

272 The regular meeting of the San Anselmo Planning Commission was called to order by Chairman Ollinger on January 5, 1981, at 8:00 p.m. in the Town Hall Council Chamber, 525 San Anselmo Avenue. T. J. Robbins present.

1. ROLL CALL

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

2. APPROVAL OF MINUTES - December 1, 1980

Item 4D, in motion add: "M/S Ollinger, Hayes, . . ."

M/S McPeak, Hayes, to approve the minutes of December 1, 1980, as amended.

Motion carried; Commissioner Ragan 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 - CONTINUED 01/19/81.

B. V-920 - Dennis M. Pufpaf, 71 Elm Avenue, A/P 7-052-39, a six foot sideyard variance to construct an open deck within zero feet of the side property line - CONTINUED 01/19/81.

Z-197 - Heide Cronqwist, A/P 7-015-08, located on Center Boulevard near the corner of San Anselmo Avenue and Center Boulevard, proposed rezoning from PPD R-1 F (Preliminary Planned Development with a presumptive use of single family residential, street frontage) to SPD (Specific Planned Development) for a professional office.

Heide Cronqwist, applicant, and James Coy, Architect, present.

Mr. Robbins said the revised parking plan had been worked out with George Davison.

Commissioner Peterson arrived at the meeting.

The Commissioners agreed that the new plan was an improvement.

Chairman Ollinger suggested installing stop signs from the parking area as Center Boulevard is a busy street. Mr. Robbins added that pavement edge barriers could be installed in the apron area to prohibit parking.

M/S McPeak, Ragan, to recommend to the Town Council to approve Z-197 for Heide Cronqwist, A/P 7-015-08, located on Center Boulevard near the corner of San Anselmo Avenue and Center Boulevard, to rezone from PPD R-1 F (Preliminary Planned Development with a presumptive use of single family residential, street frontage) to SPD (Specific Planned Development) for a professional office, on the grounds that it is in conformance with the General Plan, as shown on the plans received December 19, 1980; and that this be referred to the Traffic Safety Committee for proper traffic control.

Motion carried: AYES: Harle, Hayes, McPeak, Ollinger, Ragan
ABSTAIN: Peterson

It was announced that this application will be heard by the Town Council on January 13, 1981.

D. Z-198 - Jerry Dal Bozzo, A/P Nos. 7-131-15, 7-142-01 and 7-182-03, located between Laurel Avenue and Redwood Road, environmental review and proposed rezoning from PPD R-1 (Preliminary Planned Development with a presumptive use of Single Family Residential) to SPD (Specific Planned Development) for four single family dwellings.

Jerry Dal Bozzo, applicant, Brandy Marts, Dan Haran and Joe Grippi, surveyor, present.

Commissioner Ragan asked the applicant if he had expressed interest to dedicate the land to public open space to which Mr. Dal Bozzo responded yes. He then was asked by Commissioner

Ragan if he was told by someone in the Planning Department that public open space would be unacceptable to the Town. Mr. Dal Bozzo said he was advised that staff recommended that it be private open space.

Commissioner Ragan said as the land stands now it is open space and receives fire and police protection and feels the Town will not have as much control to say no more development if it is private open space.

Mr. Robbins explained that staff only advised the applicant of their recommendation that it be private open space, rather than public, and the decision will be that of the Commission and Council through public hearings. Mr. Dal Bozzo said he prefers the land to be private open space. Mr. Robbins said the Town, to relinquish interest in private open space, must make the finding that it is not in the public interest to retain the land as private open space and it is almost incoceivable that such a finding could be made. If it is public property there will be additional Town costs - fire, police; the Town is self-insured up to \$100,000.00 liability and in the past under a commercial carrier claims were paid between \$5,000.00 and \$6,000.00 for three tree-swinging incidents in Faude Park; the Police Captain has stated that ever since Robson House became Town property there have been numerous complaints that they had never had when it was private property; a law suit has been brought against the San Rafael Fire Department where a fire started on public open space and spread to private open space; and the Parks Department can hardly handle the lands they have now. He added that 99 percent of the use of that area is on the fire road; there is no intent to change the use of this public way.

John Poppy, 462 Laurel Avenue, was present to represent a group of neighbors. He submitted a letter signed by 19 persons of 15 addresses stating that the applicant's intentions to dedicate some land to open space would obviate serious environmental problems certain to follow with future requests for resubdivision of this area, and if the land is dedicated to open space they will not request preparation of an EIR. Their statement also suggests that Item D on Page 4 of the environmental checklist be changed from the first checked box to the second so that it reads, ". . . although the proposed project could have a significant effect on the environment there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project . . ." Although his letter suggested public open space he said he did not think the neighbors would object to it being private as the Town Attorney is suggesting. He had four persons from this group address the Commission:

Dr. Adolph Segal discussed the effects on the earth. He suggested Item 1 a should be yes; Item 1 b - maybe; Item 1 c - yes; and Item 1 g - maybe, stating that the soil is very unstable and any coverage of the land will shift the terrain and alter the erosion pattern.

