

The regular meeting of the San Anselmo Planning Commission was called to order by Chairman John Sharp at 8:00 p.m. on March 18, 1985 in the Council Chamber. L. Wight of staff present.

1. Roll Call

Commissioners Present: Bergeson, Harle, Hayes, Heubach,  
Kroot, Sousa, Sharp  
Commissioners Absent: None

2. Approval of Minutes

Item B, motion 2, it should be noted Commissioner Kroot abstained.

M/s Bergeson, Harle to approve, with addition, minutes of February 4. Passed with four Aye votes. The following Commissioners abstained: Heubach, Sousa, Sharp.

3. Public Hearings

A. Kenneth J. Piro. The Chairman announced this item had been continued at the applicant's request to the meeting of April 15.

B. PP-5 Philip and Barbara Tamarkin

Mr. and Mrs. Tamarkin were present.

Speaking from the audience were R. Weisner who said he favored Plan A; he said it would give the street a finished look and would discourage bikers and 4-wheel drive vehicles from using the access road. Plan A would complement the neighborhood while Plan B does nothing at all for the site, he said.

Mr. Tamarkin said he would provide access for emergency vehicles and also was willing to erect and maintain a sign indicating open space at the top of the drive.

While all of the Commissioners favored Plan A, some expressed concern over the density of 2 sites for this parcel.

Commissioner Hayes asked the applicant to be aware of the sensitivity of the second house and to know it is of paramount concern to him.

M/S Heubach, Sousa to approve PP-5, referring to Plan A, application of Philip and Barbara Tamarkin, 168 and 170 Oak Springs Drive, next to the Kite Hill for preliminary plan review of two single family dwellings in an R-1-H district, based on the finding that it is consistent with the General Plan and requirements of the Hillside Density Ordinance; will not adversely affect the health or safety of persons in or adjacent to the area or endanger property located in the surrounding area. Passed unanimously. Applicants informed of the 10 day appeal period.

C. Z-233 - Mr. and Mrs. Peter Fraser and Mr. and Mrs. Jack Horn

David Lakes, 249 Redwood Road asked what this application involved.

Lisa Wight outlined the history of the property. She said this rezoning had been initiated by the Planning Commission since at this time there were currently no applications before the Commission for the subject property.

Rosalind Watkin, 500 Oak Avenue said R-1-H zoning on these three parcels should curb future proposals for overdevelopment and she favors the zone change.

Jonathan Braun, 479 Scenic Avenue said no higher density than 1 unit for 2 acres or 1 in 3 acres should be allowed, or a total of 8 to 10 units. It behooves the Town, he felt, to do a cumulative total buildout once this zoning is accomplished.

Gay Kagey, 280 Redwood Road said adjacent property in Fairfax is zoned 1 unit for 4 to 10 acres. She said she realized this was a lower density than most of San Anselmo; she felt 8 - 10 dwellings would be appropriate.

Paul Brand, 130 Allyn Avenue said he thought 8 - 10 units would be fair to all concerned.

Pat Beckman, 286 Redwood Road, agreed with all comments as did Peter Beckman.

Peter Fraser said it was unfortunate that all of the many studies were done in the past. He said there were two traffic studies done. He also said that the necessity of low and moderate income housing had to be subsidized by the other units, hence because of the economics the owners could not change the numbers; with the lower density it would be impossible to do the project. He said with his proposed project the road would be improved and drainage could be made better. As it is, it will only get worse.

Russel Penn said he empathized with the owner and wished him luck.

Commissioner Sousa said he favored R-1-H density and had never agreed with 26 units.

Commissioners Kroot saw no reason why the parcels should not be zoned R-1-H. He felt it consistent with other parcels in the area.

Commissioner Bergeson said more study had been given this property than any other. He felt R-1-H with a density of around 12 units would be appropriate.

Commissioner Harle thought somewhere between 10 and 15 unit should be allowed. 12 is about right.

Commissioner Heubach said the property plainly qualified for R-1-H zoning.

Commissioner Hayes said this goes back to 1982 when 12 were approved by both the Planning Commission and Town Council. He said the EIR for Phase I was for 11 units. He said it appears all were homing in on 12 units, and that would give equity consistency of 1 unit for 3 acres with a maximum of 12 units.

Commissioner Sharp felt 8 units would be more appropriate. He said given the sensitivity of this property, looking at 12 units, that should be a maximum if that is what it turns out to be. He said the property should be brought into the R-1-H zoning. He also said he had voted against the EIR because he did not feel the mitigating measures mitigated anything.

