

The regular meeting of the San Anselmo Planning Commission was called to order by Chairman Hayes at 8:00 p.m. in the Council Chamber on January 3, 1983. L. Wight representing staff.

1. ROLL CALL:

Commissioners Present: Bergeson, Harle, McPeak, Sharp, Signorelli, Hayes

One position unfilled

2. APPROVAL OF MINUTES

Minutes of the December 20, 1982 meeting were not available, approval held over until next meeting.

3. PUBLIC HEARINGS

A. SR-334 - Great Western Savings - 335 San Anselmo Avenue

Wade McClure of Ad-Art representing Great Western Savings and Loan. There was no one in the audience to comment on the application.

M/S McPeak, Harle to approve SR-334, a sign variance to permit a third sign, 8.33 sq. ft. in size as well as a total square footage allowance, for Great Western Savings, 335 San Anselmo Avenue, A/P 7-252-18; granting of this variance will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the property involved, and it will not be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood; granting of the variance is necessary for the preservation and enjoyment of substantial property rights. Passed unanimously P/C 1-3-83

B. C-190 - William Hendrickson III - 69 Center Boulevard

Mr. Hendrickson said he intended to enclose the existing patio area only, the increase in use would be the ability to use the area in inclement weather as well as good weather. There was no one in the audience to comment on the application.

Commissioner Bergeson asked if the planting around the patio area would remain, and Mr. Hendrickson said he had contracted with the Town's Landscape Contractor, Paul Leffingwell to design some landscaping for his building.

M/S Bergeson, Signorelli to approve C-190, application of William Hendrickson, III, 69 Center Boulevard, A/P 6-102-37, design review of exterior alterations to a commercial building as reflected on drawing dated 10-14-82, received with the application, on the basis that this does not create a detriment to the neighborhood or the community; granting of the application is necessary for substantial property rights. Passed unanimously P/C 1-3-83

V-1043 William Hendrickson, III - 69 Center Boulevard

Mr. Hendrickson reported the area to be enclosed is approximately 400 square feet, the existing building approximately 600 square feet.

Commissioner McPeak pointed out that if this were a routine application for a parking variance rather than an increase in intensity of use, there would be a requirement of 5 parking spaces.

M/S McPeak, Bergeson to approve V-1043, application of William Hendrickson, III - 69 Center Boulevard, A/P 6-102-37, parking variance (increasing the intensity of a use by enclosing a patio area) in that it is an existing condition and has proved no detriment to the community and granting of the variance allows the use of substantial property rights. Passed unanimously P/C 1-3-83

C. V-1042 William Thomas - 68 Bennitt Avenue

Staff had no objections to the variance application.

Mr. Thomas said he was removing an old deck and was adding a storage area under the new deck of about 80 square feet. He said the northern boundary will stay the same as the existing.

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

M/S Harle, Sharp to approve V-1042, application of William Thomas, 68 Bennit Avenue,

A/P 5-091-07 for a three foot north sideyard variance to construct a storage room and deck within five feet of the north side property line on the basis that it entails no detriment to the neighborhood, will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the property involved and granting of the variance is necessary for the preservation and enjoyment of substantial property rights. Variance is necessitated by the placement of the structure on the present site. Passed unanimously. P/C 1-3-82

D. EU-21 Clarence Whitbeck - 7 and 9 Myrtle Lane

Staff had previously sent a memo outlining history of this property.

Mr. Joseph Giacomini was present for Clarence Whitbeck. He stated he was the realtor who handled the transaction when Mr. Whitbeck bought the property from Mr. Green. He said the property has been used as 2 units since 1952 and he had proof from the MMWD of two meters at this address. He said previous owner's right was vested and that cannot be taken away from any subsequent owners. He displayed a map showing 15 properties in the area where there are second units in R-1 property, ten of which are not owner occupied.

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

Staff indicated records show no adequate information as a continuous use for the unit to have become a registered unit at the time all second units were registered; hence the use permit issued to Mr. Whitbeck which required owner-occupancy within one year.

Mr. Giacomini urged the Commission to seek a legal opinion from the Town Attorney before taking any action.

Commissioner Hayes stated comparability to other has no bearing on this application; there could be a number of reasons why these other units were not owner-occupied. He said the burden of proof will be on the owner.

