

The regular meeting of the San Anselmo Planning Commission was called to order by Chairman Ollinger at 8:00 p.m. on October 5, 1981, in the Town Hall Council Chamber. Lisa Burglin present.

1. ROLL CALL

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

2. APPROVAL OF MINUTES - September 21, 1981

M/S Hayes, Harle, to approve the minutes of September 21, 1981, as written.

Motion carried; Commissioner McPeak abstained.

3. OLD BUSINESS

- A. EU-20 Gwen Chandler, 42 Humboldt Avenue, A/P 7-021-15, six months review of use permit for a second living unit (per the Planning Commission's condition on April 6, 1981).

Gwen Chandler present.

Ms. Burglin advised that staff had had no complaints regarding the unit and that the owner had indicated having refunded the overcharges to her tenants.

Ms. Chandler said she lives on the property, but still commutes between here and Walnut Creek where she studies.

The Planning Commissioners agreed to continue the use permit for the second living unit at 42 Humboldt Avenue as the owner is meeting the requirements.

4. NEW BUSINESS

- A. U-565 - California Academy For Integral Studies, 111 Seminary Road, A/P 7-292-03, use permit for a private school in an R-1 zone.

John Reed, Director of the Academy, present.

Mr. Reed said the school has been at this location for three years and was not aware of the use permit requirement. He said the school has no immediate plans for increasing the use of the property. There are 18 students five days a week; some take the bus and others are driven by their parents.

M/S Hayes, McPeak, to approve U-565 for the California Academy For Integral Studies, 111 Seminary Road, A/P 7-292-03, use permit for a private school in an R-1 zone; on the grounds that it is necessary for the enjoyment of substantial property rights; and it will not be detrimental to the neighborhood.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

- B. SS-245 - Brian Collins, 395 Oak Avenue, A/P Nos. 7-241-62 and 7-241-63, two-lot parcel split and initial environmental review.

Brian Collins, applicant, John Stuber, Engineer, and Peter Bassing, Attorney, present.

Mr. Stuber said the proposed second lot will be 2.35 acres with separate access and utility access. He noted that Mr. Davison requests there be a ten foot utility easement along the property line between the two lots for possible future use.

Mr. Collins submitted a list of nine persons who own adjacent property to this land who do not protest the application.

Vance Barnett, 303 Oak Avenue, said his property is adjacent to this easement and he owns simple title to it. By court order he said he had to remove all animate and inanimate objects from

this easement, which included a steel reinforced retaining wall and which resulted in slides on the hill. Mr. Barnett said the construction of a wood retaining wall, as proposed, will be in violation of the court order. He questioned whether the Marin Municipal Water District will be able to provide service. He added there had been an agreement through the previous owner's attorney that this lot could not be split and that Town staff had advised him of the same.

Bob Formichi, 307 Oak Avenue, said he is concerned about the stability of the easement.

Mr. Bassing said the easement was in existence 20 years before the Barnett's house was constructed; the court order said only Mr. Barnett could not build on the easement; there is no written agreement that the lot could not be split; and the retaining wall may not necessarily be constructed out of wood.

Commissioner Signorelli suggested that Mr. Barnett have the opportunity to give his input to the design of the retaining wall. Mr. Collins was hesitant to agree as he felt an agreement could be forever forthcoming.

Commissioner Peterson said perhaps there should be a preliminary soils study before the Negative Declaration is accepted. He said Item 1a should be checked 'Yes' rather than 'Maybe' and Item D should have the middle box checked, rather than the first, stating that although the project could have a significant effect, there will not be a significant effect due to the mitigations in the Negative Declaration. He said some weight should be given to Mr. Formichi's concerns, but sees no basis for denial of the lot split.

Commissioner Harle suggested that Mr. Collins have access for the second lot through his first lot, rather than across the easement. Mr. Collins said that had been considered, but it is steep terrain and the entrance would resemble the Pasadena Freeway.

Motion, Peterson, to refer SS-245 back to the applicant with the idea that the Commission will approve the Negative Declaration when we have the soils and geologic reports detailing what mitigations are necessary for soils stability.

Commissioner Peterson withdrew the motion.

