

The regular meeting of the San Anselmo Planning Commission was called to order by Chairman Harle at 8:00 p.m. on October 6, 1980, in the Town Hall Council Chamber. George Davison and T. J. Robbins present.

1. ROLL CALL

Commissioners Present: Harle, Hayes, McPeak, Peterson, Signorelli
Commissioners Absent: Ollinger, Ragan

2. APPROVAL OF MINUTES

M/S Hayes, McPeak, to approve the minutes of September 15, 1980, as written.

Motion carried; Chairman Harle abstained.

3. PREZONING AND REVIEW OF DRAFT EIR

- A. Z-194 - Proposed Prezoning of County Parcels Abutting San Francisco Boulevard, Los Angeles Boulevard, Sacramento Avenue, Pasadena Avenue, Carmel Way, Miwok Drive, and Santa Barbara Boulevard, to zoning designations consistent with those of the County, and review of Negative Declaration.

George Davison showed the audience a colored map of the parcels proposed to be prezoned and eventually annexed to the Town. He indicated that staff is proposing that the density remain the same as currently allowed in the County.

Chairman Harle questioned what would happen if these lands were prezoned to a specific density and then annexed when the density ordinance is adopted. What density limit would apply? He pointed out that the density ordinance, as proposed, would allow a greater density than the County zoning and proposed Town prezoning of these lands would allow. Mr. Davison said the Commission can recommend to the Council that the density ordinance not affect these lands when finally adopted.

Mr. Davison briefly explained the prezoning and annexation process to the audience.

Leona LePage, 58 Sacramento Avenue, wanted to confirm that the proposed prezoning will be the same as the current County zoning; Mr. Davison said that is staff's proposal.

Carolyn Turner, 152 Los Angeles Boulevard, said the Board of Supervisors appear to be more open space oriented than the San Anselmo Town Council who are more development oriented.

Doris Creel, 1 Carmel Way, expressed concern over what effect the density ordinance, if adopted, would have over these lands.

June Moore, 32 Salinas Avenue, said she thinks the Town is trying to do too many things at once. She does not understand why we are prezoning some property proposed to be annexed if we do not even know what the zoning density will be since the ordinance has not yet been adopted.

Paul Lawrence, San Francisco Boulevard, said his street is just like Market Street.

Max Schenk, owner of A/P Nos. 177-190-04 and 177-220-10, at the east end of Sacramento Avenue, said that since he purchased his property ten years ago the allowable density has gone down 70 percent. He claims his proposed density of 20 townhouses is 1/5 the density of the surrounding properties.

Lee Capell, San Francisco Boulevard, asked the Commission to explain the petition necessary to block this annexation. Chairman Harle said it is not appropriate at this time since it is a prezoning hearing and the annexation hearings will be at a future date.

Commissioner Peterson, aware of the confusion of some members of the audience, again explained the prezoning procedure and stated that as proposed by staff the zoning density will remain the same as that of the County.

Jerome Draper, 295 Los Angeles Boulevard, said the people want to keep the R-1 character of the neighborhood. He agreed with Ms. Turner that with the general blend of the present San Anselmo Planning Commission and Town Council, they would be better off in the County because the Board of Supervisors are more open space oriented. He added that he is concerned that the Town will not allow them to keep some animals; Mr. Robbins pointed out that the Town has adopted the County Animal Ordinance.

One gentleman asked the Commission to take a vote now on whether the people want annexation and stop the baloney of this rezoning. Another person from 404 San Francisco Boulevard suggested that the annexation question be discussed before the rezoning, to which Chairman Harle said the legal course of action is to rezone before the decision of whether to annex or not.

Lucas McLaughlin, 15 San Francisco Boulevard, said he is concerned that we do not open up this area for more development and wants the Commission to be straightforward with them.

Michael Anderson, 402 San Francisco Boulevard, questioned why it is necessary to rezone these properties; Mr. Davison explained.

Jeff Scales, 110 Santa Cruz Avenue, said the proposed density is more than they want. Santa Cruz Avenue, he said, is already heavily developed.

Charles Dziomba, 265 Los Angeles Boulevard, said his property is partly in the County and in the Town and wants the situation to remain the way it is.

