

The regular meeting of the San Anselmo Planning Commission was called to order at 8:00 p.m. on March 3, 1980, by Chairman Harle in the Town Hall Council Chamber. Lisa Burglin, Planning Assistant, present.

1. ROLL CALL

Commissioners Present: Buckle, Harle, Hayes, McPeak, Olive, Ollinger  
Commissioners Absent: Ragan

2. APPROVAL OF MINUTES

January 30, 1980

M/S Olive, Buckle, to approve the minutes of January 30, 1980, as written.

Motion passed unanimously.

February 4, 1980

M/S Buckle, Olive, to approve the minutes of February 4, 1980, as written.

Motion passed unanimously.

February 13, 1980

M/S McPeak, Olive, to approve the minutes of February 13, 1980, as written.

Motion carried with four ayes; Commissioner Buckle abstained.

3. OLD BUSINESS

- A. V-852 - Patricia Frisch, 37 Cordone Drive, A/P 5-223-09, variances to construct hot tub, deck and tub equipment - WITHDRAWN.
- B. V-866/C-168 - The Friendly Foam Shop, 27 San Anselmo Avenue, A/P 7-302-15, parking variance (constructing second story addition) and design review - WITHDRAWN.
- C. SS-223 - Ronald and Kay Camozzi, 20 Oak Avenue, A/P 7-266-24, lot line adjustment between their lands and lands of 18 Oak Avenue, A/P 7-266-23.

Ronald and Kay Camozzi, applicants, present.

Mr. Camozzi said the proposed lot lines represent the way the lots have been used in the past.

M/S Buckle, Olive, to approve SS-223 for Ronald and Kay Camozzi, 20 Oak Avenue, A/P 7-266-24, lot line adjustment between their lands and lands 18 Oak Avenue, A/P 7-266-23, on the grounds that it is in conformance with the General Plan; it is minor in nature; that it results in better lot design; and that it is based on the tentative map as received by the Town on February 15, 1980.

Motion carried: AYES: Buckle, Harle, McPeak, Olive, Ollinger  
ABSTAIN: Hayes

Commissioner Hayes abstained as he arrived at the meeting after the discussion.

- D. U-540 - Peter Pomilia, 21 Tamalpais Avenue, A/P 7-212-19, use permit for the wholesale of fish.

Peter Pomilia, applicant, present.

Mr. Robbins had noted in a memo to the Commission that the applicant's wholesaling end of the operation was between 30 and 40 percent of the business. Mr. Pomilia disagreed, saying the wholesaling amounts to 25 percent of the business. Mr. Robbins also pointed out in his memo that C-2 zoning does not provide for wholesaling; C-3 zoning would allow it with a use permit. Mr. Pomilia's business is in a C-2 zone.

Ms. Burglin noted that per Section 10-3.1002(d) of the Municipal Code states that incidental uses and accessory uses on the same lot with the operation of any permitted use is allowed so long as it is not offensive or objectionable because of odor, noise, traffic congestion, etc. The Planning Commission would have to determine what is "incidental" and whether or not a use permit should be required.

Mr. Pomilia said the outdoor freezer takes up a parking space; however, he has rented two spaces from Shibui Gardens. He said the wholesaling use basically takes place before 10:00 a.m.; the lunch crowd does not arrive before then. Mr. Pomilia added that there were complaints about the smell a few months ago which was caused by a worker leaving scraps; since then, the place has been clean.

M/S Hayes, Buckle, to approve U-540 for Peter Pomilia, 21 Tamalpais Avenue, A/P 7-212-19, use permit for the wholesale of fish, on the basis that it will be incidental to the principle use of the property; that it will not be detrimental to property and the interests of the neighborhood; that it is necessary for the enjoyment of substantial property rights; further move that it be reviewed in six months.

Motion carried: AYES: Buckle, Hayes, Ollinger  
NOES: McPeak, Olive

The Commissioners agreed that an incidental use would be no more than 25 percent of the main business.

Applicant was advised of the ten day appeal period.

- E. SS-228 - Robert C. Martin, Brookside and Cordone Drives, A/P 5-222-01, lot line relocation for 52, 56, 60 and 64 Cordone Drive.

Robert Martin, applicant, present.

Mr. Martin said there was a surveying error and he proposes to move the property lines between No. 52, 56 and 60 north 3.5 feet; and between Nos. 60 and 64 north eight feet.

Mrs. DeMartini, 5 Brookside Drive, expressed concern over the drainage system which, she feels, is not adequate. David Brusati, 48 Cordone Drive, questioned whether the pedestrian easement is still proposed; Mr. Martin assured him that it will be between Nos. 52 and 56 Cordone Drive.

The Commissioners advised Mrs. DeMartini to contact Town staff if there is a problem with siltation.

The Commissioners were concerned about the drainage system and said they would like to see the system indicated on the map. Some of them also expressed concern about parcel 20 which would be the end of the cul-de-sac. Mr. Martin said there are no plans to develop the property in back of the cul-de-sac.

