

The regular meeting of the San Anselmo Planning Commission was called to order on April 6, 1981, at 8:00 p.m. by Chairman Ollinger in the Town Hall Council Chamber. T. J. Robbins present.

1. ROLL CALL

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

2. APPROVAL OF MINUTES

March 16, 1981

Item 4E, change " . . . location of the air conditioner as it is noisy" to " . . . location of her air conditioner as it is noisy and adjacent to the proposed bedroom."

M/S Hayes, Peterson, to approve the minutes of March 16, 1981, as amended.

Motion carried; Commissioner Ollinger abstained.

March 23, 1981

M/S McPeak, Hayes, to approve the minutes of March 23, 1981, as written.

Motion carried; Commissioner Ollinger abstained.

3. OLD BUSINESS

A. EU-23 - Mr. and Mrs. Scott Drotman, 290 Redwood Road, A/P 7-095-35, use permit to allow a second unit to remain on change of ownership.

Mr. and Mrs. Drotman, applicants, present.

The applicants said they are familiar with the parking requirement.

M/S McPeak, Signorelli, to approve EU-23 for Mr. and Mrs. Scott Drotman, 290 Redwood Road, A/P 7-095-35, to allow a second unit to remain on change of ownership, with the conditions that the number of cars allowed to be legally parked to be two and any additional vehicles at this location must have legal off-street parking spaces before this permit becomes effective.

Motion passed unanimously.

Applicants were advised of the ten day appeal period.

B. EU-20 - Gwen Chandler, 42 Humboldt Avenue, A/P 7-021-15, staff recommendation for revocation of use permit for a second unit.

Gwen Chandler present.

Disagreeing with staff's memo, Ms. Chandler said 42 Humboldt Avenue is her principle residence which she shares with two people, although she is not sure how many days out of the year she lives there. She said it might be called a payment she receives from the people who share the house as they share food and other things. Ms. Chandler feels the \$19.00 overcharge is not such as it is expensive to maintain the second unit. She added that she feels discriminated against and harassed by the Town.

Mr. Robbins told the Commission staff had received information that Ms. Chandler has not lived on the property, has over-charged her current tenant and changed tenancy without notice to the Town. He also said that he spoke to Ms. Chandler on the telephone and it was his understanding that Ms. Chandler said she does not live on the property and a letter from Ms. Chandler to the Planning Director states, " . . . I have been forced to seek work and study in another area . . ."

Commissioner Hayes suggested that when the last problem came up with this unit it might have been a good occasion for Ms. Chandler to become aware again of the use permit requirements. Ms. Chandler agreed; however, stated her lawyer did not make her aware.

Commissioner Signorelli suggested the applicant construct a third bedroom in the second unit and then could charge a higher rent if she desires.

Commissioner Ollinger pointed out that the Rent Guarantee Agreement refers to several conditions including a maximum rent schedule and it is incumbent upon the applicant to understand those conditions however bothersome they may be.

M/S McPeak, Signorelli, that until such time that Gwen Chandler maintains a principle residence other than at 42 Humboldt Avenue, A/P 7-021-15, the use permit be continued for the second unit subject to the following:

1. that she refund all overcharges to the tenants;
2. further irregularities will result in another hearing before the Planning Commission; and
3. that this use permit be reviewed by the Planning Commission in six months.

Motion passed unanimously.

Audience was advised of the ten day appeal period.

#### 4. NEW BUSINESS

- A. Z-200 - Bob and Carla Chapman, West Hillside Avenue, A/P 6-172-02, proposed rezoning from PPD R-1 (Preliminary Planned Development with a presumptive use of Single Family Residential) to R-1 (Single Family Residential) for one dwelling, and environmental review.

V-937 - Bob and Carla Chapman, West Hillside Avenue, A/P 6-172-02, a 20 foot frontyard variance to construct a carport within zero feet of the front property line.

Marshall Balfe, Architect, present.

Mr. Balfe said the house is proposed to be towards the top of the hill as they want it to be passive solar.

M/S Peterson, McPeak, to recommend to the Town Council acceptance of the Negative Declaration as completed by staff with reference to the Commission's acceptance of the statement that this project could not have a significant effect on the environment as listed by Mr. Robbins on Page 4 of the Negative Declaration checklist, with the added comment by the Fire Department on Item 16c.

Motion passed unanimously.

M/S Peterson, McPeak, to recommend to the Town Council the rezoning of A/P 6-172-02 for Bob and Carla Chapman, West Hillside Avenue, from PPD R-1 (Preliminary Planned Development with a presumptive use of Single Family Residential) to SPD (Specific Planned Development) for a single family dwelling, on the grounds that it will permit substantial enjoyment of property rights; will not be detrimental to the neighborhood; and is in conformance with the General Plan.

Motion passed unanimously.

M/S Hayes, Signorelli, to approve V-937 for Bob and Carla Chapman, West Hillside Avenue, A/P 6-172-02, a 20 foot front-yard variance to construct a carport within zero feet of the front property line, 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 those residing in the neighborhood; and is necessitated by the steepness of the lot.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

It was announced that the rezoning and environmental review will be heard by the Town Council on April 14, 1981.

