." to "These lot lines . . ."

Item 4(A), Paragraph 7, add: ". . .and should be wide enough to accommodate two-lane traffic which means that the easement should be larger than 20 feet wide."

M/S Harle, Ollinger, to approve the minutes of December 4, 1978, as amended.

Motion passed-with three ayes; Commissioners Goltz, Olive, Ragan abstaining

3. OLD BUSINESS

- A. Z-172 -Tamalpais Avenue, Nos. 34, 40, 44, 48/50, 52, A/P Nos. 7-211-25, 7-211-26, 7-211-27, 7-211-42, 7-211-30, respectively, proposal to rezone from R-2 (Two Family Residential) to one of the following: R-1 (Single Family Residential), R-3 (Neighborhood Apartment District), P (Professional) or C-2 (Central Business); and No. 27, A/P 7-212-17, proposal to rezone from R-2 (Two Family Residential) to either R-3 (Neighborhood Apartment District) or P (Professional).

Staff note: The Town Council, at their meeting of December 12, 1978, recommended to the Commission that Nos. 34, 40, 44, 48/50 and 52 Tamalpais Avenue be rezoned from R-2 to R-1; however, the properties were advertised as possibly being rezoned to any of the above zones.

Mr. Robbins pointed out that Nos. 34, 40 and 44 are zoned R-2; however, the present uses are R-1, and Nos. 48/50 are zoned R-2 with a present use of R-2 (Second unit). The owners of 48/50 said there is also a duplex at 52 Tamalpais Avenue, which is zoned R-2.

Commissioner Ragan read a letter from Frank and Mary Sousa, 40 Tamalpais Avenue, which said the subject properties were zoned R-2 twenty years ago and should remain so. They claim that traffic congestion and parking problems are due to commuters and downtown merchants and shoppers, rather than duplexes and apartments.

Chairman Buckle said he spoke to Mayor Reed who explained that the reasons for the Council recommendation to rezone these properties to R-1 is that the Commission had decided to retain the R-2 zoning with a tie vote and perhaps should reconsider their decision.

The owner of 48/50 Tamalpais Avenue requested that this property remain zoned R-2 since the use is R-2.

William DeBisschop, 91 Elm Avenue, told the Commission they had no right to rezone properties when the owners did not want them to. The Commission pointed out that zoning is not inherent in the purchase of property and the Town does have the legal right to rezone properties.

William Hendrickson, 22 Tamalpais Avenue, agreed with Mr. DeBisschop that these properties should not be downzoned. He feels the Commission is "spot zoning" by not rezoning all the downtown area at one public hearing and, therefore, the individual property owners do not realize what is happening to them. The Commission pointed out to him that it would be impossible to rezone all the streets at the same time and, therefore, are studying each street at a time. They noted that property owners within 300 feet of the subject property are sent a notice of the meeting and the notice is also published in the newspaper. It was noted that the

General Plan recommends that downzoning in the residential areas near the downtown center should be explored as a means of preserving the existing low and moderate income housing supply (Section Housing, III(B)).

Commissioner Olive said that when the General Plan was being put together, San Anselmo Avenue was not a thriving business area, as it is now, and the general public attitude was to maintain the residential atmosphere on the side streets off San Anselmo Avenue. Even recently, some Pine Street neighbors petitioned to downzone some properties on that street. Now, on Tamalpais Avenue there are residential buildings abutting commercial buildings. The commercial properties are very valuable, so people's attitudes about retaining the residential atmosphere here could be changing. Although it was pointed out that at one of the Tamalpais Avenue rezoning hearings, some neighbors said they wanted the street downzoned. She said it is difficult to determine the future needs of people and, therefore, the Commission does the best they can by attempting to preserve the residential atmosphere in these neighborhoods.

Commissioner Ragan said twelve years ago, the Council felt that the area between Cedar Street and San Anselmo Avenue on Tamalpais Avenue should be zoned for R-2 and R-3 uses, and the properties above Cedar Street should be zoned for R-1 use. He said he feels that the subject properties on Tamalpais Avenue should remain zoned R-2.

Commissioner Harle said the Commission recognizes there were some high density uses allowed in past zoning and the Commission is now rezoning some properties in order to allow for better planning and retain the residential atmosphere on these side streets. He said he would vote to downzone these properties to R-1.

Chairman Buckle said he had voted to rezone these properties to R-1 at another hearing, but now feels they should remain zoned R-2 since two of the five lots have a present use of R-2.

M/S Ragan, Goltz, to recommend to the Town Council that Nos. 34, 40, 44, 48/50 and 52 Tamalpais Avenue, A/P Nos. 7-211-25 7-211-26, 7-211-27, 7-211-42 and 7-211-30, respectively, remain zoned R-2 (Two Family Residential) because to change these parcels would not serve a useful purpose since the area involved is already R-2 and R-3 zoning; and furthermore to downzone would not answer the question of eliminating commercial areas from creeping into residential areas.

