

The regular meeting of the San Anselmo Planning Commission was called to order by Chairman Olive at 8:00 p.m. in the Council Chambers, Town Hall on October 15, 1979. Present from staff: T. J. Robbins.

1. ROLL CALL

Commissioners Present: Harle, McPeak, Ollinger, Ragan, Hayes, Buckle, Olive
Commissioners Absent: None

2. APPROVAL OF MINUTES - October 1, 1979

Commissioner Hayes asked that Item 4 A, lines 17 and 18 of the motion be modified as follows: "construction, it is not a detriment to anyone living or working in the neighborhood, and it is necessary for the enjoyment of substantial property rights."

Commissioner Ollinger noted that Item 4 D should have reflected his "no" vote.

M/S Ragan, Harle, minutes be approved as modified. Passed with 6 aye votes, Commissioner Buckle abstained.

3. OLD BUSINESS

- A. Z-173, Ben O'Hare, Redwood Road, A/P Nos. 7-097-02, 7-097-05, 7-141-04, review of draft Environmental Impact Report for proposed rezoning from PPD R-1 (Preliminary Plan Development with a presumptive use of single family residential) to SPD (Specific Plan Development) for four single family dwellings.

Mr. O'Hare and Mr. Wedell, author of the EIR, were present.

Speaking from the audience were: Veronica Basker, 106 Humboldt Avenue. She listed the following reasons for opposition to the development:

- (1) The street is narrow, unsafe to traverse;
- (2) Loss of the ridge tops and lots of beautiful trees;
- (3) The proposed retaining walls and roadways do not compliment the neighborhood.

Mr. Segal, 419 Redwood Road: He commented additional traffic generated by the development would be incredible. The road is rapidly going to hell now and no maintenance is done by the Town. It is presently unsafe for man, people, dogs and deer.

Marge Segal, 419 Redwood Road: She reinforced what Mr. Segal said: treacherous road conditions; she had a head-on collision last year. The road is now impossible.

Eric Berger, 101 Sunny Hills Drive: He grew up in the neighborhood at 259 Redwood Road. He listed the following points in opposition to the development:

- (1) Increased traffic; cars parked in every possible turn off;
- (2) Drainage;
- (3) His mother's home at 259 Redwood Road would be severely impacted by the development in as much as the proposed roadway would be within 10 feet of her patio.

Gloria Berger, 259 Redwood Road. She spoke against the development as follows:

- (1) The easement is part of her driveway;
- (2) The retaining wall would have to be very high on both sides of the road and would be like a tunnel;
- (3) It would prevent access to her property;
- (4) She feels San Anselmo is fortunate to have her Frank Lloyd Wright designed house and should preserve it and its environment.

At this point Mr. Robbins outlined the steps necessary for the rezoning, stating this application, even if accepted for the EIR tonight, could be returned to the Planning Commission for a use permit and design review. He said tonight's action should be whether or not the EIR covered adequately all considerations of the development so that the Planning Commission and Town Council could render an intelligent decision. Acceptance of the EIR would not guarantee approval of the development. The hearing continued.

Buzz Brown, 99 Scenic Avenue, said he was in opposition to any further development in the hills or on the ridges in San Anselmo.

Mr. Cone, 349 Redwood Road, said he felt the Frank Lloyd Wright house was a national treasure and any development which threatened it would be a mistake.

Libby Ginsberg, 60 Redwood Road, said the traffic on Redwood Road is now impossible. Fire trucks cannot get through. She said her dog was hit the other day and she leaves her gate purposely unlatched so that children can dodge into her yard when cars come down the street.

Gay Kagey, 280 Redwood Road, representing the Redwood Road Residents Association submitted a report from that Group on the Draft Environmental Impact Report. She reported that she felt the EIR covered things quite well (see filed report).

Suzanne Berger, 259 Redwood Road, said she had grown up at 259 Redwood Road and presently she works in Tiburon. In Tiburon and Belvedere, she said, the ridges are developed and all you can see are houses. She said San Anselmo and Fairfax are the last areas in Marin County where the ridges and hillsides are still undeveloped, and she hopes it stays that way.

Lucille Dandeleit, 126 Redwood Road, said her home is at the corner where all the trucks get stuck going up Redwood Road, and the traffic is just impossible.

Ken Anderson, 468 Laurel Avenue, thinks the traffic is worse than shown on page 21, paragraph 16 of the EIR. He felt it did not follow the General Plan as far as density is concerned.