- B. V-938 - Thomas and Deborah Burke, 21 Valley Road, A/P 5-121-01, 2'6" and 4'6" sideyard variances to construct an open deck and living addition with a one foot overhang within 3'6" of the south side property line.

Frank Luttinger, Builder, present.

Mr. Luttinger said the present house is only 1200 square feet and the addition will be consistent with the other homes in the neighborhood.

Kay Davis, 17 Valley Road, noted that a first floor addition had been built four years ago 3'6" away from the south side property line which blocked part of her view. She suggested the Commissioners stand in her kitchen to see how she will be effected by the second story addition.

M/S Hayes, McPeak, to continue V-938 for Thomas and Deborah Burke, 21 Valley Road, A/P 5-121-01, to the meeting on April 20, 1981, and suggest that Ms. Davis make her home available to the Planning Commission the weekend before the meeting.

Motion passed unanimously.

- C. U-559 - Nonpareil Company, 556 San Anselmo Avenue, A/P 6-102-15, use permit for outdoor eating.

V-939 - Nonpareil Company, 556 San Anselmo Avenue, A/P 6-102-15, parking variance (adding to a nonconforming use - parking - by constructing a deck to be used for outdoor eating).

Tom Bertotti, Tim Ezekiel and Doug Rosenberg, applicants, present.

Mr. Bertotti said the deck will be approximately 18 feet by 19 feet in size and will accomodate 15 to 20 people.

M/S McPeak, Hayes, to approve U-559 for Nonpareil Company, 556 San Anselmo Avenue, A/P 6-102-15, use permit for outdoor eating, on the grounds that it will not be detrimental to the neighborhood and is necessary for the enjoyment of substantial property rights.

Motion passed unanimously.

Applicants were advised of the ten day appeal period.

M/S Hayes, Signorelli, to approve V-939 for Nonpareil Company, 556 San Anselmo Avenue, A/P 6-102-15, a parking variance, on the grounds that it is necessary for the enjoyment of substantial property rights; it will not be detrimental to the neighborhood; it is necessitated by the absence of on-site parking; and that the proposed use will not have a serious impact on downtown parking in that the bulk of patronage will come from people already parked for use of other downtown shopping facilities; to be based on the drawing received by the Town on February 26, 198

Motion passed unanimously.

Applicants were advised of the ten day appeal period.

Mr. Bertotti advised that the proposed hours of operation are 7:00 a.m. to 12:00 midnight.

Commissioner Hayes suggested the railing on the deck be compatible with the type of railings used in Creek Park.

- D. C-180 - John Koyle, 606 Red Hill Avenue, A/P 6-092-04, design review of an additional covered area over parking and a new roof over an existing structure.

John Koyle, applicant, and Steve Meadows, Architect, present.

Mr. Robbins said the applicant presently has five parking spaces as required and it was originally agreed that one of those spaces could be used for servicing cars also. Staff accepted the application on the basis of covering the parking areas, not adding to the building by making the spaces service bays. He said the two property owners have an informal agreement for dual use of the two driveways.

Mr. Meadows explained the proposed alterations to the building and said it will have redwood siding and a mansard roof.

Archie Emerson of The Pavillion, 610 Sir Francis Drake Boulevard, said both driveways should be left open and present practice is that the applicant blocks his driveway with parked cars. He said the applicant's customers use the Pavillion's parking area frequently also. He feels the covered parking will be used for service bays and result in over utilization of the property.

Commissioner Hayes said he is concerned that the covered parking may result in customers thinking they are service bays and even more people may park in The Pavillion spaces. Commissioners Peterson and McPeak agreed that the covered parking would be like service bays.

It was suggested that the property owners and leasees compromise by decreasing the number of covered spaces perhaps and making both driveways available for access.

M/S Peterson, Hayes, to continue C-180 for John Koyle, 606 Red Hill Avenue, A/P 6-092-04, for Mr. Koyle, the owner of his parcel, the owner of 610 Sir Francis Drake Boulevard and their tenants to come to some agreement to bring to staff and then to the Commission on April 20, 1981, with a plan of which spaces will be used only for parking and which, if any, for the installation of retail products sold on the premises.

Motion passed unanimously.

- E. SR-325 - Randall E. Karkkanen, 75 Red Hill Avenue, A/P 6-214-03, sign variance to permit a projecting painted sign to extend above the roof line and be 40 square feet in size on each side.

Applicant not present; item continued to April 20, 1981.

- F. Z-202 - Woodland Avenue, No. 24, A/P 7-252-21, from R-2/C-2 (Two Family Residential/Central Business District), No. 25, A/P 7-282-06, from C-2 (Central Business District), and Nos. 87, 89 and 93, A/P Nos. 7-281-09, 7-281-08 and 7-281-18, respectively; all of the above to either R-1 (Single Family Residential), R-2 (Two Family Residential), R-3 (Neighborhood Apartment District) or P (Professional); and Nos. 29 and 41 A/P Nos. 7-282-17 and 7-282-16, respectively, from C-2 (Central Business District) to R-3 (Neighborhood Apartment District).

