

The San Anselmo Planning Commissioner's Regular Meeting of December 20, 1976 was called to order by Chairman Duane Ragan at 8:00 p.m. in the Town Hall Council Chambers. Representing Town Staff: T. J. Robbins, Associate Engineer/Planner.

1. ROLL CALL

Commissioners Present: Bolles, Buckle, Goltz, Hulpke, Eisgrau, Ragan
Commissioners Absent: Greenfield

2. APPROVAL OF MINUTES - December 6th, 1976.

Amendments: Pg. 1, Item 4(A)(1), 4th para. change "Commissioner Bolles" to "Commissioner Hulpke".

Pg. 2, 1st line to read: Commissioner Bolles felt Creek Rd. was the better spot for...

Pg. 2, 3rd para., 5th line to read: "...see the parking area taken"...etc.

Pg. 2, Item 4(B)(1), 3rd para., 5th line to read: "...resolution setting the number of densities"...etc.

Pg. 3, 5th para., 2nd sentence to read: "Could the number of units proposed create additional impact on the intersection?"

Pg. 4, 1st para. beginning with "Mr. Holsinger...", line should include word "during".

Pg. 4, 4th para. from the bottom to read: "Mr. Korbay, geologist for Harding-Lawson, felt"...etc."

Pg. 4, 3rd para. from the bottom, last word correct spelling - "boulder".

Pg. 4, 2nd para. from the bottom, last line to read: "...would be close to that mass."

Pg. 4, last para., 3rd sentence to read: "Those items would precipitate sliding."

Pg. 5, 7th para., 3rd sentence to read: "He stated he did not want to hold Mr. Holsinger up, but on the other hand he did not want the Commission to approve the Negative Declaration and Environmental Impact Review without further study."

Pg. 5, 9th para., correct spelling of "Pipal".

Pg. 5, 11th para. to read: "Chairman Ragan stated the four items"...etc.

Pg. 6, Item 4, 1st para. to read: There was a brief discussion relative to the Commission's concerns that conversions would encourage higher income families in units that once may have housed low income families. The Commission questioned whether they wanted to allow existing apartments or other dwellings to be able to convert to condominiums.

Pg. 6, Item (C)(1) last sentence to be deleted.

3. PUBLIC HEARINGS

A. OLD BUSINESS

1. U-398 - Stop 'N Go Market, 807 San Anselmo Ave., Review of use permit.

Jeff Davis, manager of Stop 'N Go was present. He stated his supervisor in San Jose had advised him today of the letter received from the Town. No one had told him about the complaints.

Chairman Ragan read the conditions of the original use permit to Mr. Green. Ragan stated he had been to the site around 11:00 a.m. and the area was quite littered.

Commissioner Eisgrau stated she had been made aware that there was more than just a problem of litter. She stated she'd like some back-up information from the Police Dept. for the February 7th meeting.

Mr. Del Tredici, 329 Laurel was present to complain in behalf of 16 San Rafael Avenue. He stated each day he cleaned up the debris left by the kids patronizing or "hanging around" the Stop 'N Go market. They had kicked in the fence, garage, turned on the water, etc. The Police Dept. had been called numerous times, but the individuals were only chased away.

Mike Pezi, supervisor of the Stop 'N Go, stated they would be happy to take care of any damages. He stated he had checked out the matter of litter and agreed there was a problem. A security service might be employed to take care of the kids. Mr. Pezi stated the problems were also a detriment to his business.

Commissioner Goltz stated in fairness to Stop 'N Go, the problem

didn't disappear when the store closed, the Police Dept. should be advised to enforce the curfew law.

Commissioner Hulpke felt the people of the neighborhood should not have to live with this kind of situation.

Commissioner Buckle agreed with Hulpke. He suggested to the representatives of Stop 'N Go that maybe the rear portion of the property could be fenced off and lighted. (Lights shouldn't be too severe which would keep people awake at night.)

Commission unanimously, in regard to U-398, National Convenience Stores, Stop 'n Go, 807 San Anselmo Avenue, revised the original use permit granted on 3/3/75 in the following way:

1. That there be one required daily clean up of the lot prior to 9:00 a.m.;
2. That a landscaping plan be prepared and be presented to the Town's Design Review Committee within 30 days and that the back fence area and possible lighting of the area be included in the landscape plan;
3. That private policing of the outdoor areas be provided during the hours of operation to prevent disturbances to the neighborhood resulting from the late hour operations;
4. That Staff be requested to periodically inspect premises to determine compliance with the use permit stipulations and to set Feb. 7th, 1977, for a revocation hearing if these stipulations are not being followed;
5. Further move that National Convenience Stores be put on notice that unless site cleanliness and noise control, acceptable to the Town is maintained, that action shall be taken under the "public nuisance" provision of Section 3-3.613 of the Municipal Code to abate the present use at this site.

