

The regular meeting of the San Anselmo Planning Commission was called to order at 8:10 p.m. by Commissioner Ragan on August 18, 1980, in the Town Hall Council Chamber. George Davison and T. J. Robbins present.

1. ROLL CALL

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

2. APPROVAL OF MINUTES August 4, 1980

M/S Signorelli, McPeak, to approve the minutes of August 4, 1980.

Motion carried; Commissioner Ragan abstained.

3. OLD BUSINESS

- A. EU-24 - John M. Pitkin and Holly E. Parks, 19/21 Allyn Avenue, A/P Nos. 7-095-16 and 7-095-17, use permit to allow a second unit to remain upon change of ownership.

John Pitkin and Holly Parks, applicants, present.

Paul Brand, 130 Allyn Avenue, said this second unit is one of our better examples.

Commissioner McPeak said he has trouble accepting second units on streets with poor access.

M/S Signorelli, Peterson, to approve EU-24 for John M. Pitkin and Holly E. Parks, 19/21 Allyn Avenue, A/P Nos. 7-095-16 and 7-095-17, use permit to allow a second unit to remain upon change of ownership.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

- B. S-91/U-553A- John L. Roe and Rufe Soule, 84 Madrone Avenue, A/P 6-052-21, use permit consideration for the application to convert 22 apartment units to condominiums.

John Roe and Rufe Soule, applicants, present.

Mr. Soule explained that they are applying under the "Alternate Conditions" for the use permit. 75 percent of the tenants must approve of the conversion; he said 18 of the 22 have approved of it. Should the tenants elect not to purchase a unit they can continue their tenancy for at least five years with rent control. If a tenant elects to move, Mr. Soule said they will offer relocation services and \$750.00 moving allowance per household. They also have an improvements plan which includes new refrigerators, carpets and acoustical work.

Mr. Robbins pointed out that until the developer sells 75 percent of the units, he will have a 3:1 vote for each unit versus the other owners of units who will have a 1:1 vote.

Commissioner Peterson added that if most of the units are not sold then the developer will hold the major interest and the owners of other units will have a weak voice.

Patience Abbe and Lee Spodick, 84 Madrone Avenue, expressed concern that what they have been offered by the developer is indeed what the application says. Mr. Soule said it is.

Commissioner McPeak said it sounds as though the tenants are being treated fairly and kept informed.

Commissioner Peterson said he thinks it is significant that 18 tenants have approved of the project; he likes the rent control for tenants and feels the selling prices are fair and below the fair market value.

Commissioner Ragan said he feels that if this project is approved it will open a Pandora's box and soon Parkside Apartments will convert to condominiums.

Mr. Soule said that he and Mr. Roe do not intend to have more than one vote each regardless of the number of units they own.

M/S Peterson, Signorelli, to approve U-553# for John L. Roe and Rufe Soule, 84 Madrone Avenue, A/P 6-052-21, use permit for the conversion of 22 apartment units to condominiums, subject to the following conditions:

1. that all conditions of the San Anselmo Condominium Conversion Ordinance No. 783 be completed to the satisfaction of staff;
2. those items noted in staff's memo to the Planning Commission dated August 18, 1980, by completed to the satisfaction of staff; and
3. that the voting rights as represented by the owners to be no greater than one vote each after 51 percent of the units are sold.

The use permit is granted on the grounds that the public interest is better served by providing the possibility of equity interest into moderate priced housing.

Motion carried; Commissioner Ragan voted no.

Applicants were advised of the ten day appeal period.

#### 4. NEW BUSINESS

- A. Z-194 - Proposed Rezoning of County Parcels abutting San Francisco Boulevard, Los Angeles Boulevard, Sacramento Avenue, Pasadena Avenue, Carmel Way, Miwok Drive and Santa Barbara Boulevard, to either R-1 (Single Family Residential) or PPD R-1 B40 (Preliminary Planned Development with a presumptive use of Single Family Residential, minimum lot size of 40,000 square feet).

Mr. Davison said the Town proposes that those developed lots be rezoned R-1 and the larger, undeveloped lots be rezoned PPD R-1 B40. He said it is important that the annexation be completed prior to January, 1981, because island annexations will no longer be allowed without property owner approval after that date.

Max Schenk, Fairfax resident, said his property has more San Rafael boundaries, than San Anselmo boundaries. He feels the proposed rezoning is restrictive.

