

228 The regular meeting of the San Anselmo Planning Commission was called to order at 8:00 p.m. on March 2, 1981, by Chairman Ollinger in the Town Hall Council Chamber, 525 San Anselmo Avenue.

1. ROLL CALL

Commissioners Present: Harle, Hayes, McPeak, Ollinger, Peterson  
Ragan, Signorelli  
Commissioners Absent: None

2. APPROVAL OF MINUTES - February 2, 1981

Item 3B, paragraph 2, change what was said from ". . . a minimum of 26 spaces be reserved for the tenants . . ." to ". . . a minimum of 23 spaces be allowed for the tenants . . ."

M/S Ragan, McPeak, to approve the minutes of February 2, 1981, as amended.

Motion carried; Commissioners Harle and Signorelli abstained.

3. OLD BUSINESS

A. V-914 - John and Janet O'Connor, 72 Lincoln Avenue, A/P 6-241-18, a third story variance to construct a living addition.

John and Janet O'Connor, applicants, present.

Mr. O'Connor said the L-shaped addition could be constructed within the setbacks causing a greater visual detriment than the proposed revised variance request.

Warren Fairbanks, 74 Lincoln Avenue, said he and Heather Dufton will lose their view and therefore oppose the variance.

Commissioners Hayes and Harle said the proposed third story is out of character with the neighborhood. Commissioner Peterson said he sees the hardship of the applicants needing more space, but is concerned about the blockage of the neighbors' view. He added that he understands that the applicant can redesign the addition to be within the setbacks and be a worse detriment to the neighbors, and he is disappointed in the neighbors for not compromising better with the applicants. Commissioner McPeak said he cannot approve the variance even though the design could be changed within the setbacks because it is out of character with the neighborhood. Commissioner Ragan noted that the O'Connor's tried to get together with their neighbors, but said he cannot approve the variance.

Mr. O'Connor said at first blush it appears that the houses in the neighborhood do not go above 1½ stories; however, four to five houses around him have three levels and the house across the street has four levels. He also mentioned that there is a 'Sold' sign on Mr. Fairbanks and Ms. Dufton's house and questioned whether their objections should carry much weight.

Commissioner Ollinger suggested adding an extension on the side of the garage rather than going up and perhaps that would fit in better with the house. Commissioner Signorelli suggested that it might be better if the ridge line was lowered by a flat top and mansard trim on the proposed addition.

M/S Hayes, Harle, to deny V-914 for John and Janet O'Connor, 72 Lincoln Avenue, A/P 6-241-18, a third story variance to construct a living addition, on the basis that the finding required in the Municipal Code to grant a variance cannot be found; specifically, that the requirement that it not be a detriment to the neighborhood cannot be satisfied as the proposed addition is out of keeping with the character of the neighborhood.

Motion passed unanimously.

Applicants were advised of the ten day appeal period.

- B. V-931 - Joe Fitzpatrick, 1598 Sir Francis Drake Boulevard, A/P 5-124-30, variance from 1,500 square feet per apartment requirement (466 square feet under for proposed seven units); a nine foot frontyard variance to park within 11 feet of the front propertyline; and a one foot width variance for six parking spaces.

Joe Fitzpatrick, applicant, and Helen Shapiro, attorney, present.

Mr. Fitzpatrick said the one-bedroom apartments currently rent for \$295.00 per month and the two-bedroom for \$350.00 per month. He currently has nine tenants, with six cars in the parking area that has eight spaces. He knows of no parking problems with the apartment building.

Commissioner Peterson said the two parking spaces against the structure require difficult maneuvering and making those spaces narrower will make it more difficult.

From the Town files, Mr. Robbins gave the history of the building per Commissioner Hayes' request.

Mr. Fitzpatrick said his contiguous neighbors support his proposal as the extra living unit is urgently needed. He pointed out that most Town street parking spaces are only nine feet in width, as he proposes for six of his ten spaces.

Commissioners Ragan and McPeak felt a hardship cannot be considered for a social need, rather a hardship must apply to the land or building.

Commissioner Ollinger said he is concerned as this will be adding an additional car onto Sir Francis Drake Boulevard.

Commissioner Peterson suggested the space be used for a recreation room as this is a self-imposed hardship because the room was created without permission for it to be an additional living unit.

Mr. Fitzpatrick said he would be willing to have the seventh unit subject to rent control. Mr. Robbins pointed out that it could not be a condition of the variance approval and would have to be voluntary.

Commissioner McPeak suggested that perhaps this item be discussed by the Council as they may have more latitude to approve it, to which Commissioner Hayes agreed.