Mike Anthony 93 Sacramento Avenue, said the Commission should not be rezoning these properties before they know what the density ordinance will say.

Commissioner Signorelli told the audience that the Commission does not want the density ordinance, if adopted, to affect these lands.

Josh Portugal, 21 Elkhorn Way, said he wants the staff to guarantee that after this property is rezoned, they will not be stuck with another rezoning. Mr. Davison said that cannot be guaranteed because in future years it might very well be rezoned again.

Lawrence Stack, 10 Alice Way, questioned the Commission's role in the process; Commissioner Harle explained.

Bill Ducey, 141 Sacramento Avenue, suggested this be held over until the density ordinance is adopted; otherwise, there will be a hodgepodge of density.

Commissioner Signorelli said there has been the thought of San Anselmo providing police and fire protection to these County lands on a contract basis. Mrs. Humphrey, 9 Tomahawk Drive, questioned the increase in taxes for these services. He told her there would be an added cost to these property owners; whereas, if their lands were annexed to the Town, their taxes would not increase due to Proposition 13.

Maria Stock, 6 Carmel Way, said she has seven acres and does not want the allowable density changed.

Albert Warren, 161 Sacramento Avenue, said he approves the proposed rezoning.

Carl Baumsteiger, 1 Monterey Terrace, said as long as the density will not change he supports the proposed rezoning. He said the Citizens Committee spent a lot of time studying San Anselmo lands and it was thought at that time not to consider outlying areas; therefore, since these lands were not studied, he does not feel the density ordinance should apply to them.

Carolyn Turner, 152 Los Angeles Boulevard, said it is piecemeal not to include these lands in the study for the density ordinance. Commissioner Signorelli said since the County lands were already zoned with a density designation, it was concluded that it would not be necessary to set a density again.

Jerome Draper said this proposed annexation is because there is a fight between the County and Town as to who is going to get the \$20,000.00 from the Schenk development.

Commissioner McPeak said he recommends the proposed rezoning and that the density ordinance should not apply to these lands.

Commissioner Peterson agreed, and noted that the reason this annexation is proposed is because the Town feels this land belongs in San Anselmo. Access is over Town streets, the children use the Town schools, and fire and police response time will be shorter, which may bring down insurance rates. He encouraged the audience to meet with Town staff if they have questions regarding Town services and codes.

Commissioner Signorelli agreed.

Commissioner Hayes agreed and added that what he is hearing is that the people think the Board of Supervisors and County Planning Department are more responsive to their needs. He said the Commissioners feel that San Anselmo is their Town too and want to be responsive to the people's needs. It is necessary that there be a spirit of cooperation and he wants the people to feel they are getting a fair shake from them.

M/S Peterson, Hayes, to accept the Negative Declaration on the rezoning of the County parcels abutting San Francisco Boulevard, Los Angeles Boulevard, Sacramento Avenue, Pasadena Avenue, Carmel Way, Miwok Drive, and Santa Barbara Boulevard, as prepared by staff and dated August 8, 1980.

Motion passed unanimously.

M/S McPeak, Signorelli, to recommend to the Town Council to rezone the lands as proposed by Town staff which corresponds to current County zoning.

Motion passed unanimously.

M/S McPeak, Signorelli, to recommend to the Town Council that the final density ordinance being prepared apply only to lands presently within the Town limits.

Motion passed unanimously.

Commissioner Peterson said that the last motion is not only the desire of everyone who has spoken here tonight, but also the members of the Planning Commission. He added that the Commission gives the Town Council their strongest recommendation and hope this will not be sandbagged.

Mr. Robbins announced that this will be heard by the Town Council on October 14, 1980.

- B. Review of Draft Environmental Impact Report for Oak Hill Park Garden Homes, Max Schenk, A/P Nos. 177-190-04 and 177-220-10, (these lands are currently located in County boundaries, bordering on San Anselmo Town limits, at the east end of Sacramento Avenue).

Mr. Robbins said this discussion is part of the 30-day review period. The purpose of this meeting is only to hear comments, not to answer questions about the DEIR. Questions would be directed to the County Planning Department. The formal DEIR hearing will be held by the County on November 3, 1980. The San Anselmo Town Council will also discuss the DEIR at their

meeting on October 14, 1980. San Anselmo's comments will be forwarded to the County to be made a part of the final document.

