

November 18, 1968

The regular meeting of the San Anselmo Planning Commission was called to order by Chairman John F. West at 8:00 p.m. in the City Hall on November 18, 1968. Representing the City Staff; John O'Rourke

1. ROLL CALL

Commissioners present: Creighton, Gue, Heinecke, Moore, Perry
Tusler and West

Commissioners absent: None

2. APPROVAL OF MINUTES:

Commissioner Gue moved the minutes of the meeting of November 4, 1968 be approved as written, seconded by Commissioner Heinecke and unanimously approved.

3. OLD BUSINESS

None

4. NEW BUSINESS

A. PUBLIC HEARING - REZONING

- (1) Z-105 Emily Merriman, et al and Ross Valley Company; application to rezone A/P 6-052-21 (84 Madrone Avenue) from Single Family Residence District (R-1) to Planned Development District (P.D.)

The Chairman reviewed what is involved in a Planned Development Application. He asked the Commission first to consider the suitability of the use for this property.

Commissioner Perry stated he had a conflict of interests and would, therefore, sit in the audience for this application.

Commissioner Creighton said he felt the application was sensible and prudent and felt the area on the north side of Madrone and Center to Sir Francis Drake should ultimately be considered for medium to high density.

Commissioner Gue said he felt the area in the vicinity of San Anselmo Avenue, Center and Madrone is a natural for multiple use with the creek forming a natural barrier or buffer for the lower density.

Commissioner Heinecke said he felt it made a great deal of sense to consider this area for higher density since it was on a high volume traffic street and not attractive for R-1 development.

Commissioner Moore agreed with Commissioner and said he felt R-1 zoning on high volume traffic streets tends to cause deterioration.

Commissioner Tusler said he disagreed with the tendency of the area to deteriorate, and he would not like to see multiple strip R-3 zoning along Center Boulevard. He said he felt the higher density should form a core for the City. He did agree that the Creek formed a good buffer, in fact better than a street. Commissioner Tusler said he was in favor of this rezoning.

Commissioner West said he had reached the conclusion that the Campbell Master plan was no longer of value to the City. He said the City must be careful not to designate strips along heavy traffic corridors of multiple use.

Mrs. Maude Happersberger, 58 Madrone Avenue, said while it was true that the homes in this area are sold, so are the home owners; most have lived there for many years and desire the area to stay Single Family Residential. She said both Madrone and Nokomis Avenues are very narrow streets, and she was further concerned about the sanitary sewer service in the area. Mrs. Happersberger said she was very, very much opposed to this application.

There was no one else in the audience to oppose the application.

James McDonald, of Wagstaff and McDonald, Designers, introduced Mr. and Mrs. David Lewis, developers of the property. Mr. McDonald said they proposed 24 living units--16 one bedroom and 8 two bedroom units. He displayed the site plan and a perspective drawing. He said he felt the San Anselmo Creek presented a natural physical barrier and because of the configuration and many native trees on the lot, both he and Mr. Lewis felt that a Planned Development was a much better approach for the use of the lot than ordinary R-3 zoning.

Commissioner Moore asked Mr. McDonald if he had considered the creek level. Mr. McDonald said they had anticipated construction of a retaining wall in the northeast corner of the lot where an old carriage house presently is situated, and some leveling fill, but there would not be a great deal of fill. Mr. McDonald said he had discussed this sanitary sewer with Mr. Ralph Noah, Manager of Sanitary District #1, and Mr. Noah had informed him the development would be sewerred to an 18 inch sewer main on Center Boulevard which is 9 feet below the surface. There would be no additional load on the Madrone Avenue line.

Commissioner West asked what type of retaining wall was anticipated. Mr. McDonald said it would be engineered and approved by the City Engineering Department, and would probably be of sack riprap construction.

Commissioner Creighton asked if the Marin Municipal Water District had been contacted to ascertain the adequacy of water mains. The staff was requested to obtain this information before the next meeting.

Mr. McDonald said the access shown on Center Boulevard was for convenience only, and if the Commission preferred, they would delete this. He said they anticipated placing a sidewalk on Madrone Avenue. There would be a survey made before completion of the project, and all corners would be staked. He felt the widening of Center Boulevard was not critical to this project.

Commissioner Gue said he was concerned about visitor parking. He asked for a staff report of whether or not property should be dedicated on Madrone for widening purposes.

Mr. McDonald said the plan indicated they would save 41 of the existing trees. He has kept the design as close to Single Family Residential appearance as far as possible.

A special meeting of the Planning Commission was set for November 25th at 8:00 p.m. in the City Hall for further hearing of this application.