Mr. Robbins said a hardship may be able to be found on the basis that the building exists and is not being fully utilized.

Ms. Shapiro said at present the use of the building is not the highest and best use and it is a hardship that affect the community and Mr. Fitzpatrick.

Commissioner Signorelli said the Commission should not make prejudgements on past denials, but must look at the present situation and needs.

M/S Peterson, Ragan, to deny V-931 for Joe Fitzpatrick, 1598 Sir Francis Drake Boulevard, A/P 5-124-30, on the grounds that we cannot find a hardship under the Municipal Code.

Motion carried: Ayes: Harle, Hayes, McPeak, Ollinger,  
Peterson, Ragan  
Noes: Signorelli

Applicant was advised of the ten day appeal period.

- C. C-179 - Livio Freitas, 210 Greenfield Avenue, A/P 6-173-04, design review of an addition to a commercial building.

V-937 - Livio Freitas, 210 Greenfield Avenue, A/P 6-173-04, parking variance (adding to a nonconforming use - parking - by constructing addition).

BOTH ITEMS CONTINUED TO 03/16/81 ALONG WITH REVIEW OF USE PERMIT AT THAT MEETING.

- D. Z-193 - Kenneth Norberg, 1330 Sir Francis Drake Boulevard, A/P 5-224-17, review of Draft Environmental Impact Report.

Kenneth Norberg, applicant, and Jim McDonald, architect, and Del Davis, consultant/preparer of EIR, present.

Mr. Davis briefly discussed the significant features of the DEIR. He said hydrology was reviewed at his public input meeting and although his staff feels the development will contribute to run off, they do not think it will adversely effect it as the project will result in the cleaning of the creek by the removal of debris, etc. They also do not feel there will be an adverse impact on water quality. He said the primary concern at the public input meeting was traffic and discussed the fact that Sir Francis Drake Boulevard is at maximum capacity. As this project would be infilling he said it could generate public revenues to exceed public service costs. He also said that in their opinion the views from homes behind the project will not be adversely effected as the homes on Rivera are slightly higher than those proposed and the vegetation between is thick.

Jim McDonald said Mr. Davis has done a comprehensive report and would accept as submitted except for one comment: there are more than one apartment with egress/ingress onto Sir Francis Drake Boulevard. He added that his firm did ll detailed studies prior to submittal of the application and felt it would be better to contribute the project's traffic onto Sir Francis Drake Boulevard at the stop light.

George Davison said he feels the best access to the project would be directly off Sir Francis Drake Boulevard at the signal with a right turn lane into the development and for a bus lane. He said a few years ago it was proposed that the curb be moved so there would be no shoulder on Sir Francis Drake Boulevard, but the people would not accept that proposal. Short of acquiring open space, he said we cannot simply shut off the faucet to development and should not blow the traffic problem out of proportion.

Edward Majesky, 30 Rivera Street, referring to page 8 of the draft EIR, said the development plan shows the creek 30 to 40 feet off from its actual location.

Steven McClure, 12 Beverly Way, said that other than the general absurdity of this vast number of townhouses going in here is the gate on Beverly way and said he does not see any enforceable standards set up to ensure him that the gate will not be left open.

Ronald DeMartini, 5 Brookside Drive, mentioned the visual impact of the project.

Joyce DeMartini, 5 Brookside Drive, said additional cars will result in more congestion and traffic will be backed up on Broadmoor Avenue and into Fairfax. She said she now has to sneak around the cops on San Anselmo Avenue to turn onto Lansdale Avenue to get her daughter to school in the mornings. She also questioned the locking procedure of the gate and said the density should be reduced.

Arthur Moraes, 18 Rivera Street, could not understand why after all these years the R-1 zoning will be changed. Commissioner Ollinger pointed out that that was a presumptive zoning and the future zoning hearings will be open to the public.

Dorothy Analla, 1344 Sir Francis Drake Boulevard, said in the summer she has many accident victims come to her home to use the telephone. She asked if anyone had checked the Police reports. Commissioner Ragan said the Police has seen the DEIR and Mr. Robbins said the Police had no specific comments.

Peter Fraser, 100 Oak Knoll Avenue, said one of the biggest traffic problems is from the busses and the project will improve it by adding a bus lane and egress/ingress into the development at the signal will help the traffic problem.

Barbara Gamba, 45 Cordone Drive, said she does not mind townhouses fronting on Sir Francis Drake Boulevard, but on the back end she would rather have single family dwellings.