M/S McPeak, Buckle, to approve the lot line relocation for lots 52, 56 and 60 Cordone Drive for Robert C. Martin, A/P 5-222-01, as shown on the map submitted to the Town dated February 12, 1980. The lot line relocation for 64 Cordone Drive be resubmitted indicating the drainage easement and that the relocation of lot lines concerning parcel 20 be held until development of parcel A as identified on such map is known;

Further that parcel 20 remain free as access to Lot 19 and parcel A;

Further to approve the pedestrian easement shown between Nos. 52 and 56 Cordone Drive on the before mentioned map.

Motion passed unanimously. Applicant advised of ten day appeal period.

- F. Public Hearing - Ordinance Regulating the Conversion of Apartments and Duplexes to Condominiums

Commissioner Buckle said the law may be inappropriate for San Anselmo as there are not too many apartment units that could be converted.

Commissioner Olive disagreed and feels there should be an

ordinance in order to protect tenants' rights and be consistent with the General Plan. Commissioner Hayes added that rental persons are an asset to our community.

Commissioner McPeak suggested the ordinance should not pertain to single family homes with second units. He pointed out that condominium conversions are a form of low income housing, just as are rental units.

Some tenants of the Ross Valley Apartments, 84 Madrone Avenue, said they felt these apartments are not suitable for conversion; some others appeared confused in that they were not sure they oppose the conversion or support it.

Rufe Soule, who is proposing to convert 84 Madrone Avenue to condominiums, suggested that each project be looked at individually. He said the rental vacancy rate of 6 percent would halt all conversions.

M/S Olive, Hayes, to recommend to the Town Council to approve the ordinance as written with the following amendments:

1. Section 10-7.107, add the last sentence, "These calculations are based upon consideration of multiple units only."
2. change a rental vacancy rate below 6% to "5%" and a proportion of rental housing available which is below "30%" to "25%";
3. the third sentence of Section 10-7.107 read, "The multiple unit rental vacancy rate and proportion of such housing available for rental shall be calculated annually by the Planning Department (similar to the County process) which may be supplemented by a report by a qualified marketing research firm submitted by an applicant for review by the staff and the Planning Commission."
4. Add Subsection 15 to Section 10-7.107 to read, "Current occupants shall be offered an 18 month lease at current rental rates plus increases in the rental component of the Bay Area Consumer Price Index."
5. Add Subsection 16 to Section 10-7.107 to read, "Five year leases be granted to persons 60 years of age or older and handicapped persons who have rented at the time of adoption of this ordinance, or for one year at rental rates not to exceed present rental rates plus increases in the rental component of the Bay Area Consumer Price Index."

Motion carried: AYES: Buckle, Hayes, Olive, Ollinger  
NOES: McPeak

Commissioner McPeak voted no because he felt it should not yet be sent to the Council until it is further studied by the Commission.

#### 4. NEW BUSINESS

- A. NU-16 - Mariana Moussier, 19 Bank Street, A/P 6-251-18, use permit to allow a second unit.

Mariana Moussier and Craig Holmstrand, owners, present.

Ms. Moussier said the unit has been in existence since 1960 and was not aware of the Second Unit Ordinance.

Ms. Burglin said there was a concern from the neighborhood that the third car projects out into the right-of-way. Ms. Moussier said there is room to move the car out of the right-of-way.

Commissioner Hayes questioned the density quota in the neighborhood; Ms. Burglin said three second units are allowed in the Lincoln Area and that this will be the last one, if approved.

M/S Buckle, Hayes, to approve NU-16 for Mariana Moussier, 19 Bank Street, A/P 6-251-18, use permit to allow a second

unit, on the basis that it will not be detrimental to the neighborhood in that there is sufficient parking and it meets the density quota for that neighborhood.

Motion carried: AYES: Buckle, Hayes, McPeak, Ollinger  
ABSTAIN: Olive

Commissioner Olive abstained as she had not seen the site.

- B. SS-229 - Grant J. Halsing, 70 Bennit Avenue, A/P 5-091-20, review of Negative Declaration and application for a two-lot parcel split.

Grant Halsing, applicant, was not present.

Tom Melbrook, 80 Bennit Avenue, said the proposed lot with the garage was part of his lot in 1959. The property owner at the time sold it to the applicant so that he could construct a swimming pool and have area around it. Mr. Melbrook opposes the lot split since it will result in two substandard lots.

Commissioners Buckle and Hayes said they are sensitive to Mr. Melbrook's opposition; however, there are other substandard lots in the area. Commissioner Buckle said he would like to hear what the applicant has to say before voting.

Commissioner Olive said she opposes the application and would like to vote on it even though the applicant is not present.

M/S McPeak, Buckle, to continue SS-229 for Grant J. Halsing to the meeting of March 17, 1980.

Motion carried: AYES: Buckle, Hayes, McPeak  
NOES: Olive, Ollinger

- C. SS-230 - John Murphy, The Alameda, A/P Nos. 5-043-16, 5-043-22, 5-043-31 and 177-133-13, lot line relocations.