Carolyn Turner, 152 Los Angeles Boulevard, said many wildflowers grow in that area that are not listed in the report.

Max Schenk, developer, said although he paid for the Report he was never asked any questions and some of the statements are false: 1. the DEIR talks about the steep slope of the land and the slope is only between 24.8 percent and 27 percent; 2. the DEIR implies there are only single family homes in the neighborhood, which is not true as there are 15 apartments and six family residences adjoining his property; 3. he is planning single family dwellings, not condominiums. Townhouses are a different type of single family dwellings; 4. he is proposing 1.33 units per acre, which is 25 percent less dense than the adjoining land. Mr. Schenk said he wants to work with everyone and have a high quality development that is pleasing to all.

Lucas McLaughlin, 150 San Francisco Boulevard, wants consideration given to the impact downstream from the development. Also, he likes the present character of the neighborhood.

Jerome Draper, 295 Los Angeles Boulevard, said he has briefly read the Report and he thinks it is excellent although he has a few suggestions: 1. there is no record of sparrows in the area in the DEIR and he knows they are out there; 2. part of the Schenk property is zoned straight R-1 and the rest is zoned RMP 1.33, whereas, Mr. Davison's map on the wall indicates it is all zoned RMP 1.33; 3. there is no reference to the all-year spring on the property that is fed by the water course on the subject property; 4. he questioned why the title was changed from Oak Hill Park to Oak Hill Park Garden Homes in the draft. He said the DEIR construes that there will be homes there when there will actually be common wall housing. Mr. Draper announced that copies of the DEIR are available at no charge at the County Planning Office.

Vicki Solomns, 404 San Francisco Boulevard, said the apartments referred to by Mr. Schenk are actually part of a dairy built long ago.

Mrs. Humphrey, 9 Tomahawk Drive, said there is already smog in this valley due to traffic congestion.

Commissioner McPeak said it is a good EIR, but would like to see the question about the apartment type housing at the end of San Francisco Boulevard cleared up in relation to the surrounding community.

Commissioner Peterson said there are a couple of inconsistencies in the DEIR: 1. on Page 5, it states that "No initial grading shall take place during the rainy season" and Page iii states "To minimize erosion and sedimentation during construction, limit all construction to the dry season." He can understand that grading perhaps shouldn't be done during the rainy season, but other work can be and it would be an inconvenience to the neighborhood because they would probably like to see the work done as soon as possible; 2. he noted that the General Plan, in Section III of the Housing Element, discusses sites that have some potential for development of new low income housing which includes the land "near the Corporation Yard at the end of San Francisco Boulevard." Since it sounds like the audience doesn't want low income housing, perhaps the Plan should be amended. Mr. Draper said that isn't true, they just want to retain the R-1 character; 3. on Page 22, under the section of Noise, it states there will be three-month (5) construction periods, which he did not understand. Mr. Davison said "(5)" simply refers to a note at the bottom of the page that says the construction will occur in phases of four to five units at one time, each phase totalling three months; 4. on Page 7 it states the homes will sell between \$125,000 to \$160,000, and on Page 32 it states the homes will sell for \$140,000; 5. Page 36 states that "Single family attached units would be provided, and would not be consistent with the San Anselmo

General Planning Area Map land use designation for single family residences." Going back to the reference of low income housing at the end of San Francisco Boulevard, this is totally inaccurate.

Commissioner Signorelli said Page 34 states there will be "An increase in energy consumption." He feels this is not true because if the people don't live here, they will live somewhere else and consume that energy. He said the rest of the document is excellent.

Commissioner Hayes said his main concerns are slope stability, storm run-off and disruption of natural drainage, traffic generation, and aesthetics. On Page IV he questioned why the project name should be changed. Someone told him another project in the area has the same name and it could be confusing for emergency responses; on Page 37 under Alternatives, he thought they were interesting, but not sure he would endorse without studying them further. On the whole he said he was impressed with the detail of the DEIR.

Chairman Harle requested that these comments be forwarded to the County Planning Department.