Leona LePage, 60 Sacramento Avenue, felt she was not given enough information about the rezoning in the notice she received in the mail. She did not see the ad in the Ross Valley Reporter as the paper will not deliver in that area.

Jerome Draper, Sorich Park President, said the best thing about R-1 rezoning is that it will preserve the character of the neighborhood.

M/S McPeak, Peterson, to continue Z-194 to the meeting of September 15, 1980, and in the interim the Planning Commission be provided with a list of the parcels and A/P numbers involved, the areas of the lots, and the current County zoning.

Motion passed unanimously.

- B. U-553 - Creekside After-School, 116 Butterfield Road, A/P 5-111-56, use permit for an after-school care center in an R-1 zone.

Leslie Murphy, applicant, present.

Ms. Murphy said the hours of operation are between 12:00 noon and 6:00 p.m. and 8:00 a.m. to 9:00 a.m. Monday through Friday with an enrollment of 25 to 30 children.

M/S Hayes, McPeak, to approve U-552 for Creekside After-School, 116 Butterfield Road, A/P 5-111-56, to permit an after-school care center in an R-1 zone, on the grounds that it will not be detrimental to persons living in the neighborhood, property and improvements.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

- C. SS-239 - Mr. and Mrs. William R. Pascoe, 183 Oak Avenue, A/P 7-241-43, review of Negative Declaration and application for a two-lot parcel split.

Mr. and Mrs. Pascoe, applicants, present.

Mr. Pascoe said they plan to sell the existing house and build for themselves next door. The driveway will be different than that sketched on the tentative map.

M/S McPeak, Peterson, to accept the Negative Declaration for SS-239 for Mr. and Mrs. William R. Pascoe, 183 Oak Avenue, as prepared by staff dated August 8, 1980.

Motion carried; Commissioner Signorelli abstained.

M/S McPeak, Peterson, to approve SS-239 for Mr. and Mrs. William R. Pascoe, 183 Oak Avenue, two-lot parcel split as shown on the map presented to the Town of San Anselmo, dated July 30, 1980, on the basis that it is in conformance with the General Plan.

Motion carried; Commissioner Signorelli abstained.

Applicants advised of the ten day appeal period.

Commissioner Signorelli abstained because he questioned the location and workability of the driveway.

- D. V-900 - Leon and Janet Williams, 18 Lincoln Avenue, A/P 6-251-15, a 5'9" east sideyard variance for hot tub equipment to be within 2'3" of the east side property line; one foot sideyard variances to construct an open deck within five feet of both the east side property line and west side property line; and a 1'8" west sideyard variance to construct a hot tub within 6'4" of the west side property line; and a nine foot fence height variance on the east side of the rear deck.- AFTER-THE-FACT.

Janet Williams, applicant, present.

Ms. Williams said when they moved to the property there was no deck and it was a safety hazard so her husband constructed the deck. Ms. Williams added that her next door neighbor was consulted after the hot tub motor was put in and the neighbor said she could not hear it.

Commissioner Signorelli said he spoke to this neighbor and she said the hot tub motor awakens her daughter at night by the switching on and off of the motor.

Ms. Williams said the fence was constructed for the privacy of both the neighbors and themselves.

Mr. Robbins suggested that a noise test be made and, if necessary, baffling could be provided around the pump.

M/S Hayes, Signorelli, to approve V-900 for Leon and Janet Williams, 18 Lincoln Avenue, A/P 6-251-15, a 5'9" east sideyard variance for hot tub equipment to be within 2'3" of the east side property line; one foot sideyard variances to construct an open deck within five feet of both the east side property line and west side property line; and a 1'8" west sideyard variance to construct a hot tub within 6'4" of the west side property line; and a nine foot fence height variance on the east side of the rear deck; on the grounds that it is necessary for the enjoyment of substantial property rights; it will not be detrimental to the health and welfare of the neighborhood;

that the existing configuration and location of the structure on the lot necessitates the location of the deck and fence as indicated; that we require the appropriate sections of the San Anselmo Noise Control Ordinance at the property line be used to determine appropriate noise control baffling for the spa equipment on the north side of the property or that the spa equipment be relocated to within the setback requirements.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

Commissioner Hayes added that he would have requested the noise baffling regardless of the complaint from the neighbor.

- E. V-901 - Florence Richards, 330 Butterfield Road, A/P 5-042-16, a 6'9" sideyard variance and an 18'6" rearyard variance to reconstruct a garage within 1'3" of the side property line and 1'6" of the rear property line.

John Villa, representative, present.