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

It was announced that the Council will hear this on January 23, 1979.

#### No. 27

Marshall Donig had written a letter to the Council saying he had been out of town during the rezoning hearings on 27 Tamalpais Avenue and is against the Planning Commission's recommendation to rezone this lot from C-2 to R-2 because the existing use is R-3. The Council referred the recommendation back to the Commission for reconsideration; however, Mr. Donig did not appear at the meeting.

M/S Ragan, Olive, to continue this item to the meeting of February 5, 1979.

Motion passed unanimously.

#### 4. NEW BUSINESS

- A. Z-174 - Yolansdale School Site, 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).

Mr. Robbins explained that this is a town-initiated rezoning because the District has felt the \$550.00 SPD rezoning fee has been a deterrent to buyers. Certificates of Compliance were issued for the property, making three lots out of the old lot lines (which

had established 12 lots at one time). By using the old lot lines for these three new lots, it was not necessary to go through the subdivision process.

Bev Egan, realtor representing the School District, said the District wants the property rezoned to R-1. She said there had been one bid opening on the property, but that appraisal used is no longer valid because the buildings cannot be used in the appraisal and, therefore, only the land value has been evaluated. She said the next bid opening is January 25, 1979. The new appraisal, according to Ms. Egan, is \$178,400.

Lori Gates, 28 Elm Avenue, said her neighborhood would like to see as much Town control as possible on this property.

Dan Hopkins, Pastor of Church of The Nazarene, 1509 Sir Francis Drake Boulevard, said he has bid on the Yolansdale property and plans to use the school buildings for the church and not construct any additions. The play ground would remain for the neighborhood children. He would like to see the property rezoned to R-1 because a \$50.00 fee for a use permit for his church is more reasonable than a \$500.00 rezoning fee to SPD. The church would not attract as much traffic as single homes would. Mr. Hopkins also said the Montessori School, which is now using the buildings at 1509 Sir Francis Drake Boulevard, would not move with the Church to the Yolansdale site.

Lorraine Ferrarese, 24 Elm Avenue, said she feels uneasy about the rezoning to R-1 because the Town would not have as much control over the property and it is unknown what would happen to the property.

Chairman Buckle said the neighborhood concerns are low intensity use and maintenance of the park facility; therefore, perhaps the school could dedicate this playground.

Commissioner Goltz said the relationship between the Town and School District appears to have deteriorated lately and now the Town is trying to accommodate the District by initiating this rezoning to R-1. Perhaps the District should return the favor by offering the playground to the Town for a nominal sum.

Commissioner Olive said the site is very controversial - the neighbors want more open space and the District wants to sell it; therefore, it should remain zoned PPD R-1 for better Town control. Commissioners Ragan and Harle agreed.

Commissioner Goltz said he feels it is premature to recommend a yes or no vote on this rezoning until the bid opening. He also said that PPD zoning can increase or at least equal the price of land if used properly.

M/S Goltz, Harle, to continue Z-174 for 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) to the meeting of February 5, 1979.

Motion passed unanimously.

The Commission asked that a School District representative be present.

- B. Z-175 - End of Holstein Road, A/P Nos. 177-160-01, 177-160-04 177-160-09, proposal to rezone this unincorporated territory from Limited Agricultural/Single Family Residential/Two Acre Minimum to PPD R-1 (Preliminary Plan Development with a presumptive use of Single Family Residential).

Commissioner Goltz asked the chairman to excuse him from the commission table and then sat in the audience.

Mr. Robbins said the rezoning of unincorporated territory is necessary before annexation procedures can begin. The purpose of rezoning is to determine the zoning that will apply to such

property after annexation to the Town.

Mr. Goltz, owner of A/P No. 177-160-01, said A/P No. 177-160-09 is a road easement which will be included in the annexation; A/P No. 177-160-04, which will also be included in the annexation, would be an "island" if not included.

W. Brentlinger, 72 Holstein Road, expressed concern that the present zoning in the County allows for a two-acre minimum, whereas, the proposed rezoning the PPD R-1 would only allow a one-acre minimum. He feels there should be a more restrictive zone in San Anselmo similar to the County's two-acre minimum. He is concerned about drainage and traffic congestion problems that could result from development on these lots.

It was also reported that 95 Holstein Road has an illegal second unit. Staff will investigate this.

Mr. Goltz said his reasons for wanting to annex this property to San Anselmo are that he is a long time resident of this Town and is active in civic activities; if the property remains in the County, it is not in Sleepy Hollow and, therefore, would theoretically receive no benefits from the San Anselmo Police and Fire Departments. Mr. Goltz did say his intention is to build one single family residence for himself.