M/S Peterson, Signorelli, to certify the Negative Declaration with the applicant to have the understanding that soils and geologic reports are required and whatever mitigations are required will have to be constructed on the property; and the requirements on the Fire Protection Survey are also to be met.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

M/S Peterson, McPeak, to approve SS-245 for Brian Collins, 395 Oak Avenue, A/P Nos. 7-241-62 and 7-241-63, a two-lot parcel split, conditioned upon the applicant presenting plans to staff consistent with our conditional approval of the Negative Declaration and can provide adequate access over the easement as shown on the plans received by the Town on September 8, 1981, to the 2.35 acre parcel.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

- C. V-983 - Ross Valley Ecumenical Housing Association, 34 Tamalpais Avenue, A/P 7-111-25, a five foot sideyard variance and a 15 foot rearyard variance to construct a detached residential building within three feet of the side property line and five feet of the rear property line; and a four foot sideyard variance for parking within four feet of the side property line.

Harold Wagstaff, Architect, Sergid Singh, Hotch Harnsberger and Betty Flanders of the Ross Valley Ecumenical Association present.

Mr. Singh said the property will be occupied by 12 senior citizens, some of whom are ambulatory and have a low to moderate income.

Mr. Wagstaff presented colored renderings of the proposed project. He pointed out that the property is close to the downtown area. There will be a van and additional room for three to four additional cars in tandem.

In response to Commissioner McPeak's question of how this use can be permitted in an R-2 zone, Ms. Burglin referred him to Sections 10-3.418 - Dwelling, two family; 10-3.419 - Family; 10-3.602 - R-2 uses permitted; and 10-6.102 - Residential second unit defined.

Ms. Flanders said they held an open house for the neighbors and no one objects to the proposed use of the property.

M/S Peterson, Signorelli, to approve V-983 for the Ross Valley Ecumenical Housing Association, 34 Tamalpais Avenue, A/P 7-111-25, a five foot sideyard and a 15 foot rearyard variance to construct a detached residential building within three feet of the side property line and five feet of the rear property line; and a four foot sideyard variance for parking within four feet of the side property line, 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 intended use of the property and the configuration of the structure on the lot which is presently a dilapidated garage that needs to be destroyed anyway.

Motion passed unanimously.

Applicants were advised of the ten day appeal period.

- D. Z-177 - Ron Ashley, 103 Holstein Road, A/P 177-160-01, an amendment to a previously approved Specific Planned Development to construct a bay window on a single family dwelling.

Ron Ashley, applicant, present.

Mr. Ashley said the window will have an east side projection. He assured Don Mansell, 100 Holstein Road, that there will be no projections on his side.

M/S McPeak, Peterson, to recommend to the Town Council to approve Z-177 for Ron Ashley, 103 Holstein Road, A/P 177-160-01, an amendment to a previously approved Specific Planned Development to construct a bay window on a single family dwelling, as shown on the plans submitted to the Town on September 23, 1981; on the basis that it is consistent with the General Plan.

Motion passed unanimously.

- E. V-984 - Richard Lassus, 417 San Anselmo Avenue, A/P 7-251-20, a parking variance (by enclosing an existing outdoor eating area it is considered an addition to the nonconforming use of parking.

Richard Lassus, applicant, and Chuck Burgess, designer, present.

M/S Harle, Signorelli, to approve V-984 for Richard Lassus, 417 San Anselmo Avenue, A/P 7-251-20, a parking variance, on the grounds that it is necessary for the enjoyment of

substantial property rights; it will not be a detriment to the neighborhood; and that it is impossible to provide the required parking on the lot.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

5. DISCUSSION

Appoint member from Planning Commission to join Councilmember Buckle as liaison to consultant Lynn Sedway.

Commissioner Hayes nominated Commissioner Ollinger as he felt the Chairman of the Planning Commission has in the past voiced the Commission's concerns to various parties and felt he could do the same in this case.

Commissioners Peterson and Signorelli said that Councilmember Buckle had suggested Commissioner Hayes be the liaison member and Commissioner Peterson nominated Commissioner Hayes.

Commissioner McPeak suggested that the Chairman of the Planning Commission is suppose to be a "neutral" figure and, therefore, should not be the liaison member. To which Commissioners Harle and Hayes disagreed as the consultant will be preparing the element and then discussing it with the liasion members with public hearings to follow.

After further discussion, Commissioner Ollinger withdrew his name and Commissioner Hayes accepted the nomination.

Commissioner Peterson asked for the Town Attorney's opinion of the required time frame for the Housing Element review.

6. ADJOURNMENT

The regular meeting of the San Anselmo Planning Commission was adjourned at 11:09 p.m. to the next regular meeting on October 19, 1981.

Lisa Burghlin

LISA BURGLIN
PLANNING ASSISTANT