

The special meeting of the San Anselmo Planning Commission was called to order by Chairman Olive at 8:00 p.m. on December 12, 1979, in the Town Hall Council Chamber. T. J. Robbins, Assistant Director Public Works/Planning, present.

1. ROLL CALL

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

2. DOWNTOWN REZONING WORKSHOP

A. Belle Avenue

Commissioner Buckle said 22 Belle Avenue is presently zoned C-2 and the use is R-3. He does not feel 26 Belle Avenue, zoned C-2 with a vacant house, being next door to St. Anselm's School should be zoned for commercial use. He added that he would not vote on the application, however, as his children attend St. Anselm's School and his vote may be prejudicial.

Commissioner Olive suggested if 26 Belle Avenue had a C-2 use it could be a threat to the safety of school children.

Mr. Lam Quang Thi, Property Management Officer for the Bank of America, said as Trustee for the Milani Trust, the Bank would like to have 26 Belle Avenue be rezoned R-3.

M/S Buckle, McPeak, to direct staff to set a public hearing for the purpose of rezoning 22 and 26 Belle Avenue from C-2 to either R-1, R-2, R-3 or P.

Motion passed unanimously.

B. Tunstead Avenue

Bud Kreuzer, 169 Tunstead Avenue, said his property is zoned C-2 and the use is R-1/C-2. He wants the property to remain zoned C-2.

Al Lindelli, 159 Tunstead Avenue, said his property is zoned C-2 with a R-1 use (and a home occupation use permit for a nursery) and wants the property to remain zoned C-2.

Gary Mitchell, 163 Tunstead Avenue, also has a R-1 use (with a home occupation use permit for a film making business) on a C-2 zoned lot and wants the zoning to remain the same.

The Commissioners agreed that Tunstead Avenue is rather unique in that it is wider than the other downtown side streets and there are more commercial establishments on this street. They felt the zoning should remain the same.

3. ADJOURNMENT

The special meeting of the San Anselmo Planning Commission was adjourned at 9:54 p.m. to the regular meeting on December 17, 1979.

*Lisa Burglin*

LISA BURGLIN  
PLANNING ASSISTANT

The regular meeting of the San Anselmo Planning Commission was called to order by Commissioner Ragan on January 7, 1980, at 8:00 p.m. in the Town Hall Council Chamber. T. J. Robbins, Assistant Director Public Works/Planning, present.

1. ROLL CALL

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

2. APPROVAL OF MINUTES

November 28, 1979

M/S Buckle, Hayes, to approve the minutes of November 28, 1979, as written.

Motion carried. Commissioners Ollinger and Ragan abstained.

December 3, 1979

M/S Hayes, Ollinger, to approve the minutes of December 3, 1979, as written.

Motion passed unanimously.

December 12, 1979

Item 2A, change "He does not feel this lot, being next door to St. Anselm's School . . ." to "He does not feel 26 Belle Avenue, zoned C-2 with a vacant house, being next door to St. Anselm's School . . ." - Buckle

M/S Buckle, Harle, to approve the minutes of December 12, 1979, as amended.

Motion passed unanimously.

3. OLD BUSINESS

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

George Noble, applicant, present.

Mr. Noble said he is aware that he must continue to live on the property.

Commissioner Buckle said he will abstain as he is taking into consideration the Citizens Committee For Zoning of Undeveloped Lands Report which discussed the possibility of second units not being continued upon change of ownership if access is by substandard streets.

M/S Harle, Hayes, to approve EU-5 for George Noble, 47 Humboldt Avenue, A/P 7-033-01, use permit to allow an existing second unit to remain on change in ownership, with the usual stipulations under the Second Unit Ordinance.

Motion carried: AYES: Harle, Hayes, Ollinger, Ragan  
ABSTAIN: Buckle

Applicant was advised of the ten day appeal period.

- B. Design Review of Creek Park Bus Stop - CONTINUED 01/21/80.

- C. Z-185 - Ben O'Hare, Redwood Road, A/P Nos. 7-097-02 and 7-097-05, across from 268 Redwood Road, proposed rezoning from PPD R-1 (Preliminary Plan Development with a presumptive use of Single Family Residential) to SPD (Specific Plan Development) for a two-lot development.

Ben O'Hare, applicant, present.

Mr. Robbins told the Commission that A/P 7-097-02 is currently a legal building site (lot of record) and to build on this lot would require only specific plan approval. A/P 7-097-05 would be a lot of record except for lot line relocations recorded by deed only; however, the shift in lot lines qualifies for Town

approval under Code Section 10-2.707. He also said the applicant intends to await action on the proposed density ordinance before submitting any proposal for A/P 7-141-04. Mr. Robbins added that proposed development of A/P 7-141-04 would require public hearings for a specific plan development.

Mr. Robbins said these lots are not subject to the new merger ordinance for contiguous parcels, as Mr. O'Hare's application for SPD rezoning was originally submitted prior to passage of this ordinance. Paul Brand, 130 Allyn Avenue, questioned whether submittal of the latest proposal should be considered part of the original application. Mr. Robbins said staff will look into the legal aspect of this question.