Don Mansell, 50 and 100 Holstein Road, agreed with Mr. Brentlinger that perhaps a more restrictive zoning would be proper for these lots for rezoning.

The Commission told the audience that rezoning the properties to PPD R-1 would give the Town control, requiring the applicant to submit a specific plan before development.

M/S Ragan, Harle, to recommend to the Town Council that Z-175, at the end of Holstein Road, A/P Nos. 177-160-01, 177-160-04 and 177-160-09, be rezoned from Limited Agricultural/Single Family Residential/Two Acre minimum to PPD R-1 (Preliminary Plan Development with a presumptive use of Single Family Residential).

Motion carried: AYES: Buckle, Harle, Olive, Ollinger, Ragan  
ABSTAIN: GOLTZ

Commissioner Olive suggested to the audience that if they feel the Town needs a more restrictive zone than PPD, they should discuss this with the Town Council.

- C. EU-5 - Robert B. Finn, 47 Humboldt Avenue, A/P 7-033-01, application for a use permit to allow a second unit to remain on change in ownership. CONTINUED TO 02/05/79.
- D. EU-28 -Ed Hutchison and Dennis Pufpaf, 71 Elm Avenue, A/P 7-052-39, application for a use permit to allow an existing second unit to remain.

Dennis Pufpaf, applicant, present.

Mr. Pufpaf said they bought the property in June, 1977. He said the property has been rented since 1960; however, it was never registered with the Town.

William DeBisschop, 91 Elm Avenue, said there are too many cars and dogs on this street and questioned whether 71 Elm Avenue would use their off street parking. Chairman Buckle pointed out there is a two-car garage along with an area for tandem parking for approximately four cars on the property; the applicant is only required to have three spaces.

M/S Harle, Olive, to approve EU-28 for Ed Hutchison and Dennis Pufpaf, 71 Elm Avenue, A/P 7-052-39, application for a use permit to allow an existing second unit to remain for reasons that such use will not be detrimental to the neighborhood or the welfare of the community, and will afford substantial property rights, with the following conditions:

1. That a smoke detector be installed in the second unit; and

2. that a Rental Agreement be entered into with the Town within 30 days from the date of this hearing.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

- E. U-524/V-812 - Jerry Allen Kler, 13 San Rafael Avenue, A/P 7-211-10, application for a use permit to allow living quarters in a Professional Zone, and an application for an eight foot frontyard variance and a five foot rear yard variance to construct offices/residences within 12 feet of the front property line and 15 feet of the rear property line, respectively, and a parking variance.

Jerry Allen Kler, applicant, present.

Mr. Kler told the Commission he had bought the property after it had been rezoned from commercial to professional, but was not informed by the seller of the zoning change. He feels this flag lot is unique and feels the variances granted by the Commission would not set a precedent for other requests.

The Commission agreed that the proposed three offices/residences are too dense on this lot and allows for too few parking spaces. It was suggested that the applicant decrease his proposal to two offices/residences; however, Mr. Kler said this would not be economically possible. Mr. Kler feels his proposal is ideal because it includes residences and offices in the buffer zone.

Mr. Goltz pointed out that by combining residential and office uses on this lot, the applicant is required to have ten parking spaces, which is a problem because the lot is not large.

Chairman Buckle suggested rezoning the property to R-3, to which the Commission agreed. No. 15, which is in front of No. 13 is zoned R-3 and No. 11 is zoned Professional. The applicant would only need three parking spaces for three one-bedroom apartments and the Commission agreed they would consider this proposal. (Staff note: If the property were rezoned to R-3, the applicant could apply for a use permit for a home occupation in his apartment).

M/S Ragan, Ollinger, to refer U-524/V-812 for Jerry Allen Kler, 13 San Rafael Avenue, A/P 7-211-10, application for a use permit to allow living quarters in a Professional Zone, and an application for an eight foot frontyard variance and a five foot rear yard variance to construct offices/residences within 12 feet of the front property line and 15 feet of the rear property line, respectively, and a parking variance, back to the applicant for resubmission.

Motion passed unanimously.

M/S Goltz, Ragan, to advertise for a public hearing to rezone No. 13 San Rafael Avenue, A/P 7-211-10, from P (Professional) to R-3 (Neighborhood Apartment District) on February 5, 1979.

Motion passed unanimously.

- F. V-809 - Coralie Rysberg-Calle, 2 Grove Hill Avenue South, A/P 6-111-05, application for a 2'6" sideyard variance and a 12 foot rear yard variance to construct an addition within 5'4" of the side property line and 8 feet of the rear property line, respectively.

Coralie Rysberg-Calle, applicant, present.

Mr. Robbins told the Commission that if this application is approved, the rear property line will have to be confirmed by a licensed surveyor or the County Planning Department (Ms. Calle said the County told her the cyclone fence is in the County and her property line is ten feet beyond the wood fence posts in the rear).