Mr. Villa said the garage was destroyed by fire.

M/S Signorelli, McPeak, to approve V-901 for Florence Richards, 330 Butterfield Road, A/P 5-042-16, a 6'9" sideyard variance and an 18'6" rearyard variance to reconstruct a garage within 1'3" of the side property line and 1'6" of the rear property line; on the basis that it will not have any adverse affect on the neighborhood; it is necessary for the preservation of property rights; to be based on the drawing submitted August 18, 1980.

Motion passed unanimously.

Applicant's representative was advised of the ten day appeal period.

- F. V-902 - Harry Elefther, 45 Austin Avenue, A/P 7-266-15, west sideyard variances from 3'5" to six feet to construct an addition within 4'7" to two feet of the west side property line.

Harry Elefther, applicant, present.

M/S McPeak, Hayes, to approve V-902 for Harry Elefther, 45 Austin Avenue, A/P 7-266-15, west sideyard variances from 3'5" to six feet to construct an addition within 4'7" to two feet of the west side property line, on the grounds that it is an addition to a very small house; the house is poorly located on the lot; the granting of the variances is necessary for the preservation and enjoyment of substantial property rights; and it will not be detrimental to the health or safety of persons residing or working in the neighborhood.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

- G. Z-195 - Marie Pardi, 54 Sir Francis Drake Boulevard, A/P 6-191-21, review of Negative Declaration and application for the proposed rezoning from R-1 (Single Family Residential) to P (Professional).

Marie Pardi, applicant, and Brent Dickens, architect, present.

Brent Dickens submitted letters to the Commission from Madeleine Simborg stating her firm may be interested in the office space proposed, and from the Pardi's to Mrs. Marcellin.

Phil Marcellin, 34 Sir Francis Drake Boulevard, said Sir Francis Drake Boulevard is already too congested and thinks patrons of the proposed offices will park on the street, rather than in a parking lot. He also feels this is taking away from the

housing stock.

Mrs. K. Marcellin, 40 Sir Francis Drake Boulevard, said she has no particular objection to the project.

John Slattery, 54 Barber Avenue, said the patrons driving south on Sir Francis Drake Boulevard cannot turn left unless they do so at Barber Avenue. He contends that people will drive up Barber and then back onto Sir Francis Drake to get to these offices. Other neighbors agreed.

Mr. Dickens, along with the Planning Commissioners, felt that people will be more likely to take a right turn off Sir Francis Drake Boulevard onto San Anselmo Avenue and then a left turn at the signal on Bolinas Avenue to put them back on Sir Francis Drake Boulevard northbound, rather than take a chance of getting lost in a residential area with winding roads.

Carol Slattery, 54 Barber Avenue, and Dmitri Mihailoff, 16 Barber Avenue, agreed that this project will take away their privacy and destroy the beauty of the area.

Mr. Dickens said the building will be shingled, lights will be shielded and there will be additional landscaping.

M/S Hayes, Signorelli, to accept the Negative Declaration as prepared by Town staff dated August 8, 1980.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

Commissioner Hayes was concerned that a professional use might encroach on the residential area. Commissioner McPeak noted the Land Use Section of the General Plan, Section II(A)(5) that expansion of the Town's business areas should be by infilling rather than expansion.

M/S Peterson, Signorelli, to recommend to the Town Council that 54 Sir Francis Drake Boulevard, A/P 6-191-21, be rezoned from R-1 (Single Family Residential) to P (Professional).

Motion carried; Commissioners Hayes and McPeak voted no.

- H. V-903 - Marie Pardi, 54 Sir Francis Drake Boulevard, A/P 6-191-21, six foot frontyard variances to construct an addition and to have parking spaces within 14 feet of the front property line; a 20 foot frontyard variance to have parking spaces within zero feet of the front property line; parking size variances to have five of the spaces 10 feet by 19 feet; and four foot rearyard variances to construct an addition and open deck within 16 feet and ten feet of the rear property line, respectively.

Mr. Robbins said Spaces 6 and 7 will have to be rotated to accomodate Space 8; space 8 will not fit where shown on the plan.