M/S Sharp, Bergeson to continue EU-21, staff recommendation for revocation of use permit for a second unit at 7 and 9 Myrtle Lane owned by Clarence Whitbeck, for the purpose of consulting with the Town Attorney to get a legal opinion. Passed unanimously. P/C 1-3-83

Commissioner Signorelli voiced the question if this unit were "grandfathered in" what then would become to the Gwen Chandler revocation.

E. Z-215 - Mr. and Mrs. Peter Fraser and Mr. and Mrs. Jack Horn

Mr. Bill Schenk present with applicant Peter Fraser.

Mr. Schenk said there were 2 areas of gentle parts on the property. He said they propose to improve the existing areas and hopefully build 8 - 15 units in the two areas. He said there are soils and geological problems which tend to concentrate in drainage swales. Most of the locations where they propose to work are stable areas. The area where Grider Road is proposed may be a problem area--that remains to be seen. That would not change the zoning issue. There is still design work to be done. He felt zoning issues could properly be addressed at this time.

Second concern is drainage. That is a real concern off the site and ranges from 6% at the site to less than 1% in the lower areas (near Elm Court). Those near the property of 6% can be readily mitigated by use of culverts--the lower areas in the range of 1% are impossible for the study to address. The area was developed piecemeal, and it is inappropriate to put the burden on this developer to solve those existing problems. It is up to the community to participate. Questions regarding on-site drainage should be no problem.

Chairman Hayes asked the applicant if he was seeking to have both phases considered at this meeting, and Mr. Schenk replied in the affirmative.

Chairman reminded him the EIR was found adequate for Phase I only. The Fairfax people felt either Phase II should not be included, or the EIR should be upgraded. He said he felt the sense of the group was that the Environmental documents were not adequate for Phase II. He said he also felt the sense of the group was that access ought to be through San Anselmo and 24 units for density was too high. The Chairman said he felt the Commission had given the applicant guidance on this issue. He said the EIR or lack of an accepted EIR legally prevented the Commission from doing much.

The applicant, Peter Fraser, said at the last meeting they expected some feedback on the application; however, the only action was on the EIR. He said tonight they are seeking feedback on the project; he said he wanted direction for the application.

Commissioner Hayes repeated his first statement.

Applicant Fraser repeated his above statement.

Chairman Hayes said he felt there were several options (1) Reopen the EIR and seek to upgrade the EIR and bring in Fairfax (2) Try to proceed somewhat unilaterally on EIR accepted previously (3) informally discuss Planning Commission concepts of the project and to hopefully give some guidance to the applicant.

Commissioner McPeak said both the Planning Commission and the applicant had need for a fair and clear understanding of the off-site mitigations, drainage, access, etc. He said before the Commission could consider anything other than the plan shown for 24 units, the applicant would have to make some statement as to his intention regarding Phase II and a lesser number of units. At present, there is an application for 24 units before the Commission.

Commissioner Sharp said he thought it was pretty clear at the last meeting that 16 units is what the Planning Commission would consider for Phase I. He felt it dangerous to discuss the subject unilaterally; he said it was a dangerous area to get into, especially since the applicant could appeal any decision to the Council, and he said he is opposed to the Commission taking a "shot in the dark" in guessing at numbers.

Commissioner Bergeson said he could understand the frustration on the part of the applicant, and he is ready to consider 26 acres as one property based on the approved EIR.

Commissioner Signorelli said there were problems with zoning and mitigation; since no other plan had been submitted and the motion of the previous meeting accepted the EIR for Phase I only, the EIR was incomplete for Phase II; he would, however, like to hear the rest of Mr. Schenk's presentation.

Commissioner Hayes said earlier the Commission had given guidance; he was uncomfortable proceeding unilaterally and wanted some indication from the applicant whether to consider Phase I or the total property. He again stated there was not an approved EIR for the total property. He felt the Commission would have to become more formal with Fairfax if Phase II is to be considered.

Commissioner Bergeson asked if the Commission can consider the 25.6 acres as one and ignore Phase II because it has been ignored on the EIR. He felt the Commission could consider 16 units on the entire parcel.

Commissioner Sharp said when we start trying to tailor an applicant's application to fit the EIR we are making his application for him. The applicant was given strong guidance at the last meeting.

Commissioner Signorelli said any mitigation measures would be the same for 1 unit or 16 units. He said the same amount of water would fall no matter how many units there were. He said there were 2 main watercourses on the property.