Mr. Robbins noted that an easement must be recorded for access to the proposed two houses across the vacant lot

Gay Kagy, 280 Redwood Road, submitted a letter to the Commission addressing the fact that although density has been reduced by 50 percent, so has the acreage of land been reduced. She is concerned also that the application shows access partially on A/P 7-141-04 and feels this is a contradiction. She also questioned how many more houses could be built on A/P 7-141-04.

Commissioner Buckle expressed concern over the proposed access road to the project. Mr. Robbins pointed out that at the use permit hearing the road can be reworked if the Commission so desires; more detail is required at the use permit stage.

M/S Buckle, Ollinger, to recommend to the Town Council to approve Z-185 for Ben O'Hare, Redwood Road, A/P Nos. 7-097-02 and 7-097-05, across from 268 Redwood Road, proposed rezoning from PPD R-1 (Preliminary Plan Development with a presumptive use of Single Family Residential) to SPD (Specific Plan Development) for a two-lot development, on the basis that it is in conformance with the General Plan and these are two legal building sites; with the condition that this approval does not necessarily accept the proposed access route shown on the development plan.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

- D. V-852 - Patricia Frisch, 37 Cordone Drive, A/P 5-223-09, variances to construct hot tub, deck and tub equipment - CONTINUED 01/21/80.
- E. 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 - CONTINUED 01/21/80.
- F. V-866 - The Friendly Foam Shop, 27 San Anselmo Avenue, A/P 7-302-15, parking variance (constructing second story addition) - CONTINUED 01/21/80.
- G. C-168 - The Friendly Foam Shop, 27 San Anselmo Avenue, A/P 7-302-15, design review of second story addition - CONTINUED 01/21/80.
- H. U-540 - Peter Pomilia, 21 Tamalpais Avenue, A/P 7-212-19, use permit for fish delivery - CONTINUED 01/21/80.
- I. V-869 - Mike Palumbo, 155 Oak Avenue, A/P Nos. 7-271-04 and 7-271-05, third story and access-over-an-easement variances.

Mike Palumbo, applicant, present.

Commissioner Buckle questioned why the driveway profile had not been submitted for review. He figures the driveway proposed is at a 37 percent slope. Mr. Palumbo contends the slope is at 25 percent (average). Commissioner Buckle said he felt the driveway is not feasible according to the drawings. Commissioner Ollinger shared similar concerns.

Mr. Robbins estimated the slope at 34 percent around the bend between 169 Oak Avenue and the proposed house at #155. He pointed out that a 25 percent slope has been Town policy; however, as it is policy, a steeper slope could be considered.

Ronald Jolliffe, 177 Oak Avenue, referred to two letters he wrote the Commission regarding the effect the proposed road cut will have on his property. He stated the applicant has cut down 30 to 40 trees on the west side of 169 Oak Avenue. He can now see into the house at #169 and has no privacy. He says the proposed driveway will be 15 feet away from his house. Mr. Jolliffe says his driveway slope is 25 percent and has a difficult time driving it in a small car. Mr. Jolliffe submitted a petition signed by 21 persons (from 12 houses) opposing the variances.

Several persons spoke against the application.

Mr. Palumbo said he gave every consideration to the number of trees being cut; however, he feels this approach is better, as it will be one cut.

Commissioner Harle said that although he understands the neighbors' concerns, this approach may be a better solution as it will relieve parking problems and there will be a single access.

Commissioners Hayes and Ollinger agreed that the applicant, if the variances are approved, should be required to replant some trees and cover the retaining walls for aesthetic reasons.

M/S Buckle, Ollinger, to deny V-869 for Mike Palumbo, 155 Oak Avenue, A/P Nos. 7-271-04 and 7-271-05, third story and access-over-an-easement variances on the basis that the driveway slope is greater than 25 percent, and that it will be detrimental to the neighborhood.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

- J. SS-226 - Wayne and Lorraine Lesser, Palazzi Court, A/P 7-191-41, parcel split for two-unit condominium and review of Negative Declaration.

Wayne and Lorraine Lesser, applicants, present.

The Commission agreed that this application is consistent with the General Plan.

M/S Buckle, Hayes, to accept the Negative Declaration as prepared by staff for SS-226, Wayne and Lorraine Lesser, Palazzi Court, A/P 7-191-41, application for a parcel split for a two-unit condominium.

Motion passed unanimously.

Commissioner Buckle suggested that a larger setback on the side of the high school may be nicer for both the property owners and the school.

M/S Harle, Ollinger, to approve SS-227 for Wayne and Lorraine Lesser, Palazzi Court, A/P 7-191-41, parcel split for two-unit condominium.

Motion passed unanimously.

Applicants were advised of the ten day appeal period.

- K. NU-15 - Deanna Pedroli, 110 Saunders Avenue, A/P 6-053-01, use permit for a new second unit.

Deanna Pedroli, applicant, present.

Ms. Pedroli said she plans to let her daughter use the second unit.