Sue Severin, 458 Laurel Avenue, said they are concerned about water sheeting and suggested that Items 3 b, c and 16 e be yes.

Richard McGuire, 464 Laurel Avenue, addressed transportation and circulation and stated in that area there are 11 houses so one more house on Laurel Avenue will be a ten percent increase and three more on Redwood Road will be a 30 percent increase. Based on his credentials he stated he was disturbed that someone would go through and just check off "no's" on the environmental checklist.

Truman Clark, 444 Redwood Road, addressed animal life and aesthetics and stated his view was ruined by the White Way development and any construction will adversely affect animal life.

Howard Blair, 53 Summit Road, said he is concerned about the narrow roads and agrees with Mr. Poppy's comments.

Joe Grippi said he had asked Mr. Robbins to research the records and nothing was found to indicate there has ever been water coming across the road in excess of the 36 inch pipe.

Commissioner Ragan said there should be a focused EIR as there will be a significant impact on the area.

Commissioner McPeak said he questions whether an EIR would be repetitive as we are aware of the environmental effects this development will have in that area already from previous EIR's. The items pointed out by staff are engineering and will be addressed.

Commissioner Peterson asked if he were the property owner of Parcel 4 could he construct a tennis court in the future. Mr. Robbins said the owner would have to petition for an SPD amendment subject to public hearings. Commissioner Peterson agreed with Mr. Poppy that Item D on Page 4 should be checked in the second box.

Commissioner Hayes said he was ecstatic over the responsible discussion between the neighbors and developer and said he feels the development will not have a significant impact.

Commissioner Harle said he agrees with the mitigated Negative Declaration as prepared by staff but also feels Item D on Page 4 should be checked in the second box.

Chairman Ollinger said he was glad to see the neighborhood working with the developer and can accept the Negative Declaration on the basis of the proposed mitigations.

Commissioner Ragan asked what will happen to the gate to the fire road; Mr. Robbins said Laurel Avenue will be paved up to the building site and the gate relocated to the end of the paving.

Richard McGuire asked who is responsible if the bulldozers destr Laurel Avenue after it has been fixed; Mr. Robbins said staff examines the roads with the contractor before and after the project takes place and the contractor is responsible for any damage incurred.

M/S Peterson, McPeak, to accept the mitigated Negative Declaration with some changes in the form as now provided to us by staff: Page 4, Item D, should be checked to read, "I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. . ." with our concerns being Section 1: Earth, Section 3: Water, Section 5: Animal Life, Section 13: Transportation and Circulation, Section 16 E: Storm Water Drainage, and Section 18: Aesthetics, and as mitigations we will require soils, geologic and drainage studies, and the development of four single family structures on four parcels with the property as developed within to become private open space.

Motion carried: AYES: Harle, Hayes, McPeak, Ollinger, Peterson
NOES: Ragan

Commissioner Peterson said that by requiring private open space and limiting development to four houses we are mitigating all those concerns mentioned.

M/S McPeak, Harle, to recommend to the Town Council approval of Z-198 for Jerry Dal Bozzo, A/P Nos. 7-131-1-, 7-142-01 and 7-182-03, located between Redwood Road and Laurel Avenue, to rezone from PPD R-1 (Preliminary Planned Development with a presumptive use of single family residential) to SPD (Specific Planned Development) for four single family dwellings with private open space restrictions to any future subdivision of these properties, on the grounds that it is in conformance with the General Plan.

Motion carried: AYES: Harle, Hayes, McPeak, Ollinger, Peterson
NOES: Ragan

It was announced that the rezoning application will be heard by the Town Council at their meeting on January 13, 1981.

4. NEW BUSINESS

- A. Z-199/SS-241 - Isabel Cook Community Center, 1000 Sir Francis Drake Boulevard, A/P 6-032-15, proposed rezoning of the rear portion from R-1 (Single Family Residential) to SPD (Specific Planned Development) for an 18 unit housing development for lower income families, elderly and handicapped persons, environmental review, and a proposed two-lot parcel split - CONTINUED 01/19/81.
- B. NU-21 - William D. Howey, 104 Oak Knoll Avenue, A/P 5-154-34, use permit for a second unit in an R-1 zone.

William Howey, applicant, present.

Mr. Howey said he is 90 percent sure that he will move into the property. Commissioner Ragan pointed out to him that if the use permit is approved he will be required to live on the property within one year. Mr. Howey said he has been renting the property to a woman who asked him last year if she could rent out the other unit. Mr. Howey said he didn't care as he receives one rent check from this woman.

Mrs. Erdman, 73 Medway Road, Mrs. Sims, 65 Medway Road, and Mr. Delorey, 69 Medway Road, expressed concern about the parking and traffic situation. Mrs. Sims submitted a letter requesting that this item be continued to give the neighbors more time to review the application.

M/S Ragan, Hayes, to continue NU-21 for William D. Howey to the meeting on January 19, 1981.

Motion passed unanimously.

- C. NU-22 - Betty Kaplun, 19 Carolina Avenue, A/P 6-152-20, use permit for a second unit in an R-1 zone.

