

The special meeting of the Planning Commission was called to order by Chairman Hayes at 8:10 p.m. on February 14, 1983 in the Council Chamber. L. Wight of staff present.

1. ROLL CALL

Commissioners Present: Bergeson, Harle, McPeak, Sharp, Signorelli, Sousa, Hayes.
Commissioners Absent: None

2. Z-220 - Siegfried Pfendt

Staff had no comment.

Mr. Pfendt presented his application; he stated 90% of the people are good, helpful and trust others. 10% try to intimidate, rape and rob. He asked the Commission not to be intimidated by the 10%. He questioned why he had to apply for all of his parcels as a package. He said he could find no legal basis for the requirement.

Commissioner Hayes said it was good planning sense. The area is a sensitive area and there is an integral configuration of 2 lots.

Mr. Pfendt said he did not think the Planning Commission is properly informed. You have been misled, he said. Staff has intentionally misled you. He then displayed the County Open Space map which indicates his north ridge is not in the County Open Space area, but that area does abut his property at one point. Mr. Pfendt then gave the Chairman a letter from the Governor's Office of Planning and Research, portions of which were read aloud. The letter has answered some questions Mr. Pfendt had posed to that office, but stated before they could answer all of the questions, they would need to know the density allowed by the San Anselmo General Plan. Mr. Pfendt then gave all of the Commissioners a copy of Ordinance 704, Town of San Anselmo; Mr. Pfendt generally asked of the Commission what is the allowed density according to written law and regulations. By what rule, he asked, do we fix density? What is used as a guide? In other words, is the density a whim of the person on the podium?

The Chairman pointed out to Mr. Pfendt the Commission had given a lot of direction, even so far as to cite numbers with which they could live. The Commission had tried its best to convey to Mr. Pfendt many times, what would be acceptable density.

At this point Commissioner Signorelli asked if we could have the specific presentation for which Mr. Pfendt had made application.

Mr. Pfendt put drawings on the board indicating 5 alternatives designated as follows:

A	- A/Ps 177-250-40 & 41, 177-220-50	21 units
A-1	- A/P 177-250-40 & 41, 177-220-50	26 units including 6 medium and/or low income units
A-2	- A/P 177-250-40 & 41	12 units
B	- A/P 177-250-40 & 41, 177-220-50	22 units
B-1	- A/P 177-250-40 & 41, 177-220-50	24 units including 3 medium and/or low income units.

He spoke briefly about each plan. He said his proposal allotted less density than neighboring properties. His area, he said, is the more desirable. Some of the worst spots have already been developed. Further development can only improve the area in his opinion. All of his proposals except A-2 include all three parcels.

At this point the floor was opened to public comment. The chairman asked that two issues be considered concurrently; whether or not the EIR is adequate for consideration of this application and the proposed rezoning.

Larry Stack, 10 Alice Way presented a visual aid in the form of an enlarged aerial photo pinpointing the existing homes in the area and those proposed. He said there are three considerations: (1) equity (2) financial viability (3) compatibility of the project. He suggested 4 or 5 lots could be developed; a maximum of 5 would provide economic viability. Mr. Stack spoke on the elevation of surrounding homes, saying none are over 250' while the elevation of the proposed building sites would place homes at elevations between 250' to 500'. Any building on these sites would have a tremendous visible impact. It would be an absolute disruption of the ridge between Fairfax and the Tamalpais Cemetery in San Rafael. Mr. Stack felt there was not justification for more than 1 or 2 dwellings on the total holdings.

Peter Edridge, 49 Indian Rock Court, spoke of density scaling. He said there were two types of developments, core type and ribbon type. He said San Anselmo was the more desirable core type, however, the type of development proposed would fall into the ribbon-type development. He said Mr. Pfendt's density scaling is totally inappropriate.

Mary O'Dell, 41 Elk Horn said she had spent 2 weekends getting signatures and everyone she spoke to felt 20/22 units were too many. There has never been a change in Mr. Pfendt's requests she stated; he has presented the same one over and over again. Mr. Pfendt, she said, doesn't even live here, but she does.

Jerome Draper, 295 Los Angeles Boulevard said he thought the EIR inadequate insofar as the traffic situation goes. Sir Francis Drake Boulevard cannot accept the present development, and there are 2,000 undeveloped parcels that could conceivably be using Sir Francis Drake Boulevard through San Anselmo, resulting in 20,000 car trips per day. Sir Francis Drake Boulevard simply could not accept that much additional traffic. He said the time to look for a solution to traffic problems is now. Mr. Draper also objected to the course the hearing was taking; he said it was almost like a courtroom hearing. He asked the identity of the man in the front row taking copious notes. He also said the EIR did not adequately discuss runoff.