M/S Peterson, Signorelli, to approve V-903 for Marie Pardi, 54 Sir Francis Drake Boulevard, A/P 6-191-21, a six foot frontyard variance and a 20 foot frontyard variance for parking spaces to be within 14 feet and zero feet of the front property line; a six foot frontyard variance for an addition within 14 feet of the front property line; parking size variances to have five of the spaces 10 feet by 19 feet; and four foot rearyard variances to construct an addition and open deck within 16 feet and ten feet of the rear property line, respectively, on the grounds that it is necessary for the full enjoyment of substantial property rights; that it will not be detrimental to the health and welfare of the neighborhood; and due to the fact we have recommended a change in zoning to P zoning, the square footage of the buildings will require a minimum of eight

off-street parking spaces; this variance to be contingent upon Town Council approval of the rezoning.

Motion carried; Commissioner Hayes voted no.

Applicant was advised of the ten day appeal period.

- I. V-904 - Kirk E. Heiser, 36 Sunview Avenue, A/P 5-164-19, a two foot north sideyard variance to construct an addition below an existing deck within six feet of the north side property line; six foot and 1'6" rearyard variances to construct an addition below an existing deck within 14 feet and 18'6" of the 35 foot rear property line; 1'6" and 11'6" rearyard variances to construct a greenhouse within 18'6" of the 35 foot rear property line and 8'6" of the 84.31 foot rear property line; and a 7'6" rearyard variance to construct an open deck within 6'6" of the 84.31 foot rear property line.

Mr. and Mrs. Heiser, applicants, present.

Commissioner Ragan told the Commission that Mr. Portnoy, 75 Berkeley Avenue, had to leave this meeting early for a personal emergency and requested this item be held over.

Mr. Heiser said he spoke to all the surrounding neighbors, but never thought to contact Mr. Portnoy as it did not appear that he would be affected by this application.

The Commissioners agreed with Mr. Heiser; however, it was pointed out that Mr. Portnoy can appeal the variance approval to the Town Council.

M/S McPeak, Hayes, to approve V-904 for Kirk E. Heiser, 36 Sunview Avenue, A/P 5-164-19, a two foot north sideyard variance to construct an addition below an existing deck within six feet of the north side property line; six foot and 1'6" rear rearyard variances to construct an addition below an existing deck within 14 feet and 18'6" of the 35 foot rear property line; 1'6" and 11'6" rearyard variances to construct a greenhouse within 18'6" of the 35 foot rear property line and 8'6" of the 84.31 foot rear property line; and a 7'6" rearyard variance to construct an open deck within 6'6" of the 84.31 foot rear property line, on the grounds that it will not be detrimental to the neighborhood; it is necessary for the enjoyment of substantial property rights; and it is due to the placement of the house on the lot; as shown on the drawing, Sheet 3, submitted and received August 4, 1980.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

- J. C-176 - Guasco Market, 100 Center Boulevard, A/P 6-101-04, design review of a proposed semi-covered garbage enclosure.

M/S McPeak, Hayes, to approve C-176 for Guasco Market, 100 Center Boulevard, A/P 6-101-04, design review of a proposed semi-covered garbage enclosure.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

- K. SR-322 - Tim and Leigh Wooster, Focus Opticians, 356 San Anselmo Avenue, A/P 7-254-01, variances for two additional window signs.

Tim and Leigh Wooster, applicants, present.

M/S Peterson, McPeak, to approve SR-322 for Tim and Leigh Wooster, Focus Opticians, 356 San Anselmo Avenue, A/P 7-254-01, variances for two additional window signs, as shown on the drawing submitted by the applicants dated August 4, 1980, on the grounds that the windows are set back from the street; and there is a visibility problem so the signs are needed for suitable exposure.

Motion passed unanimously.

Applicants advised of the ten day appeal period.

- L. C-177 - Parkway Properties, 165 Tunstead Avenue, A/P 7-251-09, design review of awnings and a trellis addition.

Applicant was not present.

M/S McPeak, Signorelli, to approve C-177 for Parkway Properties, 165 Tunstead Avenue, A/P 7-251-09, for awnings and a trellis addition, subject to staff's approval of the colors.

Motion passed unanimously.

Audience advised of the ten day appeal period.

5. DISCUSSION

Commissioner Hayes suggested the Commission meet with the County Open Space District and the Town of Fairfax for a couple of hours or so since we have a density ordinance being discussed, along with a few development projects. It would be interesting to know those agencies' plans.

Mr. Robbins said we will send a copy of the draft EIRs to those public agencies near the proposed development and ask for their comments at that time.

6. ADJOURNMENT

The regular meeting of the San Anselmo Planning Commission was adjourned at 12:20 a.m. to the next regular meeting on September 15, 1980.

*Lisa Burclin*

LISA BURGLIN  
PLANNING ASSISTANT