John Sanftner, 9 White Way, made the following comments on the EIR:

- (1) The EIR is surprisingly good;
- (2) Felt the statement on page 8 regarding Oaks and Madrone to be inaccurate. Said there was quite a bit of Madrone which will not tolerate houses;
- (3) The statement regarding wildlife on page 9 failed to mention the impact of four houses, all with dogs, on the deer;
- (4) Page 13, regarding traffic; wondered who made the statement in paragraph 3 concerning comparable traffic; said he would like to see this expressed in statistical terms, disagreed with the statement that people drive carefully; people, he stated, drive down Redwood Road dangerously;
- (5) The information survey mentioned does not indicate when the survey was taken, there is no tabulation time and not enough questions asked. Questioned who the 25% of the people are who feel the road with its current traffic load is safe with no particular problems;
- (6) The statement about ingress and egress for people on White Way is purely conjecture. His survey indicated 85% of the residents use Melville Avenue;
- (7) Disagreed with the estimated additional percentage of traffic generated by the proposed development;
- (8) Page 19, the statement regarding mature madrones was entirely inadequate;

- (9) Page 20, paragraph 13 is a false statement; in the last sentence of that paragraph the word "community" makes it a misleading statement;
- (10) Page 22, paragraph 22 noise, should have the addition of "and the entire north facing hillside along Oak Avenue."

He said he felt the traffic survey was unfair since it was made during Easter vacation.

Roger Van Craeynest, 112 Humboldt, said there should be a moratorium on building in the hills until the Ridglands Committee has completed their report.

Mr. Johnson, 296 Redwood Road, said the traffic counters were out of service at least once and maybe more.

Mrs. Johnson, 296 Redwood Road, reinforced her husband's statement.

David Lakes, 249 Redwood Road, said the EIR did not mention the deteriorated condition of Redwood Road; he said since Proposition 13 the County did not support it any more and he felt there should be no further development until the County is willing to do repairs on Redwood Road.

Ms. Linda Reuther, 56 Fernwood, said the negative impacts are greater than mentioned in the EIR, naming density of traffic, water run-off, landslides. She felt they all needed to be explored in depth.

Mr. Wedell, who had prepared the EIR said there were a lot of negative impacts in this EIR. He said the traffic may be a point and that they could have made some percentage comparison of the hillsides vs valley accidents. He felt the point about the Madrones was taken out of context.

Mr. Ben O'Hare spoke about the property alignment. He said most of the property was purchased in 1961 to stop development at that time and four people made an agreement which allowed the development of four houses. Mrs. Berger had signed the agreement at that time and also agreed to the easement; he said he did not know how she can not go along with the development now. He said he was not going to build a lot of houses, only 4. He feels traffic generation from 4 homes is negligible.

Mr. Wedell said the right of way is not a proper area of concern of an EIR. He also said the traffic counters were up for 10 days, including Easter week and the following weekend. He acknowledged the count showed an average of ten trips per day per house. He said there was one lapse in the count; however, the count for that day was not used.

Mr. Dirk Brinkerhoff was present representing the owners. He said the EIR in considering alternatives did not consider redesign of the dwellings. He said the Berger house comments seem to be pointed at the convenience and comforts of the residents of that dwelling; he reiterated that in 1961 the Bergers did sign an agreement for a 4 house development and the use of the driveway easement.

Commissioner Harle said he took a most serious view of the traffic situation; these roads were originally designed as private roads and gradually development has been added; he did not think the residents should bear the burden of providing roadway for traffic generated by the new houses. He said a mechanism is needed for providing for additional traffic and it should be borne by the people doing the addition. He felt the EIR adequately considered the needs.

Commissioner Ollinger said basically the EIR does present fairly well the kinds of impact that can be expected; there is a lot of difficulty with EIRs, and the question of what to measure. The comments from the audience have pointed out the severity of the traffic situation. The Fire Department did respond to the original draft; they said the road should be 20 feet wide or have paved turn-outs. The more paving he said, the more impact.

The access roadway should have a maximum 15% grade to accommodate fire equipment. The access road by Bergers is greater than 15%. He referred to the letter by Alan Bruce. He said there were a lot of 5% and 10% impacts, but the Planning Commission did ask for cumulative impacts to be considered. He was concerned over cumulative impacts of this and others on the road. The EIR, he said, was a good document and very helpful to the kinds of decision which the Planning Commission has to make.

Commissioner Ragan said the Fire Department report differs significantly from the EIR.

Mr. Wedell said it is accurate and the Fire Department report is incorrect. He said Redwood Road is only 14 feet wide vs the 20 foot width the Fire Department wants for this proposed driveway.

Commissioner Ragan concurs with the EIR, said it is well done and tells the Commission the negative impacts are tremendous.

Commissioner Buckle said he needed clarification on the number of legal lots, he said if there are three legal lots he did not know why the application was before them. It was explained that there are possibly three legal lots however, the developer wanted four lots. Commissioner Buckle said the Ridgeland's Committee recommendation would allow one dwelling for one acre at this elevation.