2. VAR-695 - Antone Sousa, 4 Glen Rd., A/P 7-012-29, reconsideration of variance to permit construction of a carport and a living space addition to the dwelling.
3. U-465 - Claudine Sumoy, 3 Ray Ct., A/P 5-102-32, application for use permit to allow a dwelling addition for live-in household help.

ABOVE ITEMS HELD OVER UNTIL JANUARY 10, 1977.

4. Z-158 - Holsinger/Bauer/Perkins, application to rezone A/P's 6-091-07, 6-091-59, 6-121-07 and 6-121-09 (undeveloped property behind Kentucky Fried Chicken and off Essex) from PPD R-1 to SPD R-3 to accommodate a 20 unit duplex condominium development.

Chairman Ragan stated Messrs. Pipal and Kilty's objections to the project had been heard. He questioned Staff as to whether the soils and geologic report had been accepted. Staff stated Mr. O'Rourke, geologist reviewing applicant's geologic report, had indicated if everything discussed with applicant's geologist had been taken care of he would probably concur with the report.

Chairman Ragan stated a traffic report from Bala & Strangaard and a mock up on the visual aspects of the project had been provided by the applicant. Ragan indicated to the Commission that perhaps the project should be held over pending written receipt of the acceptance of the soils report by O'Rourke.

Mr. Holsinger stated he felt Chairman Ragan had made the decision for the rest of the Commission to postpone hearing the application. He stated he had never worked on anything so hard in his life. There had already been a long period of delay. It was his intention (as well as his partners) to do a "first class job".

Holsinger stated he had protested the length of time the review of his application was going to take. Mr. Leitzell gave him a chart indicating if everything went like clockwork, the review period would

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take 139 days -- minimum. Staff had later indicated to him that there had been a change of rules in Sacramento which enabled the Town to retain a geologist (at owner's/applicant's expense) to review applicant's initial soils/geological report. This supposedly would cut the time down.

Holsinger stated the project was a 1.5 million dollar project. Building and material costs were rising 14.6% a year, which at 1% a month, added \$350.00 to each unit each time the project was delayed. (ENR cost index, 12/9/76, shows 9.7% nationwide. - CRL)

Mr. Holsinger expressed dissatisfaction with the brief time spent by the Cooper-Clark personnel in the field checking the work of Harding-Lawson. (Harding-Lawson was hired by Mr. Holsinger to satisfy the soils and geologic investigation requirements and Cooper-Clark as a review firm on behalf of the Town's interests.)

Holsinger stated thousands of dollars were being spent. He felt the Commission should provisionally approve the soils/geologic report. This would cut down some of the time loss.

Holsinger stated he had been asked by Staff to hire a Traffic Engineer. Bala & Strandgaard had been hired (\$975.00). Some people couldn't visualize the project, a model was prepared (\$1,375.00). Holsinger stated he had done everything to avoid delay. He stated "You can wait long enough until you just can't afford it".

Commissioner Buckle was satisfied with provisional soils/geologic report.

Commissioner Hulpke stated she hated to cost the applicant additional money.

Commissioner Bolles stated a project such as this could have an expense of \$120-180,000.00 for architects alone. Cost wise, there can be some very peculiar things happening. Commissioner Bolles stated he was willing to accept Harding Lawson's report. He was confident any competitiveness between the two firms would not interfere with their best judgement.

Commissioner Eisgrau stated she wanted to wait to hear from O'Rourke.

Chairman Ragan stated the Commission should proceed to save time and let Staff decide acceptance with respect to soils/geologic report.

J. Kilty, 60 Essex stated he wanted to go over Staff's Negative Declaration point by point and indicate why he objected.

Numbers below correlate with questions asked on EIR-2, Environmental Review Checklist (Questions will not be repeated in minutes.)