Betty Kaplun, applicant, and Alice Palmer Thomas, representative, present.

Ms. Thomas said Ms. Kaplun lives on the property and does not drive although there are three paved parking spaces.

Harold Shelnutt, 30 Carolina Avenue, said Ms. Kaplun had told the neighbors when she was applying for a variance a few years ago that she intended to use the studio for artistic creations but she has actually been renting the unit for living quarters continuously, and he objects to legalizing something that has been illegally used for years.

Robert Corlett, 14 Carolina Avenue, said there are four telephone lines into that house. He also mentioned deed restrictions limiting the use of property in that neighborhood to single family residential. Mr. Robbins noted that Hadden Roth said such deed restrictions will not be upheld.

Ms. Thomas said the unit meets the purpose of the ordinance by providing low income housing, adding that she had been paying Ms. Kaplun \$175 per month during the period she was using the unit for day-time studying purposes and presently for her father as temporary living quarters until he returns to the East Coast in the next few months. She said the unit was suppose to have been used by Ms. Kaplun's daughter; however, she moved back to Alaska. Ms. Thomas said Ms. Kaplun has two telephone lines and her father has one.

Commissioner Peterson noted that the conversion of the garage resulted in parking in the setbacks.

M/S McPeak, Ragan, to deny NU-22 for Betty Kaplun, 19 Carolina Avenue, A/P 6-152-20, use permit for a second unit in an R-1 zone, with an allowance of 90 days to abate the current second unit use on the grounds that it will be a detriment to the neighborhood.

Motion carried: AYES: Hayes, McPeak, Ollinger, Peterson, Ragan
NOES: Harle

Applicant was advised of the ten day appeal period.

- D. NU-10 - Maria VanDerVoort, 76 and 78 Woodland Avenue, A/P 7-222-46, use permit for a second unit in an R-1 zone upon change of ownership.

Ms. VanDerVoort said she would live in one unit and her brother in the other.

M/S Peterson, Ragan, to approve NU-10 for Maria VanDerVoort, 76 and 78 Woodland Avenue, A/P 7-222-46, use permit for a second unit in an R-1 zone upon change of ownership, 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.

Applicant was advised of the ten day appeal period.

- E. V-926 - Dildar Gill Treadway, 4 Timothy Avenue, A/P 5-251-14, a 13 foot frontyard variance to construct a trellis within seven feet of the front property line with a 1'10" overhang - AFTER THE FACT.

Frank Treadway, applicant, present.

Mr. Treadway said the trellis is designed to baffle the street noise and provide some privacy.

M/S Hayes, Ragan, to approve V-926 for Dildar Gill Treadway, 4 Timothy Avenue, A/P 5-251-14, a 13 foot frontyard variance to construct a trellis within seven feet of the front property line with a 1'10" overhang, on the grounds that it is necessary for the enjoyment of substantial property rights; it will not be detrimental to the neighborhood; and is necessitated by the location of the house on the lot in the front setbacks.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

- F. NU-23 - Dr. Hartmut Fisher, 36 Lincoln Avenue, A/P 6-253-04, use permit for a second unit in an R-1 zone.

Dr. Fisher, applicant, present.

Dr. Fisher said he lives on the property but will eventually move when his new house is constructed. At that time he will rescind his use permit and remove the cooking facilities in the second unit. In response to Roy Farrington Jones' letter concerning parking, Dr. Fisher said he parks behind the veterinary hospital.

Eric Swenson, 31 Lincoln Avenue, said the flatlands are the worst place to have second units and was concerned why two more have been allowed recently in the Lincoln area.

M/S Harle, Hayes, to approve NU-23 for Dr. Hartmut Fisher, 36 Lincoln Avenue, A/P 6-253-04, use permit for a second unit in an R-1 zone, with the stipulation that at the end of his living use at the property he gives up his use permit.

Motion passed unanimously.

- G. V-927 - E. Phroso Wilson, 75 Bennit Avenue, A/P 5-093-03, a nine inch sideyard variance to construct a dwelling within 7'3" of the side property line; and a 3'11" sideyard variance to construct a stairway within 4'1" of the side property line (replace fire-destroyed building).

E. Phroso Wilson, applicant, present.

Jock Hockley, neighbor, wanted to confirm that the house will be built on the existing foundation; Mr. Robbins said it will be.

M/S Hayes, Harle, to approve V-927 for E. Phroso Wilson, 75 Bennit Avenue, A/P 5-093-03, a nine inch sideyard variance to construct a dwelling within 7'3" of the side property line; and a 3'11" sideyard variance to construct a stairway within 4'1" of the side property line (replace fire-destroyed building), on the grounds that it is necessary for the enjoyment of substantial property rights; it will not be detrimental to the neighborhood; and is necessitated by the fact that the house burned down, which constitutes a hardship.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

5. ADJOURNMENT

The regular meeting of the San Anselmo Planning Commission was adjourned at 11:16 p.m. to the next regular meeting on January 19, 1981.

Lisa Burglin

LISA BURGLIN
PLANNING ASSISTANT