B. USE PERMIT APPLICATIONS

- (1) U-149. Dr. Patrick A. O'Donnell. Application for Preschool Educational Program to be conducted at 39 Yolanda Drive
A/P 6-211-01

Commissioner Heinecke stated that since his son attended a very fine school operation conducted by the applicant at the present time, he would abstain from voting on this application.

The Chairman explained that private schools require a Use Permit by Ordinance. The staff report was read; 22 cards had been mailed to property owners in the vicinity.

Dr. O'Donnell, potential purchaser of the property, introduced Miss Barbara Wander who will operate the school.

Miss Wander said this was a pre-school educational program for twenty 3 to 5 year olds per session. The ground floor of the building is to be used for classes and the upper floor for a residence for the teachers.

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There would be a 3 & 1/2 hour morning session and another of the same duration in the afternoon. Miss Wander said this school was a learning process rather than a nursery school. She said there would be a maximum of 6 employees. A requirement of the State of California is one teacher for every ten children. The children, she said, would be picked up and delivered by their parents.

Commissioner Gue asked what type of school this was; was it for advanced, retarded or normal children?

Miss Wander said it was not a normal nursery school because there was a learning process; problem children would not be discriminated against unless they were severely handicapped.

Commissioner West asked if it then was definitely not a school for retarded children, and Miss Wander said, "No, it is not."

Mr. RENO Franceschi, 30 Yolanda Drive, said he was not a formal speaker for any group, but he did present a letter signed by 71 residents of the Yolanda Court Area opposing the application. The letter was read. He brought up the point that Dr. O'Donnell was not presently the owner of the property, and he also said that since tuition was being charged for the students, that this would be a business, and also, since rent would be charged the teachers for the living quarters, that the use would be more than just a pre-school education program.

Mr. Franceschi said there were deed restrictions that would prevent use of the property for any business without the signatures of 50 property owners in agreement with the use. He said he felt this use would jeopardize the peace and general welfare of Yolanda Court. The streets are narrow and the additional traffic generated by such a use would be an unsatisfactory impact on the Court.

Mrs. Sarah Nome, 77 Alder Avenue said she was opposed to the application, was concerned about the additional traffic and the close proximity of a liquor store to such a school.

Ralph Miham, 58 Yolanda Drive said there was just room enough for one car to enter or leave the court at a time. He was opposed to the use. He said the closest fire hydrant was 1,000 feet away from this parcel.

Mrs. Miriam Grove, 40 Yolanda Drive said she had checked with the Title Company and was told the deed restrictions would hold true. She was opposed to the use.

Mr. Bertram Wood, 47 Yolanda Drive, said he lived next door to the property and he worked nights and slept days, and felt his rest would be disturbed if there were 40 children next door. He was opposed to the use.

Mr. Victor Cole, 67 Yolanda Drive said he had lived there for 42 years. He said he was an accountant for the Cedars School and he was aware of what children could do to property. He was opposed to the use.

Mr. S. M. McLaughlin, 63 Yolanda Drive said he had lived there for 18 years, and the reason he purchased the property was because it was a closed court and this was a prime consideration in the value of the property. He said traffic even on Saunders Avenue at the mouth of the Court was a problem. He was opposed to the Use.

Mr. Paul Majesky, 51 Yolanda Drive said he had lived there 18 years; had purchased the property because it was a closed court, and he was opposed to the use.

Mr. Robert J. Nutt, owner of the property said he was willing to sign the application as property owner; that he had been required by the Planning Commission to install a new driveway as a condition of subdivision, and he suggested that the problem could be solved by installing the driveway on Center Boulevard.

Mr. Lloyd Spencer, 106 Alder Avenue said he had lived in the area for over 40 years and had always admired Yolanda Court. He was not in favor of the use.

Mr. R. D. Smith, 33 Yolanda Drive, said he was a neighbor and a friend of Mr. Nutt; however, he was not in favor of the use. He also submitted a letter of five pages, enumerating reasons why Mrs. Thelma Zanzot, administratrix of her Mother's Estate at 73 and 85 Alder Avenue, was not in favor of the Use.

Mr. Roy Pero, 57 Yolanda Drive said he felt the discussion was moot because of the deed restrictions, and also, after hearing testimony of most of the residents of the Court, he felt there could be no doubt in the minds of the Commission as to the concern of the residents.

Mr. Dave Baccigalupi, 56 Alder Avenue, said he agreed about how narrow the streets are, and he also said there are at least two other homes equally as large as this one, and if one school was permitted there would be nothing to stop other applicants also.