He said he felt the EIR is adequate and feels he has enough information to make a decision.

Commissioner Hayes said the MMWD and Fire Department both say there is insufficient information on water. He felt this EIR was a particularly good one. He said the roadway situation was one of the worst he had encountered. He would like to see a percentage figure for the accident rate and a relative comparison on hillsides vs the valley.

Commissioner McPeak said he would like to know the cumulative effects of other development on Redwood Road.

Mr. Wedell said these were shot through the entire report, they related integrally throughout the entire report.

Commissioner McPeak said there were about 80 acres served by Redwood Road, Laurel Avenue and Oak Avenue that could be developed at some time in the future.

Commissioner Olive felt the EIR was very well done.

Libby Ginsberg, 60 Redwood Road asked for a definition of "accident." She wanted to know if only accidents where a police report were considered, or if her accident with her dog, and other accidents unreported to the police, were considered.

M/S Buckle, Harle to accept the draft Environmental Impact Report as adequate for Z-173 - Ben O'Hare, Redwood Road, A/P Nos. 7-097-02, 7-097-05, 7-141-04, for the proposed rezoning from PPD R-1 (Preliminary Plan Development with a presumptive use of single family residential) to SPD (Specific Plan Development) for four single family dwellings with the inclusion as an appendix to the DEIR which are as follows: (1) Alan Bruce's letter of corrections and additions dated August 27, 1979 and including comments by the Redwood Road Residents Association in that letter dated October 12, 1979, and also to include comments from the audience. Passed with six Aye votes with Commissioner McPeak abstaining.

Mr. Robbins said it will be back to the Planning Commission agenda and will be noticed.

- B. NU-13 - Carol E. Throop, 63 Magnolia Avenue, A/P 7-213-55, use permit for a second unit - Continued to November 5, 1979.
- C. V-862 - Carol E. Throop, 63 Magnolia Avenue, A/P 7-213-55, parking variance in considering second unit use permit - Continued to November 5, 1979.

- D. V-852 - Patricia Frisch, 37 Cordone Drive, A/P 5-223-09, a 10'7" rearyard variance to construct an open deck within 3'5" of the rear property line; a 13'7" rearyard variance to construct a hot tub within 6'5" of the rear property line; and a 5'10" rearyard variance to construct tub equipment within 14'2" of the rear property line.

Mr. Rex Peterson was present to represent Mrs. Karan.

Barbara Gamba, adjacent neighbor said she thought the hot tub would create a noise problem and she would feel more comfortable if the tub were on ground level rather than up in the air as now proposed.

The Planning Commission objected to the height of the deck, over-development of the back yard, impact on the neighborhood, size of structure. Mr. Peterson asked the matter be referred back to him for redesign.

M/S Ragan, Harle, to continue V-852 for Patricia Frisch, 37 Cordone Drive, A/P 5-223-09, application for variances to construct an open deck and hot tub, to the November 5, 1979 meeting.

- E. C-166 - Ron Ashley and Bob Bertram, 69 Center Boulevard, A/P 6-102-21, design review of arbor extension - after the fact - Continued to November 5, 1979.
- F. U-538 - Serge Arnaudies, 636 San Anselmo Avenue, A/P 6-102-20, use permit for the on-sale of beer and wine and to permit outdoor eating at 'The Arbor' on change in ownership.

Mr. Arnaudies was present. Staff reported Police Department had no objection to transfer of this use permit to a new owner.

M/S Ragan, Hayes, to approve U-538 for Serge Arnaudies, 636 San Anselmo Avenue, A/P 6-102-20, use permit for the on-sale of beer and wine and to permit outdoor eating at 'The Arbor' on change of ownership with the conditions of the previous permit remaining the same with the exception that the phrase "no loud amplified music" be changed to "no amplified music and/or groups outdoors." Unanimously approved. Applicant was notified of the ten day appeal period.

4. NEW BUSINESS

- A. EU-5 - George Noble, 47 Humboldt Avenue, A/P 7-033-01, use permit for an existing second unit to remain on change in ownership.

There was no one present to represent the applicant.

M/S Ragan, Ollinger to continue this item to the November 5, 1979 meeting.

- B. V-861 - Arthur R. Ciancutti, M.D., 19 Myrtle Lane, A/P 7-172-06, a 2' sideyard variance and a 5'6" sideyard variance to construct an accessory building to within 6' and 2'6" of the side property line; a 12'2" rearyard variance and a 13'2" rearyard variance to construct an accessory building to within 7'10" and 6'10" of the rear property line.

Dr. Ciancutti explained he wanted to rebuild an existing carriage house to provide a place for his children's "nanny" to sleep. He is a single father, and he does not have a room in the main house for her and would prefer that she have her own cottage.

