

The regular meeting of the San Anselmo Planning Commission was called to order on November 2, 1981, at 8:00 p.m. by Chairman Ollinger in the Town Hall Council Chamber. T. J. Robbins present.

1. ROLL CALL

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

2. APPROVAL OF MINUTES - October 19, 1981 - Continued.

3. OLD BUSINESS

- A. SS-222/Z-170 - Frank Fitzimmons (previous applicant: Wayne Lowe), A/P Nos. 5-300-24 and 5-300-25, off Woodside Drive and Cherne Lane, requests for a six month extension to file a final map for a two-lot development to May 5, 1982 (one year extension previously granted to November 5, 1981); and a one year extension to obtain a use permit for the Specific Planned Development to October 5, 1982 (rezoning effective on October 5, 1979, with a use permit to be obtained within two years).

Frank Fitzimmons, applicant, and Jim Armstrong, agent, present.

Mr. Armstrong said the applicant is actively pursuing the lot split. He explained that Mr. Fitzimmons has an economic hardship and is simply trying to protect his initial investment.

M/S Hayes, McPeak, to grant a six month extension to Frank Fitzimmons for SS-222 and Z-170, A/P Nos. 5-300-24 and 5-300-25, off Woodside Drive and Cherne Lane, to file a final map for a two-lot development to May 5, 1982; and a one year extension to obtain a use permit for the Specific Planned Development to October 5, 1982.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

- B. V-981 - Marin Community Playhouse, 27 Kensington Road, A/P 7-292-02, a four foot sideyard variance to construct an addition within four feet of the side property line. -  
CONTINUED TO 12/07/81.

4. NEW BUSINESS

- A. V-986 - James R. Stroupe, 274 Oak Avenue, A/P 7-231-02, a ten foot frontyard variance to construct a garage within ten feet of the front property line.

James Stroupe, applicant, present.

Mr. Robbins said there is no other logical place for the garage on the lot and it will not be visible to the neighbors.

Some of the Commissioners suggested the garage be moved back from the street; however, the applicant pointed out that the garage would then be more visible and the only flat area of the lot, presently used for recreation, would be covered.

M/S Harle, Peterson, to approve V-986 for James R. Stroupe, 274 Oak Avenue, A/P 7-231-02, a ten foot frontyard variance to construct a garage within ten feet of the front property line, on the grounds that it will allow the enjoyment of substantial property rights; it will not be detrimental to other properties or uses in the neighborhood; and placement of the garage on other parts of the property will result in a great disturbance of the existing landscaping.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

- B. Z-211 - Astra Enterprises, A/P 177-220-50, above Indian Rock Court and off of Tomohawk Drive, proposed rezoning from PPD R-1 (Preliminary Planned Development with a presumptive use of Single Family Residential) to SPD (Specific Planned Development) for ten single family dwellings, and confirmation of previously accepted environmental report for this proposal.

Siegfried Pfendt, applicant, and Kent Mitchell, Attorney, present.

Mr. Robbins discussed the previous two applications which had included the parcels, A/P Nos. 177-220-50 and 177-250-30, pointing out that the new proposal is only for the north ridge, A/P 177-220-50. Since development on this north ridge was previously denied, the new proposal, staff feels, should be denied for the same reasons. He referred to the Municipal Code section on Planned Development, which calls for "logical and orderly development", stating that staff feels development of the upper parcel alone is bad planning. He also pointed out that access over the easement will require special consideration as per the Municipal Code.

Mr. Pfendt stated his application conforms with existing laws and the proposed Density Ordinance. He referred to a subdivision of A/P.177-220-50 which was approved in 1963 for 24 units; however, the map was not recorded. Mr. Pfendt then referred to a Ross Valley Reporter article on October 7, 1981, which quotes the Town Attorney as saying Mr. Pfendt is entitled to an economic viability at least for this parcel.

Mr. Mitchell said the applicant intends to construct a road as access for both parcels and offer it for dedication; therefore, he feels, there will be no easement. Mr. Mitchell disagreed with staff's statement that this project is not logical nor orderly development, saying that the Town cannot tell the applicant which of the two lots must be developed first. Referring to staff's referral to Conservation Goal 1(e) of the General Plan, Mr. Mitchell said the Town is treading on very porous ground when they turn it (the project) down on that basis as that Open Space Conservation zoning is unconstitutional and the Town's day of reckoning will come.

M/S Ragan, Hayes, to recommend to the Town Council to accept the formally accepted EIR for this project.

Motion passed unanimously.