Commissioner Ollinger explained the downtown rezoning project to the audience.

Paul Frank, 25 Woodland Avenue, said he would like his land rezoned to R-3. The two houses on the lot are over 70 years

old and he plans to build some type of low cost apartment housing.

Commissioner Peterson said it would not make sense to rezone 25 Woodland Avenue to a lower density zone than R-3 as there are apartments at Nos. 29 and 41 next door.

Karl Baeck, 29 Woodland Avenue, said he wants his property to remain zoned C-2 as the lot is conducive to a commercial use in that it is close to the downtown and there are other commercial uses on that street.

Clifford Knoles, 41 Woodland Avenue, said he wants his property to remain zoned C-2.

Commissioner Hayes said there is some justification in zoning Nos. 25, 29 and 41 to R-3 as the zoning across the street is R-2. Commissioner Signorelli agreed, saying commercial uses would increase the traffic and Woodland Avenue could not handle it.

Commissioner McPeak said he feels Mr. Frank is being more realistic in looking at the future as there probably will not be much of an increase in commercial demand as there has been for housing.

Jim Cowperthwaite, 87 Woodland Avenue, suggested the zoning remain R-2 for his property. Mr. Robbins noted that the Planning Director recommends that Nos. 87, 89 and 93 remain zoned R-2.

M/S Signorelli, Peterson, that Nos. 87, 89 and 93 Woodland Avenue remain zoned R-2 on the basis that it is in keeping with the neighborhood and will preserve our housing stock.

Motion later withdrawn as it was irrelevant.

M/S McPeak, Hayes, to recommend to the Town Council that Nos. 87, 89 and 93 Woodland Avenue be rezoned from R-2 (Two Family Residential) to R-1 (Single Family Residential) on the basis that it is consistent with the General Plan and the lots are smaller than those adjacent.

Motion failed: AYES: Hayes, McPeak  
NOES: Ollinger, Peterson, Signorelli

M/S Hayes, Signorelli, to recommend to the Town Council that Nos. 25, 29 and 41 Woodland Avenue be rezoned from C-2 (Central Business District) to R-3 (Neighborhood Apartment District) on the grounds that it will be in conformance with the General Plan as specifically designated on the Land Use Map between pages 8 and 9 of the General Plan.

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

M/S McPeak, Peterson, to recommend to the Town Council that 24 Woodland Avenue be rezoned from R-2/C-2 (Two Family Residential and Central Business District) to R-2 (Two Family Residential) on the grounds that it is consistent with the General Plan.

Motion passed unanimously.

M/S Peterson, McPeak, to recommend to the Town Council acceptance of the Negative Declaration as prepared by staff for the proposed rezonings of Nos. 24, 25, 29, 41, 87, 89 and 93 Woodland Avenue.

Motion passed unanimously.

- G. Z-201 - Five Star Industries, Incorporated, Fernwood Drive, A/P Nos. 7-131-01 and 7-131-14, proposed rezoning from PPD R-1 (Preliminary Planned Development with a presumptive use of Single Family Residential) to R-1 (Single Family Residential) for one dwelling, and environmental review.

Fred Divine, Architect, present.

Commissioner Signorelli mentioned that some neighbors have paid to improve Fernwood Drive recently and are concerned that the proposed construction will not result in damaging the road. Mr. Robbins noted that a bond will be required from the contractor.

Mr. Divine noted that the applicant plans to construct a pool on the south side of the house.

Mr. and Mrs. Louis Albedi, Fernwood Drive, and Enid Albedi, 48 Fernwood Drive, expressed their concerns about the project not damaging the road. Ms. Enid Albedi submitted a letter from herself and one from Suzanne Haskell, 45 Fernwood Drive, discussing such. Mr. Robbins told Mr. Albedi that he would be informed when the bond was received so that he could review it prior to issuance of the building permit.

M/S Peterson, Signorelli, to recommend to the Town Council to accept the Negative Declaration as prepared by staff for Z-201, Five Star Industries, Incorporated, Fernwood Drive, A/P Nos. 7-131-01 and 7-131-14, with the added comment from the Fire Department on Item 16C.

Motion passed unanimously.

M/S Peterson, McPeak, to recommend to the Town Council to rezone A/P Nos. 7-131-01 and 7-131-14, Fernwood Drive, from PPD R-1 (Preliminary Planned Development with a presumptive use of Single Family Residential) to R-1 (Single Family Residential) for one dwelling, on the grounds that it will permit the enjoyment of substantial property rights; it will not be detrimental to the neighborhood, and is in conformance with the General Plan.

Motion passed unanimously.

#### 5. ADJOURNMENT

The regular meeting of the San Anselmo Planning Commission was adjourned at 12:00 midnight to the special meeting on April 13, 1981.



LISA BURGLIN  
PLANNING ASSISTANT