4. OLD BUSINESS

- A. V-904 - Kirk E. Heiser, 36 Sunview Avenue, A/P 5-164-19, a six foot rearyard variance and a 9'6" rearyard variance to construct an addition below an existing deck within 14 feet of the 35 foot rear property line and 10'6" of the 84.31 foot rear property line; two foot to four foot rearyard variances to construct a window extension within 18 feet to 16 feet of the 35 foot rear property line; a two foot sideyard variance to construct an addition below an existing deck within six feet of the north side property line; and 7'6" and two foot rearyard variances to construct an open deck within 6'6" and 12 feet of the 84.31 foot rear property line.

Kirk Heiser, applicant, and Jeff Portnoy, neighbor, present.

Commissioner McPeak was concerned about the comment made by the Council that there were a lot of variances being requested as he thinks this is due to the shape of the lot.

Commissioner Signorelli said the trees between the two properties will hide the proposed additions from Mr. Portnoy's view.

Mr. Portnoy suggested that the Commission view the Heiser property from his lot and they will see that the additions will be very visible to him. He said variances should only be granted for extraordinary reasons.

Mr. Heiser said that by enclosing the area below his deck and doing some foundation repair work it will add to the stability of his house, which has recently been undermined. Mr. Heiser said the line of bay trees between their properties will not permit Mr. Portnoy to see the additions.

Commissioner McPeak said he did not go to Mr. Portnoy's property, but it is very difficult for him to see any problems with the proposed additions.

Mr. Robbins suggested the Commission meet at the properties so they can make the finding of whether it is or is not a detriment to the neighborhood.

Mr. Portnoy said what bothers him is the concept that the addition will come down and out over him.

Commissioner Peterson said that without going to the property he cannot make a finding.

M/S McPeak, Hayes, to continue this item to the meeting of October 20, 1980, and that this should be first following the approval of the minutes.

Motion passed unanimously.

The Commissioners agreed to meet at Mr. Portnoy's property on Sunday, October 19th, at 4:00 p.m.

- B. V-906 - Terry P. Schenk, 101 Oak Avenue, A/P 7-271-44, a five foot frontyard variance to construct a garage within 15 feet of the front property line.

Terry Schenk, applicant, present.

Commissioner McPeak said the bulk of the house is still there.

Mr. Schenk said he met with his neighbors and they are in total agreement with what he is doing.

Commissioner McPeak questioned the workability of the turn around design. Mr. Robbins said the workability will be resolved at the building permit stage.

M/S Peterson, Hayes, to approve V-906 for Terry P. Schenk, 101 Oak Avenue, A/P 7-271-44, a five foot frontyard variance to construct a garage within 15 feet of the front property line, on the basis that it is required by the steepness of the slope of the property; that it will not be detrimental to the neighborhood; and that it is necessary for the full enjoyment of substantial property rights.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

5. NEW BUSINESS

- A. V-908 - Maria Caboara, 141 Morningside Drive, A/P 5-143-01, a 5'6" west sideyard variance and a 1'2" west sideyard variance to construct a garage and light well within 6'6" and 10'10" of the west side property line, respectively; a 15'7" rearyard variance to construct a garage within 4'5" of the rear property line; a two foot roof overhang for the garage; and a 6'6" roof overhang for the light well.

Maria Caboara, applicant, present.

Commissioner Hayes said it seems that the sideyard variance is self-imposed. Ms. Caboara said the garage that existed in the same place was torn down.

M/S McPeak, Peterson, to approve V-908 for Maria Caboara, 141 Morningside Drive, A/P 5-143-01, a 5'6" west sideyard variance and a 1'2" west sideyard variance to construct a garage and light well within 6'6" and 10'10" of the west side property line, respectively; a 13'7" rearyard variance to construct a garage within 6'5" of the rear property line; a two foot roof overhang for the garage; and a 6'6" roof overhang for the light well, on the basis that there is a hardship due to the narrowness of the lot and the location of the garage on it; that it will not be detrimental to the neighborhood; and is necessary for the enjoyment of substantial property rights; the 6'5" rearyard setback would reduce the garage width to 22 feet.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

- B. NU-19 - Ralph Ardito, 47 Broadmoor Avenue, A/P 5-141-23, use permit to allow a second living unit.

Ralph Ardito, applicant, present.

