

The special meeting of the San Anselmo Planning Commission was called to order at 8:00 p.m. on January 25, 1982, by Chairman Hayes in the Town Hall Council Chamber. T. J. Robbins and George Davison present.

1. ROLL CALL

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

2. APPROVAL OF MINUTES

January 11, 1982

Commissioner Hayes - add the following, "There were five main points discussed - Lot by lot approach - a consensus was reached; the engineer/planner team - the Commissioners felt this was a reasonable idea, but were concerned about funds; citizens committee - the Commission agreed with the Council to not have such a committee; maximum/minimum densities - the Commission felt it is difficult to find a range; planned development zoning - the Commission generally agreed with the thrust of the staff memo."

"It was also stated that the Density Ordinance can be used for informative purposes; there should be specific criteria for the engineer/planner team to follow; the parcels might be studied on a neighborhood by neighborhood basis; and notice of the density discussions should be provided to property owners, people in the area and the general public."

M/S Harle, Signorelli, to approve the minutes of January 11, 1982, with the addendum as suggested by Commissioner Hayes.

Motion carried; Commissioners Peterson and Ragan abstained.

January 18, 1982

M/S Signorelli, Peterson, to approve the minutes of January 18, 1982, as written.

Motion carried; Commissioner Ragan abstained.

3. OLD BUSINESS

- A. Z-214 - G. H. Frank, 24 Ross and 25 Woodland Avenues, A/P 7-282-06, proposed rezoning from R-3 (Neighborhood Apartment District) to SPD (Specific Planned Development) for eight apartment units; initial environmental review; and use permit.

G. H. Frank, Paul Frank, applicants, and Morris Finisy, architect, present.

Mr. Robbins said under R-3 requirements, only five apartment units could be constructed (1500 square feet of lot area per apartment unit), which Mr. Frank said would not be economically feasible. Mr. Robbins said staff supports this project on the basis that moderately-priced rental units are critically needed in Town; it is consistent with the Land Use Element of the General Plan, specifically Sections I A1 and A4; and with the New Housing Element of the General Plan, specifically Program 1. 3. 1.

Mr. Paul Frank said their intent is to create a project for low and moderate income tenants and they have met with the Housing Authority. Mr. G. H. Frank said the tenant of one of the two existing houses on the property is aware of the proposal and feel the owners have been fair and realize the property is in need of repairs or new construction.

Commissioner Peterson questioned the use of a Town parking lot for overnight guests as there will only be eight on-site parking spaces for eight apartment units. Mr. Robbins noted the Pine Street Parking Lot can be rented on a monthly basis; and Mr. Davison suggested the possible use of the Santa Barbara Savings lot for night time use.

Karl Baeck, 36 Ross and 29/35 Woodland Avenues, said he sees a significant zoning change in the neighborhood. Commissioner Hayes assured him that each application is studied individually.

Commissioner Signorelli said it is very wholesome and unusual for a property owner to propose such a project and commended staff for helping the applicant through the process. Commissioner Hayes agreed, adding that the Housing Element stated it is unlikely the Town will have many more new apartment projects.

M/S Peterson, Harle, to certify the Negative Declaration for G. H. Frank, 24 Ross and 25 Woodland Avenues, A/P 7-282-06, as prepared by staff.

Motion passed unanimously.

M/S Peterson, Ragan, to recommend to the Town Council to rezone 24 Ross and 25 Woodland Avenues, A/P 7-282-06, for G. H. Frank, from R-3 (Neighborhood Apartment District) to SPD (Specific Planned Development) for eight apartment units on the grounds that it is consistent with the General Plan.

Motion passed unanimously.

Mr. Finisy said the stucco is to be off-white with brown trim. The landscaping is to be such that there will be low maintenance. Commissioner Harle said he had admired the large plum tree in front of the green house and Mr. Finisy said they hope to save it, depending on the drainage system.

M/S Peterson, Ragan, to approve the use permit for G. H. Frank, 24 Ross and 25 Woodland Avenues, A/P 7-282-06, for an eight unit apartment building on the grounds that it will not be detrimental to the neighborhood; and is necessary for the enjoyment of substantial property rights.

Motion passed unanimously.

It was announced that the zoning application will be heard by the Town Council on February 9, 1982.

4. NEW BUSINESS

- A. Ordinance Amendment Repealing Limitations on Residential Uses in Commercial Districts and Clarifying Parking Requirements.

Mr. Davison noted that the recently adopted Housing Element states the Town will consider amendments to its zoning ordinance to encourage residential uses in commercial zones. This proposed ordinance amendment will eliminate the requirement of residential use in commercial zones not to exceed 1:1; however, retaining the use permit process. Mr. Davison said parking requirements will be determined by use.

M/S Signorelli, Harle, to recommend to the Town Council to adopt the ordinance amendment repealing limitations on residential uses in commercial districts and clarifying parking requirements.

Motion passed unanimously.

It was announced that this item will be heard by the Town Council on February 9, 1982.