John and Ellen Murphy, applicants, present.

Ms. Burglin said Certificates of Compliance were issued for the property based on the present lot lines which state there are three building sites.

The Murphys said the proposed lot lines are a better design.

There was some concern raised by the Commission about the road easement. They questioned whether this easement will be used for future development beyond these properties or would access be off another street.

Commissioner Ollinger said the application should be referred back to the applicants to find out the implications in terms of setbacks (from the road easement); the width of pavement required; and the status of the right-of-way.

M/S Buckle, Olive, to continue SS-230 for John Murphy to the meeting of March 17, 1980.

Motion passed unanimously.

- D. V-873 - Mr. and Mrs. Wright, 39 Karl Avenue, A/P 6-051-17, a five foot rearyard variance and a 1'6" sideyard variance to construct a swimming pool within three feet of the rear property line and 5'6" of the side property line; and a four foot sideyard variance for the pool equipment within four feet of the side property line.

Mr. and Mrs. Wright, applicants, present.

M/S Buckle, McPeak, to approve V-873 for Mr. and Mrs. Wright, 39 Karl Avenue, A/P 6-051-17, a five foot rearyard variance and a 1'6" sideyard variance to construct a swimming pool within three feet of the rear property line and 5'6" of the side property line; and a four foot sideyard variance for the pool equipment within four feet of the side property line, based on the plot plan by Tropicana Pools received by the Town on February 12, 1980; on the basis that it will not be substantially

detrimental to the neighborhood; that there is no other reasonable location to place the pool and equipment; and that it is necessary for the enjoyment of substantial property rights.

Motion carried: AYES: Buckle, Hayes, McPeak, Olive  
NOES: Ollinger

- E. V-874 - Herman and Katharina Weihl, 73 Ross Avenue, A/P 7-284-02, a two foot sideyard variance and a 5'6" sideyard variance to construct an open deck and a bay window within four feet and 2'6" of the side property line, respectively - CONTINUED 03/17/80.
- F. V-875 - Donald E. Cimpher, 185 The Alameda, A/P 5-101-21, three foot sideyard variances to construct an addition and roof overhang within five feet and three feet of the side property line, respectively.

Steven Baker, representing Mr. Cimpher, present.

Ms. Burglin said the applicant came into the office recently to say he had built an addition eight years ago without permits and wanted to take care of them now.

M/S Hayes, Olive, to approve V-875 for Donald E. Cimpher, 185 The Alameda, A/P 5-101-21, three foot sideyard variances to construct an addition and roof overhang within five feet and three feet of the side property line, respectively, on the grounds that it will not be materially detrimental to the neighborhood; that it is necessary for the enjoyment of substantial property rights; and that it is necessitated by the narrowness of the house and location of it on the lot makes it such that there is no other feasible alternative.

Motion passed unanimously.

- G. <sup>S-92</sup>~~SS-231~~ - Rufe Soule and John Roe, 84 Madrone Avenue, A/P 6-052-2 review of Negative Declaration and application to convert 22 apartment units to condominiums.

Rufe Soule and John Roe, applicants, present.

There were no other persons in the audience to comment.

Mr. Soule feels the apartment complex offers itself to condominium conversion because of its design, the creek and landscaping. The applicants have outlined their proposal in a letter dated January 15, 1980, which addresses tenant's security, etc.

Commissioners Hayes and McPeak stated that it is a good plan. Commissioner Olive questioned the parking. She noted that a single family home is required to have two off-street parking spaces; the apartment complex only has 32 spaces for 22 units. Mr. Soule said there are presently only 29 tenants.

M/S Buckle, McPeak, to accept the Negative Declaration for SS-231 as prepared by staff on the basis that there will be no change in the buildings and no change in the environment.

Motion carried: AYES: Buckle, Hayes, McPeak, Ollinger  
NOES: Olive

Commissioner Olive said she feels the environment will be affected by the possibility of overnight parking on nearby streets.

M/S Buckle, Ollinger, to recommend to the Town Council to approve SS-231 for Rufe Soule and John Roe, 84 Madrone Avenue, A/P 6-052-21, application to convert 22 apartment units to condominiums, as shown on the tentative map received by the Town of San Anselmo on February 19, 1980, accompanied with the applicant's proposal letter dated January 15, 1980, on the basis that it is consistent with the General Plan, and that it will not be detrimental to the community since the proposal by the applicant would mitigate the major concerns;

Further move, that if necessary, an effort be made to reduce noise between the adjoining apartments.

Motion carried: AYES: Buckle, Hayes, McPeak, Ollinger  
NOES: Olive

## 5. ADJOURNMENT

The regular meeting of the San Anselmo Planning Commission was adjourned at 1:03 a.m. to the next special meeting on March 5, 1980.

*Lisa Burclin*

LISA BURGLIN  
PLANNING ASSISTANT