Letters of protest were submitted by Mr. and Mrs. Thomas Pring, 45 Broadmoor Avenue, and Mr. and Mrs. Larry Nilsen, 32 Meadowcroft Drive. Mr. Ardito said the Pring's do not live at that property and the parking situation discussed by the Nilsen's will not change at all. Mr. Ardito said the unit has existed there since 1973; however, the stove was removed at one time.

M/S Hayes, Signorelli, to approve NU-19 for Ralph Ardito, 47 Broadmoor Avenue, A/P 5-141-23, use permit to allow a second living unit, on the grounds that it is necessary for the enjoy-

ment of substantial property rights; it will not be detrimental to the welfare of persons living in the neighborhood; and will not be injurious to property and improvements.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

- C. V-909 - Mario Armuzzi and Uli Seiler, 26 Belle Avenue, A/P 7-201-12, a two foot east sideyard variance to construct a condominium within six feet of the east side property line, with a 1'6" roof overhang; and a third story variance.

Environmental Review - Mario Armuzzi and Uli Seiler, 26 Belle Avenue, A/P 7-301-12, review of environmental negative declaration for a five-unit condominium.

Mario Armuzzi and Uli Seiler, applicants, and Richard Heglund, architect, present.

Commissioner Hayes said he is concerned about the height of the proposed building as it will block light that now shines on the school playground next door.

Mr. Heglund said three stories are necessary in order to fit in the required parking. He added that this project will improve the area.

Commissioner Signorelli said a flat roof would not look good in that area and added that more housing is needed in Town and this area is a good place for it.

David Campbell, 27 Belle Avenue, said he thinks the project is an excellent one. He suggested there be screening between the properties. Mr. Robbins said this will be discussed at Design Review

M/S Peterson, Signorelli, to accept the Negative Declaration for V-909 for Mario Armuzzi and Uli Seiler, 26 Belle Avenue, A/P 7-201-12, as prepared by staff.

Motion passed unanimously.

M/S McPeak, Peterson, to approve V-909 for Mario Armuzzi and Uli Seiler, 26 Belle Avenue, A/P 7-201-12, a two foot sideyard variance to construct a condominium within six feet of the east side property line, with a 1'6" roof overhang; and a third story variance, on the grounds that it is a narrow lot and needs to get the turnaround required out of the parking lot; that it will not be detrimental to the neighborhood; and is necessary for the enjoyment of substantial property rights.

Motion carried: AYES: Harle, McPeak, Peterson, Signorelli
NOES: Hayes

Applicants were advised of the ten day appeal period.

- D. V-910 - Mr. and Mrs. Donald L. Macsuga, 20 Oak Knoll Avenue, A/P 5-154-21, four foot sideyard variances to construct a hot tub and open deck within four feet and two feet of the north side property line, respectively; an eight foot rearyard variance and an eleven foot rearyard variance to construct a hot tub and open deck within six feet and nine feet of the rear property line, respectively (after-the-fact).

Applicant agreed to continue this item to the meeting of November 3, 1980.

- E. V-911 - Automotive Excellence, Incorporated, 1535 Sir Francis Drake Boulevard, A/P 5-153-01, variance to add to a nonconforming use to include an automotive radiator shop.

Steve Gifford, applicant, present.

Mr. Gifford said he spoke to Ms. Camolli and Ms. Soldavini and they seemed pleased that the property will be cleaned up. He said that there will be little noise from the equipment and

usually no cars since he mostly wholesales parts.

M/S Peterson, McPeak, to approve V-911 for Automotive Excellence, Incorporated, 1535 Sir Francis Drake Boulevard, A/P 5-153-01, variance to add to a non-conforming use to include an automotive radiator shop, on the grounds that the radiator shop will not be detrimental to the neighborhood; and is necessary for the full enjoyment of substantial property rights.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

- F. U-555 - Jennifer DeVito, 540 Sequoia Drive, A/P 6-118-06, use permit to allow a home occupation of a professional consulting service in visual communications and design.

Robert DeVito, father of the applicant, left the meeting before this item. Item continued to November 3, 1980.

6. ADJOURNMENT

The regular meeting of the San Anselmo Planning Commission was adjourned at 1:13 a.m. to the next regular meeting on October 20, 1980.

Lisa Burglin

LISA BURGLIN
PLANNING ASSISTANT