Doug Anawalt, Architect, displayed schematics and photographs of the land in an attempt to show that the "significant visual impact" mentioned several times in the EIR is not such. He said he set a camera up at a point just below the cul de sac (Indian Rock Court) and planted a 16 foot high pole 30 feet back from the center of the proposed site roadway (which would include the required 20 foot setback) and the proposed location of the ten houses will drop out of view.

Mr. Robbins said there will be a visual impact from higher elevations, i.e., Scenic and Redwood. He indicated where he had placed a 7½ foot high pole and flag at the spot elevation of 426 between Units 9 and 10 - this could be seen if one stood in back of the Drake High School's football scoreboard, looked up and across the tennis court nets, one could see the clump of trees shown on the drawing at the end of the proposed driveway.

William Tabb, 26 Indian Rock Court, questioned the control the Town will have that the applicant will not change his mind and construct the houses so they have a view of Mt. Tamalpais. Commissioner Ollinger pointed out that any change to the Specific Plan would require public hearings.

Bill Cordingley, 10 Elkhorn Way, is concerned about the traffic and sewage impacts, suggesting the proposed density is too high.

Jonathon Braun, 479 Scenic Avenue, agreed with Mr. Robbins that although Mr. Anawalt made a field study, there are many hills in Town and each rise in elevation presents a different view. He questioned the proposed density as 50 to 75 percent of the lot is questionable in terms of slope and stability. He suggested the possibility of land purchase for open space.

Joyce DeMartini, 5 Brookside Drive, referring to Mr. Anawalt's presentation said she may not see a pole on the hill; however, she will see a house. Mr. Anawalt explained that it is a geometrical calculation that she would not see a 16 foot high wall. Mrs. DeMartini said she questions Mr. Anawalt's calculations as he is being paid by the developer. She then suggested houses will someday cover the street. Mrs. DeMartini said the proposed ten houses are eight too many and it is unconstitutional that it is being shoved down their throats.

Gay Kagy, 280 Redwood Road, said the Redwood Road Homeowner's Association asks that the Commission consider the General Plan, especially the sections on open space and building on the ridges.

Larry Stack, 10 Alice Way, said he objects to Mr. Anawalt standing up by the Commissioners' table as it appears he is with them. He also questioned why Mr. Pfendt did not meet with the Commission as directed by the Council. It was pointed out that it was Mr. Pfendt's prerogative.

Doug Rosenberg, a San Anselmo merchant, said Mr. Anawalt's photographs are very structured and do not present the whole picture. He feels San Anselmo is already too congested.

Jerry Kay, 26 Sunview Avenue, questioned the lack of concept in the drawings. It was pointed out that at this point in the hearings only density and general location are the concerns.

Commissioner Signorelli pointed out that the EIR indicated the traffic generated from this project would not be significant. He feels Mr. Anawalt's calculations are valid; however, there are exposures on this site. Commissioner Signorelli said the homes will not be visible in 25 years due to plant growth. He added that if approval of the project is recommended by the Commission, it will be turned down by the Council anyway as they have already indicated their concerns. Further justification for denial was dependent upon Hadden Roth's statement that it is not what is taken, but what is left.

Commissioner Peterson addressed the identification of ridgetops and said he doesn't think the north ridge should be treated any differently than the south ridge as they are both prominent and identified in the General Plan. With regard to economic viability, the applicant says he needs ten units and the Town is stymied, he feels, as there is no proof yet submitted.

Commissioner Harle feels economic viability should be discussed at the Council level as it is not intrinsically a Commission problem. He said he will not go for units exclusively on the ridge as there will be a visual impact.

Commissioner Hayes told the applicant that it has been stated clearly that the Town Council does not want units on the back ridge and the density should be lower. He said he concurs with staff's assessment of the access matter.

Commissioner McPeak suggested there be only three units on this parcel, kept to the east side perhaps in the location of Units 1, 2 and 3 on the drawing.

Commissioner Ragan said this proposal will be offensive and suggested there are other locations on this property to construct and not be offensive to anyone.

Commissioner Ollinger said the Town has been trying to give the applicant the message about construction on the ridges and it seems that this proposal is simply a repetition of what has already been turned down, which is a conquer and divide approach. Commissioner Ollinger said he has no way of knowing what the applicant's economic viability is and suggested this should be

substantiated. He said he is bothered the applicant has not sat down with the staff and residents to discuss proposals.

Mr. Pfendt advised that he has consistently presented excellent development proposals. He feels the trees on the north side of the ridge will mitigate the visual impact and the homes will not be visible on the south side of that ridge.