M/S Heubach, Bergeson, to accept the Negative Declaration. Passed unanimously.

Commissioner Hayes said he would like the Planning Commissioner's concern over the sensitivity of certain parcels to be passed on to the Town Council, perhaps other than through the minutes.

Commissioner Bergeson said he did not feel a parcel should be discriminated against.

M/S Bergeson, Hayes to recommend to the Town Council the rezoning to R-1-H with a maximum density set at 12 units, Assessor's Parcels 7-071-03, 7-101-02 and 7-154, based on the findings that it is compliance with the Zoning Ordinance and General Plan. Passed unanimously.

Staff announced the Town Council will hear this item on April 9, 1985.

D. Z-234 Edward O'Hare

Mr. Edward O'Hare was present.

Staff explained the rezoning was to bring the property into conformance with other zoning adjacent. Currently there are no applications for this property.

THERE WAS NO ONE ELSE IN THE AUDIENCE TO COMMENT.

M/S Hayes, Heubach to accept the negative declaration. Passed unanimously.

M/S Hayes, Heubach to recommend to the Town Council the rezoning to R-1-H, with a maximum density of 1, Assessor's Parcel 7-097-06, based on the finding that it is consistent with the General Plan and Zoning Ordinance. Passed unanimously.

Staff announced the Town Council will hold a public hearing on this rezoning on April 9, 1985.

E. Z-235 - Ben O'Hare

Mr. Ben O'Hare was present. He said that after 2 years of Planning Commissions hearings he was granted 2 units, and he was amazed the issue was even before the Commission.

Gay Kagey, 280 Redwood Road spoke of the noise in her frontyard if the density was set for 2 parcels.

Because of the size of these combined parcels, several of the Commissioners were inclined to favor one unit only.

M/S Harle, Sousa to accept the Negative Declaration. Passed unanimously.

M/S Harle, Bergeson, to recommend to the Town Council approval of rezoning Assessor's Parcels 7-097-02, 7-097-05 and 7-141-04, to R-1-H with a maximum density of 2 units on the basis that it is consistent with the General Plan and with the Zoning Ordinance. Passed unanimously.

Staff announced the Town Council will hold a public hearing on the proposed zoning on April 9, 1985.

F. NU-42 - and V-2042 - Beatrice Blum

Lisa Wight reported staff supports Mrs. Blum's application.

Mrs. Blum was present.

Karen McKinney, 208 Butterfield Road said she strenuously objected to the application.

Lori Webb, 202 Butterfield Road objected to the application. She lives right behind this property and she feels two living units on so small a parcel is too many. The second unit is too close to the fence. She said the unit was already constructed and she had not been previously notified. She felt the construction invades her privacy.

Mrs. Blum said she had a use permit for a dancing studio there approximately 7 years ago, but she gave it up because it made her too nervous to having her rear neighbor complain about it.

Mrs. McKinney stated her quality of life would be affected as it already was because of the building taking place between 11:30 p.m. and 5:30 a.m.

Commissioners' Comments were: Sympathy with neighbors at rear; it is an ideal spot for a second unit; finding were it would not be detrimental to the neighborhood; a second unit would be even less intensive than a music or dance studio.

M/S Heubach, Kroot, to approve NU-42, application of Beatrice Blum, 205 The Alameda, A/P 5-101-28 for a use permit for a new second living unit in an R-1 zone, based on the finding that it falls within the maximum number of second residential unit authorized by resolution of the Council for the neighborhood; is located on an Assessor's Parcel on which the owner of record maintains his principal residence; meets all applicable codes; will be made the subject of a rent guarantee contract between the applicant and the Town, will not cause excessive noise, traffic, parking or overloading of public facilities. Passed by the following vote:

AYES: Commissioners: Harle, Hayes, Heubach, Kroot, Sharp

NOES: Commissioners: Bergeson, Sousa

Applicant was notified of the ten-day appeal period.

M/S Heubach, Kroot, to partially grant VAR 2042 to allow parking variance for existing tandem parking within zero feet of the front property line and 4 feet of the side property line for parking three vehicles on the basis that it is necessary to effective the granting of the Use permit previously discussed and will not materially affect adversely the health of safety of persons residing or working in the neighborhood of the property involved and will not be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood; granting of the variance is necessary for the preservation and enjoyment of substantial property rights. Passed unanimously.

Applicant informed of the ten day appeal period.

M/S Heubach, Sousa that application of Beatrice Blum for a 20 foot rear yard and 4 foot sideyard variance for a porch cover to be within zero feet of the rear property line and four feet of the side property line be denied on the basis that no hardship has been demonstrated.