- B. Z-215 - Mr. and Mrs. Peter Fraser and Mr. and Mrs. Jack Horn, proposed rezoning of A/P Nos. 7-071-03, 7-101-02 and 7-154-04, southwest of No. 360 Redwood Road and above No. 107 Allyn Avenue, from PPD R-1 B20 (Preliminary Planned Development with a presumptive use of Single Family Residential) to SPD (Specific Planned Development) for 24 single family dwellings; to determine the scope of the environmental review only.

Mr. and Mrs. Peter Fraser, applicants, John Stuber, land surveyor, and Bill Schenk, planner, both of Stuber-Stroeh, present.

Mr. Robbins pointed out changes to the Environmental Checklist since its preparation - Item 4 A change from 'No' to 'Maybe'; Item 14 A change from 'Maybe' to 'Yes'; and Item 16 C change from 'Maybe' to 'Yes.'

Mr. Robbins explained to the audience the purpose of this hearing and the EIR process. He pointed out that the difference between a 'Yes' and a 'Maybe' answer are really nil, as a consultant will give it equal treatment.

Paul Brand, 130 Allyn Avenue, said the neighborhood met with the applicant over the weekend and notes from that meeting were submitted to staff for consideration with regard to environmental concerns. He suggested Item 3 H be changed from 'No' to 'Yes' in order to be compatible with Item 16 C; and Item 19 be changed from 'No' to 'Maybe' with ". . . and trails" added to that statement.

Gay Kagy, 280 Redwood Road, suggested Item 1 C be changed from 'No' to 'Maybe' as the grading will change the topography; Item 5 C be changed from 'No' to 'Maybe' as there will be more dogs to harass the deer and fence barriers; Item 6 A be changed from 'No' to 'Maybe' as there will be traffic noise; Item 13 A be changed from 'Maybe' to 'Yes' as there will be an additional 250 trip ends per day; Item 14C be changed from 'No' to 'Maybe' (to which the Commission disagreed there will be a significant effect on schools); and Item 21 C be changed from 'Maybe' to 'Yes' (to which the Commission disagreed as the difference between a 'Maybe' and 'Yes' answer is nil).

Mary Cone, 349 Redwood Road, asked that Item 13 A be changed from 'Maybe' to 'Yes' as she feels there is no question there will be additional vehicular movement.

Mr. Fraser thanked Mr. Brand for having the neighborhood meeting at his house and encouraged these meetings during the stages of this project. Mr. Fraser assured the audience that the applicants are local people and will see the project through completion.

Mr. Stuber said three areas should be concentrated on in the EIR: traffic, drainage and geophysical. He said studies have been made already through the applicant and these studies can be made available to the EIR consultant.

Commissioner Ragan suggested Item 11 be changed from 'No' to 'Maybe'.

Mr. Davison told the Commission that the EIR consultant will be required to prepare his studies per a fixed and definite schedule.

Commissioner Harle said the consultant should be directed to give particular attention to mitigations and alternatives and look at the access for Phase 2.

M/S Peterson, Ragan, to direct staff to proceed on the basis that an EIR is required for this project, taking into consideration the Checklist as revised at this meeting and with the Commission's consensus: the Commission's primary concerns are traffic - mitigations for significant impact may be found with regard to Phase 1; access - identification of access for that portion of the project that comprises Phase 2; and geophysical considerations. The EIR consultant to be directed to reference and include those studies already prepared by the applicant and to the extent possible the consultant use those prior EIR's that he feels are applicable.

Motion passed unanimously.

- C. V-995 - Jeremy H. Levin, 23 Hillcrest Avenue, A/P 7-121-06,
a 4'10" frontyard variance to construct an open deck addition within 9'2" of the front property line - After-The-Fact.

Jeremy Levin, applicant, present.

Mr. Levin explained that at present the deck is simply a walkway to the house and the expansion will be an improvement to the property.

Fern Parker, 21 Hillcrest Avenue, said she is concerned about the deck addition on her side as she already feels isolated because she cannot see any lights from her property. She said there also is an argument between her and the applicant as to the location of the side property line.

Tom Bianco, 17 Hillcrest Avenue, said the house violates all the setback requirements.

Mr. Levin stated that he prefers to expand the deck in the frontyard; however, if he is not granted that variance, he pointed out that he can construct the addition in the sideyard up to six feet from the property line. He feels this would be more of a detriment to Ms. Parker.

M/S Peterson, Signorelli, to continue this item to February 1, 1982, for the applicant to meet with his neighbors and perhaps come to a compromise; with the understanding that the applicant need not submit new drawings for that meeting.

Motion passed unanimously.

- D. Z-216 - Mr. and Mrs. John R. Weiss, 192 Tunstead Avenue,
A/P 7-213-48, proposed rezoning from R-2 (Two Family Residential) to R-3 (Multiple Family Residential); and the initial environmental review.

V-996 - Mr. and Mrs. John R. Weiss, 192 Tunstead Avenue,
A/P 7-213-48, variances for the following: lot area and average width, street frontage and parking sideyard setback.

Mr. and Mrs. John Weiss, applicants, and Edward Hageman, architect, present.

Mr. Robbins explained the applicant proposes to construct a triplex unit with the existing unit to remain. One of the new units is to be a handicapped unit.