A gentleman representing a woman who resides next door to the proposed project submitted photographs to the Commission showing the effect of sunlight on the interior of her apartment and said the townhouses will block out some of that light. He also said second story structures should not be constructed on this land as the ground is like jello.

Dolly Anderson, 21 Mountain View Avenue, said the DEIR is very good, but people driving to Sleepy Hollow also use Mountain View Avenue. She added that the combination of R-1 and R-3 zoning is a bit incongruous for such a small area.

Robert Neaylon, 18 Beverly Way (directly in back of lot 18), said his view, which is presently of Mt. Tamalpais, will be of a two-story building and, therefore, he opposes the application and recommends the property be zoned strictly R-1.

Commissioner Ragan commented on the following: Page 9, Lines 1 through 3: there should be at least one more such unit; Page 9, Line 19: questioned how many parking spaces allotted to each unit and Mr. McDonald said approximately 2-1/3; Page 9, Line 25: questioned who will do the cleaning of the creek; Page 10, Lines 6 and 7: asked what assurance do the neighbors have that the gate will remain locked; and who will have keys; Page 37, Line 1: agrees with Mr. Davis that there aren't any mitigations possible to overcome it; Page 37, Line 23: said that is something else to keep in mind; Page 39, Line 30: common use of driveways can be a problem; Page 41, Line 18: widening of Sir Francis Drake Boulevard is not possible; Page 41, Line 22: one-way traffic would not work as Saunders and San Anselmo Avenues are the only connections and they cannot take that much traffic; Page 41, Line 30: that is an utopian dream; Page 42, Line 1: dangerous with the way the economy is now; Page 44, Line 1, true with stereos and parties at the pool side, etc.; Page 59, Line 23: that is something to keep in mind; Page 62, Line 11: Figure '6' should be changed to '7'.

Commissioner McPeak said he thinks the visual impact needs to be addressed further and in terms of the total visual impact around the area, not just the view of Mt. Tamalpais as mentioned on Page 45. He feels traffic has been adequately discussed in the DEIR.

Commissioner Peterson suggested the final draft might be clearer regarding the background of the two presumptive zonings; he also questions how the gate will remain locked; and feels it is difficult to understand how someone can make the determination by simply walking on the land that the ground is like jello.

Commissioner Hayes said it is a pretty good EIR. A minor point, he said, is that light and glare were not treated adequately. He added that by putting traffic onto Beverly would be displacing it rather than alleviating it and feels direct access onto Sir Francis Drake Boulevard is the best to minimize impacts.

Commissioner Signorelli commented on the following: he thought the DEIR would provide for guarantees that those designated units would be for low and moderate-income people; Mr. Robbins said that could be a condition of the use permit; he asked what the various A, B, C, D, E, and F service levels were.

On Page 39, Line 2, the '20' has been whittled to '10' and may go lower. He asked if the Golden Gate Transit District will approve of the bus lane and Mr. McDonald said they have. Mr. Signorelli questioned the provisions for fill; Mr. McDonald said the floor levels of the units will conform to the federal flood criterion. He questioned Page 15, Line 7, to which Mr. Davis explained. Page 60, Line 10: change Figure '5' to '6'. He said it is an excellent report.

Commissioner Ollinger said he is concerned about the project relative to the creek, i.e., cleaning the creek, improving run-off, plantings, and how the creek bank will be treated. On Page 43, Line 25: questioned whether the project will form sonic barriers; Page 49, insulating the structures - little is said about energy savings; this should be clarified; Page 58, Line 31: what is that?; Page 60, be more emphatic on the impacts of traffic on Rivera Avenue and Beverly Way. He requested the elevations be explained a little further.

Barbara Gamba questioned whether their comments have any influence at the meetings; Commissioner Ollinger assured they do and that there will be additional public hearings on this application.

Joyce DeMartini said if the tenants are renters that will make a difference; the gate can be pushed open with a car; and that each property owner will only be responsible for keeping their portion of the creek clean.

Robert Neaylon said it would take less time for an emergency vehicle to get onto the property from Sir Francis Drake Boulevard.

Mr. Davis said that until the public hearing is closed he has to accept and answer all comments received regarding the EIR.

Commissioner Ollinger continued the meeting to prepare the final draft, to include all comments made this evening, to the meeting on April 13, 1981, and closed the public hearing.

#### 4. ADJOURNMENT

The regular meeting of the San Anselmo Planning Commission was adjourned at 11:11 p.m. to the next regular meeting on March 16, 1981.

*Lisa Burghin*

LISA BURGLIN  
PLANNING ASSISTANT