Commissioner Perry said, discounting all technicalities such as deed restrictions, etc. the critical issue was whether or not a school of this type should be allowed in this rather unique area. He felt the Use to be inappropriate.

Commissioner Creighton said he felt the neighborhood did not lend itself to a school of this magnitude and would be detrimental to the general character of the neighborhood.

Commissioner West said he felt the additional traffic would have a detrimental impact on the general safety, and he felt it significant that property owners on each side and directly across the street were all opposed to the use.

Commissioner Perry moved that Application U-149, regarding A/P 7-043-09 be denied because the proposed use is inconsistent with the residential character of the neighborhood and problems of traffic, noise and utilization of the buildings would be detrimental to the peace and safety of the neighborhood. The motion was seconded by Commissioner Creighton and approved with six Aye votes and Commissioner Heinecke abstained.

Dr. O'Donnell was told of the denial of the application and his right to appeal the decision of the Planning Commission to the City Council within ten days.

- (2) U-150 U.S. Franchise Corporation. Application for restaurant use with outdoor eating area. 275 Greenfield Avenue. A/P 6-211-01

Mr. Wells of Lambert & Wells Construction Company was present. He said the Corporation was willing to conform to any requirements of the Commission. He said this was basically a roast beef take-out operation. Mr. Wells said there was provision for 18 parking spaces within the property and there were 24 on-street parking spaces within the area.

Commissioner Perry asked if it would be necessary to get out of the car to be served. Mr. Wells said "Yes".

Commissioner Moore asked about the hours of business and Mr. Wells said probably from 10:00 a.m. to 10:00 p.m. He also said there was proposed seating for 20 people inside and probably there would be benches for outdoor eating. He did not know how many customers could be anticipated.

It was pointed out that this intersection has been designated for improvement in the near future, and it was felt advisable that before action was taken on this application that the Commissioners receive a report from the City Engineer as what is anticipated for this intersection and when.

Commissioner Heinecke questioned whether or not commercial zoning was suitable for this parcel. He said it appeared to him that a commercial

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use was extending into a residential area. He was concerned about the tremendous influx of traffic created by the fast food service type of operation. He felt this "honky-tonk" atmosphere was one that was not desirable in San Anselmo.

Commissioner Tusler agreed about the "honky-tink" atmosphere, and said he felt this type of operation would encourage this.

Commissioner West said he would like to see a use on this corner that would not depend wholly on automobile use.

Commissioner Moore was concerned not only with the generation of traffic, but also the location of the adjacent traffic signals.

Commissioner Creighton moved that U-150, U. S. Franchise Corporation be held over to the next regular meeting of the Commission at the request of the applicant. Motion seconded by Commissioner Perry and unanimously approved.

Mr. Edward L. Cunningham, 279 Greenfield Avenue asked that this application be located early on the Agenda of the next meeting, and to have someone represent the applicant who would be able to explain all of the aspects of the proposed use. He said he was concerned over the hours of the use, outdoor lighting, the outdoor use, chimney outlets, fencing running parallel to his property line and property that is not being used at the present time.

Commissioner Heinecke asked the Commission to seriously consider the zoning of this lot to see if it is zoned for the best possible use.

C. VARIANCE APPLICATION

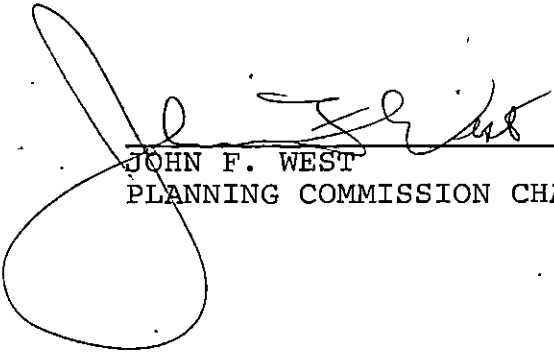
(1) ADJ. 386. Donald T. Darling. Application for a 15 foot variance in frontyard setback to construct an addition to an existing carport at 140 Allyn Avenue. A/P 7-092-19.

Mr. Darling said he was trying to improve a very bad parking situation.

Commissioner Heinecke moved the variance be approved, motion seconded by Commissioner Perry and unanimously approved.

Chairman West said he hoped the applicant would adopt an idea for a railing similar to the two stilt houses where Allyn Avenue makes a sharp bend in the road. Mr. Darling said he would endeavor to make the railing on the deck somewhat more handsome than it had been in the past.

The meeting was declared adjourned at 11:15 p.m.



JOHN F. WEST
PLANNING COMMISSION CHAIRMAN