Mr. Davison added that there is presently a six unit building on one side and a nine unit building on the other.

The Commission agreed this is a good location for a multiple residential use, adding they were pleased with the proposed handicapped unit.

Commissioner Hayes questioned the workability of the third parking space to which Mr. Hageman agreed would have to be for a compact car.

Klaus Binz, 190 Tunstead Avenue, expressed concern about the drainage system. Mr. Hageman said there would be no change.

Commissioner Signorelli suggested there be some plantings. Mr. Davison referred the Commission to the property at 920 Sir Francis Drake Boulevard in Kentfield, of which they are the owners of record, as an example of their landscaping.

M/S Ragan, Peterson, to accept the Negative Declaration as prepared by staff for Mr. and Mrs. John R. Weiss, 192 Tunstead Avenue, A/P 7-213-48.

Motion passed unanimously.

M/S Ragan, Peterson, to recommend to the Town Council approval of Z-216 for Mr. and Mrs. John R. Weiss, 192 Tunstead Avenue, A/P 7-213-48, proposed rezoning from R-2 (Two Family Residential) to R-3 (Multiple Family Residential); and the initial environmental review, on the basis that it is consistent with the General Plan; with particular reference to the drawing received December 22, 1981, consisting of three sheets.

Motion passed unanimously.

It was announced this item will be heard by the Town Council on February 9, 1982.

M/S Peterson, Harle, to approve V-996 for Mr. and Mrs. John R. Weiss, 192 Tunstead Avenue, A/P 7-213-48, variances for the following: a one foot west sideyard variance for the new building to be within seven feet of the west side property line; and eight foot west sideyard variance for three parking spaces to be within zero feet of the west side property line; a lot area variance to permit construction of the proposed building on 7,208 square feet; an average width variance permitting construction of the proposed building on a lot with an average width of 42.4 feet; and a street frontage variance to construct the proposed building on a lot with a street frontage of 42.4 feet; based on the Commission's findings that it will permit the enjoyment of substantial property rights; it will not be detrimental to the neighborhood; it conforms with the other buildings in the neighborhood in that the neighboring properties have R-3 uses; and due to the shape of the lot, being long and narrow, these variances are required.

Motion passed unanimously.

Applicants were advised of the ten day appeal period.

- E. SR-329 - Atsumi Kajita, 727 Sir Francis Drake Boulevard, A/P 6-083-07, sign variances: use of plastic and illumination on projecting sign; it will exceed the six foot limitation on each side (being 14.46 square feet on each side); the bottom of the sign is to be seven feet from grade (eight feet required); and the sign is to be ten inches thick (six inches maximum).

Jimmy Woo, representative, present.

Mr. Woo submitted a revised drawing showing the sign to be eight inches thick.

Commissioner Peterson expressed concern about the sign being only seven feet from grade. However, it was noted that the walkway is not under the proposed sign.

M/S Harle, Ragan, to approve SR-329 for Atsumi Kajita, 727 Sir Francis Drake Boulevard, A/P 6-083-07, sign variances: use of plastic and illumination on a projecting sign; it will exceed the six foot limitation on each side (being 14.46 square feet on each side); the bottom of the sign is to be seven feet from grade (eight feet required); and the sign is to be eight inches thick (six inches maximum), based on the drawing received by the Town on January 25, 1982; with the stipulation that the actual location in plan view is as shown on the side elevation of this drawing; on the grounds that it will not be detrimental to the neighborhood; it is necessary for the enjoyment of substantial property rights; and the hardship is the unusual location along Sir Francis Drake Boulevard that makes such a sign required for visibility.

Motion passed unanimously.

Applicant was advised of the ten day appeal period.

4. DISCUSSION ITEM

Suggestion to request information from Town Attorney (see memo from Commissioner Signorelli dated January 11, 1982).

Commissioner Signorelli said the Commission made the finding in 1980 that the numbers in the Density Ordinance were within those in the General Plan. Later, the Commission was told the Density Ordinance had been set aside because it was in conflict with the General Plan. Commissioner Signorelli questions the legitimacy of that finding. He also questions the Town Attorney's statement that "it is not what is taken, but what is left" and feels if there are no laws to support that statement that he keep his cliches to himself.

Commissioner Peterson suggested the Town Attorney give the Commission some guidelines on economic viability - perhaps through case analyses. He also said what Jonathon Braun has been suggesting, that there be some type of construction development contract, something like CC&R's.

Commissioner Peterson suggested having the Town Attorney schedule a workshop meeting with the Commission to discuss these concerns. Commissioner Hayes added that such a meeting would not be to call him on the carpet for what he has to say, but to give the Commission some help and guidance.

M/S Peterson, Ragan, to refer the questions asked by Commissioner Signorelli to staff for the Town Attorney and ask that he also reply to the following questions: a general discussion on the meaning and background of economic viability and other related issues; and the idea of construction development contracts.

Motion passed unanimously.

5. ADJOURNMENT

The special meeting of the San Anselmo Planning Commission was adjourned at 11:13 p.m. to the next regular meeting on February 1, 1982.

Lisa Burghin

LISA BURGLIN
PLANNING ASSISTANT