- 1. Could change use of the area. Present use is open space. Would change density/traffic.
- 2. Does conflict. General Plan calls for 1 unit per 10 acres.
- 3. We have been using this land for 15 years for walking, meditation, etc.
- 4. Agree with Staff.
- 5. Average slope is 32%.
- 6. Cooper-Clark indicates report had "errors".
- 7. Water runoff by paving.
- 8. This project started out with Mr. Bauer's 3 units. All of a sudden we have 20 units.
- 9. Used by deer and large number of birds.
- 10. Would be changed.
- 12. With water shortage it would be difficult starting new vegetation.
- 14. Yes it does.
- 15. Would effect community of families surrounding project site. Community does not want these kinds of growth changes.
- 18. It would. You can see Mr. Bauer's project has now escalated.
- 20-22. Want to study traffic report.
- 23. There would be a large increase of noise.
- 24-27. No comments.

Pg. 3 of EIR-2 indicated the report had not been reviewed by other departments in the Town as required.

Mr. Kilty stated Mr. Robbins had said in the Negative Declaration to the public that the site was safe. This was before it had been established.

Comments by Commission: A vote was taken. Sue Hulpke, Peter Bolles, George Buckle and Duane Ragan all agreed to provisional site stability.

Traffic: Commissioner Eisgrau felt the traffic generated by the project would seriously effect the community.

Commissioner Bolles was not concerned with traffic on Red Hill, but the traffic crossing Red Hill. He felt there might be some problems, but not significant ones.

Commissioner Hulpke felt traffic would have a negative impact on the community. She did not feel it was feasible to cross Red Hill. Traffic would back up Essex and Red Hill to the Hub.

Commissioner Buckle felt the traffic report was very clear. Commission asked for traffic back up and they got it. If there were questions, then they should be discussed. Commissioner Buckle felt the percentage of cars was insignificant. He felt the project was an excellent development, was not an "overkill", and he did not think the project should be attacked on the basis of traffic.

Commissioner Ragan was concerned about the crossing between west and eastbound traffic on Red Hill. He felt that if cars coming off Essex were unable to use this crossing then there wouldn't be that problem.

Commissioner Hulpke felt this would only move the traffic impact further down Red Hill. She also felt more than 5 cars would be making left hand turns off Red Hill.

Commissioner Buckle stated there could be all kinds of variables involved. Where did the Commission want to stop?

Visual Impact: Commissioner Buckle stated it was difficult for him to comment as the visual impact was emotional. He felt that the model showed the development to be less severe than he had visualized. Only 50% of the land was developed -- that was good land use. Commissioner Buckle did not object to the aesthetics. He stated he imagined different architects could come up with different things. It was a value judgement.

Mr. Holsinger indicated there would be 5 times the amount of trees shown on the model. The footpath, with rest benches, would also be included. Landscaping would be very expensive as there is alot of solid rock on the site.

Commissioner Buckle felt the development would be an improvement.

Commissioner Hulpke felt some kind of building would be an improvement, but she was concerned about the density of this development.

Commissioner Bolles felt the three units in front were imposing.

Commissioner Goltz, for clarification, stated the buildings in front showed a 16' clearance between buildings. That was incorrectly shown as it scaled at 10'.

Commissioner Buckle did not feel the project was too dense. He felt the development was not unusual to the surrounding area.

Commissioner Hulpke did not feel the project was in keeping with the General Plan. The area is currently zoned R-1 and she felt the Planning Commission should have to implement it. While she realized the General Plan was not rigid, she felt any changes should be in the direction the people of San Anselmo said they wanted it to go. She felt the more dense the Town became, the less desirable it was.

Commissioner Bolles questioned whether approving the Negative Declaration

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required the Commission making the finding that the project conformed to the General Plan. In the strictest sense, it did not.

Commissioner Buckle stated a large portion of the homes in San Anselmo were already in the Health and Safety zones.

Commissioner Eisgrau felt the density should be 1 unit for every 10 acres.

Dan Hersberg, 60 Essex felt traffic was a problem.

Maurene Kilty, 60 Essex stated she had driven on Essex for several years. The street was very narrow and many times she had to slam on her brakes. She couldn't understand how Town Staff could say more traffic could go up the hill.

Mr. Pipal, 52 El Cerrito, stated Pg. 23 of Bala & Strandgaard traffic report stated traffic on Essex would increase "80%".

Chairman Ragan stated Commission had to decide whether an EIR would be required.

Commissioner Buckle stated he would be in favor of an EIR if he thought it would accomplish anything. He thought it was unnecessary.

Commissioner Goltz explained to the Commission that the Town does not approve the EIR, they either approve or reject it until its information is accepted as a true analysis. He felt the Commission should just agree on a density rather than ask for an EIR.

Staff stated if the Negative Declaration was accepted, it would in effect approve the rezoning.

Chairman Ragan felt the development was too dense (should be 1 unit per 10 acres); the three units in the front were too imposing; traffic was problem.