M/S Harle, Ollinger, to approve NU-15 for Deanna Pedroli, 110 Saunders Avenue, A/P 6-053-01, use permit for a new second unit; on the basis that it is necessary for the enjoyment of substantial property rights; and that it will not be detrimental to those in the neighborhood.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

#### 4. NEW BUSINESS

- A. Z-187 - Kintetsu Enterprises of America, A/P 5-300-15, (off of Woodside Drive), proposed rezoning from PPD R-1 (Preliminary Plan Development with a presumptive use of Single Family Residential) to SPD (Specific Plan Development) for a 19-unit condominium project, and determination of environmental review considerations.

Mr. Jerome Nooris, architect, present.

Mr. Robbins noted that the purpose of this hearing is to explore the environmental concerns. Staff has recommended that an EIR be prepared. The environmental checklist used by staff in coming up with this recommendation was discussed at length and the audience added some comments to be studied in the EIR.

In addition to staff's MAYBE answers to various items on the checklist, the audience added Items 2 A, 2 B, 3 F, 3 G, 6 A, 6 B, 7, 13 C, 13 D, 13 F, 16 C, and 19.

Persons speaking said they were concerned about condominiums in this area; that common wall housing would not be appropriate.

Mr. Nooris said the price of the condominiums will be higher than the homes in the neighborhood and, therefore, the project will be an improvement to the area.

M/S Buckle, Hayes, to require an EIR be prepared for Z-187 for Kintetsu Enterprises of the America, A/P 5-300-15, (off of Woodside Drive), proposed rezoning from PPD R-1 (Preliminary Plan Development with a presumptive use of Single Family Residential) to SPD (Specific Plan Development) for a 19-unit condominium project with the required environmental considerations listed at this meeting, and that if anything is not addressed in the draft EIR, then it can be added. And that consideration be given to conformance with the General Plan; density alterations and mitigating actions.

Motion passed unanimously.

- B. Z-186 - Holstein Road, A/P Nos. 177-160-02, 177-160-07, 177-160-08, 177-160-10 and 177-160-11, proposed rezoning from Limited Agricultural, minimum lot size of two acres, to PPD R-1 (Preliminary Plan Development with a presumptive use of Single Family Residential), and review of Negative Declaration.

Larry Grove, 38 Holstein Road, expressed concern that this may result in more houses being built and suggested that the item be continued.

M/S Hayes, Ollinger, to continue Z-186 to the meeting on January 21, 1980.

Motion passed unanimously.

- C. SS-227 - Donald F. Anderson, Dmitri A. and Barbara H. Mihailoff, Horace and Gladys G. Shadle, 12, 14 and 16 Barber Avenue, A/P Nos. 6-191-26, 6-191-27, 6-191-28, 6-191-36 and 6-191-37, application for a parcel split, and review of Negative Declaration.

Donald Anderson and Dmitri and Barbara Mihailoff, applicants, were present.

M/S Ollinger, Hayes, to accept the Negative Declaration for SS-227 as prepared by staff.

Motion passed unanimously.

M/S Ollinger, Hayes, to approve the tentative map for SS-227 for Donald F. Anderson, Dmitri A. and Barbara H. Mihailoff, Horace and Gladys G. Shadle, 12, 14 and 16 Barber Avenue, A/P Nos. 6-191-26, 6-191-27, 6-191-28, 6-191-36 and 6-191-37, application for a parcel split based on the map received by the Town on December 21, 1979.

Motion passed unanimously.

Applicants were advised of the ten day appeal period.

Motion passed unanimously.

- D. Z-188 - 22 and 26 Belle Avenue, A/P Nos. 7-301-11 and 7-301-12, proposed rezoning from C-2 (Central Business District) to either R-1 (Single Family Residential), R-2 (Two Family Residential), R-3 (Neighborhood Apartment District) or P (Professional Zone), and review of Negative Declaration.- CONTINUED 01/21/80.

5. DISCUSSION ITEMS

- A. Appointment of Chairman and Vice-Chairman of the Planning Commission for 1980.

M/S Buckle, Ollinger, to appoint Oliver Harle as Chairman.

Motion passed unanimously.

M/S Buckle, Ragan, to appoint Bill Ollinger as Vice-Chairman.

Motion passed unanimously.

- B. Second Unit Rent Guarantee Agreement.

Ms. Burglin told the Commission that our Rent Agreement states that the owner shall agree not to lease or rent the second unit for any period exceeding 180 days. The County of Marin Housing Authority will not give assistance funds for a period less than one year. As we are in conflict with the County, staff is suggesting that we change our Rent Guarantee Agreement to read: ". . . lease or to rent the subject premises for any period exceeding one year."

M/S Buckle, Harle, to amend the Rent Guarantee Agreement for second units to provide for a one year contract with the property owners to supercede the current six month arrangement.

Motion passed unanimously.

6. ADJOURNMENT

The regular meeting of the San Anselmo Planning Commission was adjourned at 12:30 a.m. to the special meeting on January 16, 1980.

*Lisa Burglin*  
 LISA BURGLIN  
 PLANNING ASSISTANT