The gentleman in the front row identified himself as Calvin Gunn who used to be half-owner of the property. He said he has sold his interest to Mr. Pfendt, but since last month Mr. Pfendt filed a lawsuit against him, he came to see what was happening to what may again be his property.

Steve Best, 46 Elk Horn, is concerned about traffic. He said it was incredible what water and runoff has done in the area in the last couple of months.

Jerome Draper again mentioned the letter of Mr. Pfendt from former Planning Director Charles Leitzell telling him he could have 1 unit for 10 acres in accordance with the General Plan; however, Mr. Pfendt has ignored this bit of advice.

Mr. Pfendt replied to remarks from the audience saying there are no engineering problems. The location is one mile more or less from the main road. They have considered the ridge itself and have tried to tuck the houses behind the ridge. The houses, he said, match the contours beautifully.

At this point discussion was brought up to the Commission and closed to the public. The Chairman reminded the Commissioners of the two issues they must consider.

Commissioner McPeak said he considered the EIR adequate for the present consideration.

Commissioner Sharp said he thought the EIR inadequate for the purpose. He felt it did not deal with traffic mitigation. He disagreed with the conclusion that most people would take the more direct route through Broadmoor and the fact that the consultants perceived that as the most direct route. He did not think the EIR dealt with noise or visual impact.

Commissioner Harle said he felt the EIR adequate for the purpose of this consideration.

Commissioner Bergeson said he had no problem with this EIR consideration of this application.

Commissioner Sousa agreed it could be used for the present project.

Commissioner Signorelli said he felt the EIR could be used as an information document and the Commission could make its own judgment.

M/S McPeak/Harle to recommend acceptance of the EIR for current proposal, Z-220.

Passed by the following vote:

AYES: Commissioners Bergeson, Harle, McPeak, Signorelli, Sousa, Hayes

NOES: Commissioner Sharp.

Commissioner Signorelli said he wished to do a critique of a memo written by Town staff in 1981 which he then read and pointed out what he considered weaknesses.

Commissioner Sousa said he was concerned over the north ridge and the visual impact on the entire community. Perhaps he said, it could be used as a community separator and green belt. He said the project had too many units, and he is concerned about the 12 acre parcel.

Commissioner Bergeson said he was disappointed in all 5 of Mr. Pfendt's plans. He did not see them as alternates. He said it was essential to keep the ridge property open and density low.

Commissioner Harle said he could not support any of the alternates. He said they were all repeated with slight variations.

Commissioner Sharp questioned the idea of dedication of open space. He said he heard it stated and yet when he tried to get it down, both Mr. Pfendt and his attorney Mr. Bley backed off. He said if Mr. Pfendt was going to dedicate open space to the Town, then he should do so, but should not waffle.

Commissioner McPeak said he had nothing new to add.

Commissioner Hayes said the Commission had tried to give the applicant guidance as to numbers. He repeated the formula of one unit for 2 & 1/4 to 2 & 1/3 acres. He said he felt it would be fair to apply the same formula to this property-- it is what the Planning Commission has applied to other applications in the past. The result would be 10 or 11 units which, he felt, would be compatible and financially viable.

Mr. Pfendt asked about the north ridge, and Commissioner Hayes said he thought development should be on the borrow site.

Commissioner Signorelli said he had a problem with equity. He said the soundest land is the most eligible. He said he couldn't relate this project to any other past projects. He said he thought the Commission should state the density acceptable for this property.

Commissioner Sharp said there is no legal obligation to state numbers and it is a dangerous thing to do. He said it should be made clear to the applicant that because someone gives him a number, it doesn't mean it will be approved.

M/S Sharp, Sousa that we continue any further discussions until we discuss it with the Town Attorney for some guidance. After some discussion among the Commissioners, motion and second were withdrawn.

M/S McPeak, Harle, to recommend disapproval of Z-220, application of Siegfried Pfendt, Astra Enterprises, A/P No. 177-250-40 & 41 and 177-220-50, as shown on drawings submitted and received by the Town on January 6, 1983, because the density in it is inconsistent with providing mitigations of traffic impacts and visual impacts on plans A, A-1, A-2, B-1 and B-2, for either of the two plans or modifications of both, and the application is inconsistent with the General Plan in that it ignores the ridge top character of the property involved.

Motion passed with 6 Aye votes and Commissioner Signorelli abstaining.

Staff announced this item will be heard by the Council on February 22, 1983, and there will be no further mailing.

At 11:30 p.m. the meeting adjourned to the special meeting of February 28.