Commissioner Hulpke stated she had enough information, but couldn't vote for the Negative Declaration.

Commissioner Eisgrau stated she had been provided with enough information to see there were problems -- density, traffic.

Herman Bauer stated the Council had asked him to go together with his neighbors on this project. He felt rejection of this project just created a loss for everyone.

Commissioner Bolles stated he had read many EIR's and 90% of the material was garbage. The specific things the report would refer to the applicant had provided. A good traffic report had been submitted. Commissioner Bolles did not feel the project was that big.

M/S Hulpke, Eisgrau that we reject Negative Declaration concerning the Environmental Review of application Z-158, Holsinger/Bauer/Perkins, which is an application to rezone A/P's 6-091-07, 6-091-59, 6-121-07 and 6-121-09 from PPD/R-1 to SPD/R-3 to accommodate a 20 unit duplex condominium development on the basis that there was a conflict with adopted environmental plans and goals of the community where it is located; that it would have a substantial demonstrable negative aesthetic effect; that it would cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system; that it would increase substantially the ambient noise levels for adjoining areas.

Motion carried: Ayes: Bolles, Eisgrau, Hulpke
Nays: Buckle, Ragan
Abstain: Goltz

Mr. Holsinger stated he felt Commissioner Hulpke should disqualify herself as she had stated she was against the rezoning or acceptance of the impact report at the first meeting before any of the facts had been presented to her.

Mr. Holsinger was advised of the 10-day appeal period.

5. VAR-707 - Jose Pons, 85 Red Hill Ave., A/P 6-214-02, variance application to eliminate the on-site parking in order to enlarge restaurant building. CONTINUED TO 1/10/77.
6. VAR-708 - Ray Parker Rhodes, 135 Redwood Rd., A/P 7-083-01, 20' rearward setback variance to permit a second story addition. VARIANCE NOT REQUIRED - PER LOCKTON-GRIPPI & ASSOCIATES SURVEY DATED DECEMBER, 1976.
7. Proposed Condominium Conversion Ordinance - Held over until later date.
8. Amendments and additions to Chapter 4, Title 10 (Design Review) of the San Anselmo Municipal Code.

Planning Commission, unanimously, recommended to the Town Council the reappointment of Mrs. Eisgrau to the Design Review Committee.

Commissioner Goltz stated his objection to including single family residences to be reviewed before Design Review Committee. He stated that at the time it was enacted, single family residences were purposely left out of the ordinance. When a variance is required, in connection with construction and/or addition, the residence can at that time be referred to the Design Review Committee.

There was no one in the audience to comment on this application.

M/S Goltz, Bolles to recommend to the Town Council that the revisions to the ordinance relating to Design Review, Title 10 Chapter 4, be approved as amended here tonight. Passed unanimously.

B. NEW BUSINESS

1. U-466 - James Stick, 1608 Sir Francis Drake Blvd., A/P 5-121-15, application to permit laundromat.

Applicant was present and stated there were no changes except for new equipment.

M/S Eisgrau, Bolles to approve U-466, application to operate a laundromat in a C-1 zone at 1610 Sir Francis Drake Blvd., A/P 5-121-15 for James B. Stice, on the basis that this is a continuance of an existing use and has not been detrimental to the neighborhood and approval is necessary to provide property rights and reasonable use at this location. Passed unanimously.

2. VAR-709 - Thomas Joyce, 35 Ridge Rd., A/P 5-172-61, variance to allow tandem parking.

Applicant was present.

Mr. Giorgis, 38 Ridge Rd. stated he was concerned since the previous residences had created parking problems (visitors). He had no objection to Mr. Joyce's request.

M/S Bolles, Buckle that VAR-709 for Thomas Joyce, 36 Ridge Rd., A/P 5-172-61, application for an 8' frontyard variance for one parking space and a variance from unobstructed parking to allow two-car tandem parking in connection with a dwelling, on the basis that site hardship exists making the only reasonable second parking space in tandem in the existing driveway in that it does not increase the parking requirements for the dwelling and the variance is necessary to allow property rights in a reasonable development of the property.

Motion carried: Ayes: Bolles, Buckle, Hulpke, Ragan
Nays: None
Abstain: Goltz

Commissioner Goltz stated he would not vote for this application as he believed it was necessitated by an interpretation of the ordinance which he did not believe in. Since no other variance was needed, he felt it was his duty to abstain.

4. ADJOURN - Meeting adjourned 12:25 a.m.

Catherine Carpenter
Catherine Carpenter
Secretary

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