Motion passed by the following vote:

AYES: Bergeson, Heubach, Sousa, Sharp

NOES: Harle, Hayes, Kroot

G. V-2041 JEFFREY HARDY

M/S Hayes, Kroot to approve V-2041, application of Jeffrey and Mary Hardy, 8 Berkeley Avenue, A/P 5-111-10, and eight foot frontyard variance to construct porch and steps within 12 feet of the front property line; and 11 foot frontyard variance to construct a carport within 9 feet of the front property line; and 8 foot south sideyard variance to construct a carport within 0 feet of the south side property line; a 3 foot rearyard variance to construct a carport within 17 feet of the rear property line; and a 9'3" rearyard variance to construct a second story addition within 10'9" of the rear property line; with the porch, carport and second floor addition to have a two foot overhang, granting of this variance is necessary for the preservation and enjoyment of substantial property rights; will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood, will not materially affect adversely the health or safety of persons residing or working in the neighborhood; variance is necessitated by the unusual configuration or the lot, the placement of the structure on the lot and outside constraints such as the power pole location dictate the design and location of the carport. Approval granted in accordance with plan stamped "Received February 8, 1985". Passed unanimously.

Applicant notified of the 10 day appeal period.

H. U-599 Eugene McCready

Mr. McCready was present. There was no one else in the audience to comment on the application.

M/S Hayes Heubach to approve U-599, application of Eugene McCready, 101 Red Hill Avenue, A/P 6-169-02, for a use permit to convert one full service island to a self-service island based on the finding that the use will not be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood, or be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the Town, and that the granting of the application is necessary for the preservation and enjoyment of substantial property rights of the petitioner. Passed unanimously.

Applicant informed of the ten-day appeal period.

I. V-2015 Rae Johnstone

Patricia Johnstone was present for her mother. Her partner, Ralph Smith, said he wished to enhance the possibility of the property's future.

Jay Judin, 119 Redwood, adjacent property owner said he had never been notified. He said the building blocks the sunlight from his backyard for 2 hours. His privacy, he said is really important to him. He said he thinks it will turn into a rental unit with a view into his backyard.

Katherine Donnery, Savannah Road said this is obviously intended as a second unit and Savannah will not support another unit.

Miss Johnstone said her mother had no control over what had happened to the building. She said when plans were submitted to the building department they were told to move the building down the hill and keep it level with the road. After the building was up, they were advised by a builder that it needed the additional strength provided by putting siding on the outside and additional supports underneath. Her mother, she said, was only doing what other people had required of her.

There seemed to be confusion among the Commissioners as to whether there are windows and doors. Staff reported that while there are no actual windows or doors, they are framed in and simply covered with siding.

The Commissioners were reluctant to approve a plan that tacit approval to future potential of use. They seemed to feel that floor joists and the lower floor area and putting flooring in would be inviting future use of the lower floor, and they have no intention of approving a second unit.

There was discussion of abating the floor and joists in the lower area.

Commissioner Harle thought the plan might be acceptable if there were some way to insure that future owners would not be misled into thinking it would be possible to have a second unit at this location. He pointed out that if the floor remains it will require a variance.

Mrs. Donnery said if it were not possible to reduce the bulk of the building, she would prefer to have it enclosed, as long as it is not given permission for the second floor to be used.

M/S Hayes, Harle to refer VAR 2015 for Rae Johnstone back to the applicant for the purpose of consideration of removal of the floor and in accordance with comments from the Commission made this evening regarding the area designated on the plan as the work area and lower floor plan. Passed unanimously.

It was suggested that a competent engineer could advise Ms. Johnstone how to brace the building.

- J. Consideration of Resolution to Amend Present Fee Schedule to pass on the cost of Consulting Professionals to the applicant with an overhead figure to cover Town expenses:

Commissioner Hayes asked if there is an upper limit or if the proposal is open ended?

Other comments by the Commission were: It seems ambiguous. One doesn't know when one comes in what the ultimate cost will be. There should be a ceiling, perhaps a multiple of the current permit fee. It was asked how it compares with other jurisdictions.

Commissioner Kroot said he did not agree with the idea of needing professionals. He said he felt uncomfortable with someone else coming in.

No action was taken.

Commissioner Hayes asked about the traffic study and what the consultant was doing. He said he did not have sufficient information.

At 11:55 the meeting was continued to a special meeting of March 25, 1985.

Thelma Foster