Mr. Tabb suggested construction of such a long street will be expensive and unnecessary, and, therefore, defeats his point on economic viability.

M/S McPeak, Harle, to approve Z-211 for Astra Enterprises, A/P 177-220-50, above Indian Rock Court and off Tomahawk Drive, proposed rezoning from PPD R-1 (Preliminary Planned Development with a presumptive use of Single Family Residential) to SPD (Specific Planned Development) for three single family dwellings being limited to Sites 1, 2 and 3 as shown on the map submitted to the Town on September 30, 1981; with the specific reason for not concurring with the applicant's request is that the proposal is not in compliance with the General Plan and the basis for recommending three is that there is a necessity for a compromise between the principles -- the enjoyment of substantial property rights and the proposal not being in conformance with the General Plan; which, as mentioned before, the General Plan calls for protection of the north ridge.

Motion Failed: AYES: Harle, McPeak  
NOES: Hayes, Ollinger, Peterson, Ragan, Signorelli

M/S Ragan, Hayes, to deny Z-213 for Astra Enterprises, A/P 177-220-50, above Indian Rock Court and off Tomahawk Drive, proposed rezoning from PPD R-1 (Preliminary Planned Development with a presumptive use of Single Family Residential) to SPD (Specific Planned Development) for ten single family dwellings, on the basis that it is not in conformance with the General Plan, specifically, Conservation Goal 1 (e) calling for preservation of ridgetops, and Section 10-3.1302 (a) of the San Anselmo Municipal Code calling for logical and orderly development.

Motion passed unanimously.

Applicant was advised of the ten-day appeal period.

- C. Z-212 - William Entwisle, 1220 Sir Francis Drake Boulevard, A/P 5-222-15, proposed rezoning from R-2 (Two Family Residential) to R-3 (Multiple Family Residential), and the initial environmental review - CONTINUED 12/07/81.

V-987 - William Entwisle, 1220 Sir Francis Drake Boulevard, A/P 5-222-15, parking setback variances - CONTINUED 12/07/81.

- D. V-988 - Caffè Nuvo, 556 San Anselmo Avenue, A/P 6-102-15, a parking variance (by enclosing an existing deck there will be an increase in useage and, therefore, it will be adding to the nonconforming use of parking).

C-184 - Caffè Nuvo, 556 San Anselmo Avenue, A/P 6-102-15, design review of a deck enclosure on a commercial building.

Doug Rosenberg and Tom Bertotti, applicants, present.

Mr. Bertotti pointed out that he was granted a parking variance earlier this year to construct the deck. He feels a roof over the deck will not increase the number of patrons. Staff disagreed, pointing out that the deck will now be useable at all times, i.e., during poor weather, and, therefore, there will technically be an increase in useage.

Dan Goltz, 633 San Anselmo Avenue, noted that the Creek Park Parking Lot is never full, except at Christmas, and feels the variance is justified.

M/S Peterson, Hayes, to approve V-988 for Caffe Nuvo, 556 San Anselmo Avenue, A/P 6-102-15, a parking variance; on the grounds that it will permit the enjoyment of substantial property rights; it will not be detrimental to the neighborhood; and to further move, to recommend to the Town Council that they consider returning the application fee for this variance to the applicant.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

The Commissioners generally agreed that the applicant should be refunded his fee since he paid a fee for a parking variance earlier this year. Staff advised the applicant to submit a request to the Council if they wish to apply for a refund.

Mr. Bertotti said the roof will be constructed out of redwood and clear plastic with a retractable nylon awning.

M/S Peterson, Ragan, to approve C-184 for Caffe Nuvo, 556 San Anselmo Avenue, A/P 6-102-15, design review of a deck enclosure on a commercial building, as shown on the plans received by the Town on October 16, 1981, with the canvas color to be an earth tone.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

- E. V-989 - George Davison, 49 Karl Avenue, A/P 6-051-11, a height variance to construct an eight foot high fence.

George Davison, applicant, present.

M/S Hayes, Ragan, to approve V-989 for George Davison, 49 Karl Avenue, A/P 6-051-11, a height variance to construct an eight foot high fence; 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 the neighborhood; and is necessitated by the elevation of the bedroom windows of the neighboring properties.

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 10:45 p.m. to the next meeting on November 16, 1981, which is to be a joint meeting between the Town Council and Planning Commission to discuss the draft Housing Element.

*Lisa Burklin*

LISA BURGLIN  
PLANNING ASSISTANT