Ms. Calle said she requested a sideyard variance of 2'6" in case she decided the kitchen needed to be larger than 17 feet wide. She said 17 feet would probably be adequate. The Commission agreed that there is no justification for the sideyard variance because the kitchen will be very large. The rearyard variance has been requested for the master bedroom addition because this part of the rearyard is steep and not useable for landscaping. Ms. Calle said the bedroom addition has also been designed to allow maximum sunlight.

M/S Olive, Ragan, to approve V-809 for Coralie Rysberg-Calle, 2 Grove Hill Avenue South, A/P 6-111-05, application for a 12 foot rearyard variance to construct an addition within 8 feet of the rear property line, because it will not be detrimental to the health and welfare of the neighborhood; that it will guarantee substantial property rights; that it is a condition of this site that the level useable space is limited; and that the slope is an additional hardship.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

M/S Ragan, Ollinger, to deny that portion of V-809 for Coralie Rysberg-Calle, 2 Grove Hill Avenue South, A/P 6-111-05, for a 2'6" sideyard variance to construct an addition within 5'4" of the side property line; on the grounds that there is no hardship.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

- H. V-810 - Arthur H. Hedvall, 14 Madera Avenue, A/P 6-116-11, application for a 1.46 foot sideyard variance for a house constructed within 6.54 feet of the side property line due to a surveyor's miscalculation.

Arthur Hedvall, applicant, present.

Mr. Robbins told the Commission that the surveyor had made a miscalculation of the side setback so that the house was constructed with one corner of the building encroaching within 1.46 feet of the sideyard setback requirement.

Robert Trost, 10 Madera Avenue, said the house is beautiful.

M/S Ragan, Goltz, to approve V-810 for Arthur Hedvall, 14 Madera Avenue, A/P 6-116-11, application for a 1.46 foot sideyard variance for a house constructed within 6.54 feet of the side property line due to a surveyor's miscalculation.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

- I. V-811 - John Wallace, 30 Spruce Avenue, A/P 7-024-03, application for a 20 foot frontyard variance to construct a parking deck within zero feet of the front property line, a two foot west sideyard variance for parking within six feet of the side property line, and a six inch variance in width for two parking spaces.

John Wallace, applicant, present.

Mr. Wallace said the six inch variance in width for two parking spaces would not be necessary; he will increase the width of the proposed deck to 20 feet.

M/S Goltz, Ragan, to approve V-811 for John Wallace, 20 Spruce Avenue, A/P 7-024-03, application for a 20 foot frontyard variance to construct a parking deck within zero feet of the front property line and a two foot west sideyard variance for parking within six feet of the side property line, on the basis that the site slopes steeply from the right-of-way and construction of the deck would necessitate a variance; that it will not be detrimental to those living in the neighborhood; that it is required for the applicant to enjoy substantial property rights; and that furthermore, this

variance is based on drawings received by the Town on January 2, 1979, and revised by the Commission to increase the proposed deck width from 19 feet to 20 feet.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

- J. V-813 - Julia Bardwell, 87 Valley Road, A/P 5-081-03, application for a 2'2" sideyard variance to construct a bedroom and bath within 5'10" of the side property line with a one foot eave overhang.

Ms. Bardwell, applicant, present.

It was noted that Ms. Bardwell plans to add a bedroom along the existing buildings lines of the living room, which requires a variance.

M/S Ragan, Harle, to approve V-813 for Julia Bardwell, 87 Valley Road, A/P 5-081-03, application for a 2'2" sideyard variance to construct a bedroom and bath within 5'10" of the side property line with a one foot eave overhang; for the reasons that the location of the property is such that this cannot be constructed elsewhere on the lot; that it affords substantial property rights to the owner; and that it will not be detrimental to the neighborhood.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

#### 5. APPOINTMENTS

M/S Goltz, Ragan, to nominate Mary Olive as Chairman of the Planning Commission for 1979.

Motion passed unanimously.

M/S Goltz, Ragan, to nominate Oliver Harle as Vice-Chairman of the Planning Commission for 1979.

Motion passed unanimously.

#### 6. ADOPTION OF DRAFT CONFLICT OF INTEREST CODE

M/S Ragan, Ollinger, to send the Conflict of Interest Code back to the Town Council without action.

Motion passed unanimously.

#### 7. DOWNTOWN REZONING WORKSHOP

Magnolia Avenue, Library Place, City Hall Avenue. CONTINUED TO FEBRUARY 5, 1979.

#### 8. ADJOURNMENT

The regular meeting of the San Anselmo Planning Commission was adjourned at 12:10 a.m. to the next regular meeting of February 5, 1979

LISA BURGLIN  
PLANNING SECRETARY