Commissioners found the proposal to be extremely detrimental to the house next door; there were other places on the lot where a cottage could be built or an addition could be made to the main dwelling, and they could find no hardship to justify the variance.

M/S Ollinger, Buckle, to continue V-861 for Arthur R. Ciancutti, M.D., 19 Myrtle Lane, A/P 7-172-06, variance application to November 5, 1979, or until rescheduled by new submission of the applicant. Unanimously approved.

- C. Z-184 - Spaulding Street, a portion of A/P Nos. 6-271-38, 6-271-39, 6-271-40, 6-271-46, 6-271-48, 6-271-49, 6-271-51, 6-271-57; and all of A/P Nos. 6-271-52, 6-271-53, 6-271-54 and 6-271-55, proposed rezoning from PPD R-3 (Preliminary Plan Development with a presumptive use of Multiple Family Residential) to SPD (Specific Plan Development) for a private parking lot for 'Symposium Restaurant' and review of Negative Declaration - Continued to November 5, 1979.
- D. C-167 - Adam Morgan, 32 Red Hill Avenue, A/P 6-201-02, design review of exterior alterations.

Mr. Morgan was present.

John Colteaux, from the audience, questioned whether or not the flag was being used for commercial use. He said if it were, then according to the Municipal Code, it was not an allowed use. He felt if the flag was not being used in a commercial manner then it should be subject to signing regulations.

Larry Domer, 34 Terrace Avenue, said the flag is all he can see from his living room window and said he felt this dimension was against the small town flavor of San Anselmo. He is opposed to the size of the flag. He would have no objection to a flag the same size as the Fire Department flag. He said he felt it brings a commercial aspect to his neighborhood.

Angela Gonsman, 400 Greenfield Avenue says the flag dominates her home. It is a focal point in her home. She felt it should be much smaller in keeping with the neighborhood.

Objections had been received from Carl Yeakey, 30 Island Drive, who wrote that the flag snaps and cracks at night and disturbs his sleep. Dane-Rite furniture store who believes the flag is being used for commercial purposes; Paul David and Bonnie Leonard and Margaret Wellsley all objected to the commercial use of the national emblem.

Mr. Judd Brown, 101 Hilldale, spoke in favor of the flag.

Mr. Morgan submitted a petition from commercial establishments on Red Hill Avenue in favor of the flag.

The Commission had reservations about the size of the flag and the fact that it was not taken down at night time. It was suggested that the large flag be replaced by a smaller one for every day use and the larger flag be used for special days only, such as the Fourth of July, Veteran's Day, etc.

M/S Buckle, Harle, to approve C-167 for Adam Morgan, 32 Red Hill Avenue, based on the plan entitled "Remodel exterior for Martinizing Cleaners at 32 Red Hill Avenue" received by the Town on September 26, 1979 with the following conditions:

- (1) That night time flying of the flag shall be restricted to 300 square feet in size of flag;
- (2) This application will be reviewed in six months or earlier if there are any valid complaints;
- (3) That the flag larger than 300 square feet may continue to fly for another six months.

Motion passed by the following vote:

AYES: Commissioners Buckle, Harle, Ollinger, Olive
NOES: Commissioners Ragan, McPeak, Hayes

The applicant was notified of the 10 day appeal period.

- E. U-539 - Diane Adams, 1382 Sir Francis Drake Boulevard, A/P 6-201-02,

Mr. Steve Adams appeared for his sister.

Mr. Joseph Coffrini, 9 Mountain View Avenue, said he felt this

was a nice residential area and would not like to see the character of the neighborhood disturbed by the encroachment of commercial uses. He said this is already a high traffic area, and additional commercial uses would add additional traffic.

Mr. Adams said his sister's hour of operation would be from 10:00 a.m. to 3:00 p.m. only, for five days a week and there was ample parking on both her lot and Sir Francis Drake Boulevard.

M/S Hayes, Ollinger, to approve U-539 for Diane Adams, 1382 Sir Francis Drake Boulevard, A/P 5-183-19, application for use permit for home occupation - psychic readings on the basis that it will not be detrimental to the health and safety of persons working or living in the neighborhood and will not be materially injurious to property or improvements in the neighborhood; and the granting of the use permit is necessary for the enjoyment of substantial property rights; that the hours be restricted from 10:00 a.m. to 3:00 p.m. and that there be no sign displayed. A review to be scheduled on valid complaint.

Approved with six Aye votes, Commissioner Buckle voting no.

Applicant was notified of the 10 day appeal period.

5. ADJOURNMENT

The meeting adjourned at 12:50 a.m.

Thelma Foster
THELMA FOSTER