Commissioner Harle said to deal with Phase I you do not deal with the potential of Phase II. The number of units in Phase I may be conditioned by the potential of Phase II. He said the Commission needed to see a design showing where the 16 units are going to be and access for the units. That is not shown.

After a five minute break the Hearing was reopened for Public Discussion.

Russell Cone, 349 Redwood Road asks where that left the residents if only Phase I is considered. He said there is not adequate fire protection; he is not satisfied with the consideration of traffic. He asked for mitigations and/or off-site improvements to be bonded.

Rebecca Hammond, Fairfax Planner, said Fairfax is concerned with the direction the discussion is taking. It appears the applicant has changed his mind. He said he would take Phase II out, and now it seems to be back in again. We now must deal with the EIR again. She cautioned the Commission against considering this application for 24 units since at some time the applicant may decide to appeal to the Council, and it would be dangerous to consider both Phase I and II without an approved EIR for the total property. Fairfax does not wish to consider the zoning application unless they have an EIR. She said there were 9 separate issues, not all related to traffic--there are some significant land use issues. She would like to see a joint application filed in Fairfax. She said she felt the application for rezoning is incomplete. There is no access shown for certain lots; no application has been filed for a private road.

Bob Struther, 360 Redwood Road said he lives right next door to the property. He said the water pressure is poor, utilities are not adequate and streets not adequate to handle the traffic.

Jonathan Braun, 479 Scenic Avenue, said there was no revised plan. He said he could not remember the Planning Commission setting density either approving or disapproving. He asked if the Commission could set a density. He agreed discussing numbers was getting into a dangerous area. He also felt the cumulative impact should be considered and to this end he had researched Town records and found 20 unimproved parcels facing directly onto Redwood Road. This figure included the 4 lots recently approved, but none of this project. He said he found it difficult to grasp the developer's ideas--it would appear he was applying for the maximum number of units. Mr. Braun said he would like to see the application made on a much smaller scale.

Nancy Sanftner, 9 White Way said the danger from traffic on Redwood Road is beyond comprehension. She said she could see no more than 4 units on the property.

John Sanftner, 9 White Way said traffic from 16 units would be excessive. He said Greider Road could be constructed and 20 units could be located there. He said guidance should be given to applicants for no more than 4 - 5 units at the maximum.

Dave Burkett, 360 Redwood Road said parking on the street was also a problem.

Mary Cone, 349 Redwood Road asked what has been done in other situations like this. Is the Town or community responsible for off-site mitigations. The Commission should be considering the impact of the project on the community. The Town does not owe the developer an environment.

Helen Curtis, 310 Redwood Road said she had gone to the U.S.G.S. and purchased a copy of a geological map prepared by Ted Smith which indicated this land is unstable. He would be willing to come to the Planning Commission with slides and explain his map she said.

Rosalind Watkin, 500 Oak Avenue brought 10 people from Oak Avenue with her who consider Oak Avenue unimprovable. She agrees that the community has no obligation to the developer.

Walt Tamley, 951 South Oak Avenue said he is concerned about the soils report. The street is not city maintained and had cost residents \$4,000 in the last few years for ingress and egress. He said the developer should have to bring the street up to standards and the Town should accept it.

Paul Brand, 130 Allyn Avenue spoke about fire protection and gave a brief history of testing in the area.

Gay Kagy, 280 Redwood Road presented a letter containing 70 signatures of people who live in the vicinity of the project. She read the letter which requests consideration of a smaller scale project, saying lower density would result in less severe environmental impacts and would reduce the needed off-site improvements. The letter stated the residents felt there remained a number of potentially significant issues not resolved--soils stability, fire flow, drainage, and an additional 15 acres on Redwood Road near Gerlack Road which were recently placed on the market. The letter made a recommendation of 8 units for the property, clustered along the existing street frontages.

Dan Adair, 45 Allyn Avenue, thanked Peter Fraser for installing a drain; he said he agreed with what others had said.

Scott Drotman, 290 Redwood Road said he felt 8 units would be too many. To approve the application would contribute to the degeneration of the quality of life for residents of San Anselmo. He would have a tremendous impact on his own life. It would not be an improvement for the Town. He did not feel San Anselmo should take the traffic Fairfax has rejected.

Myra Drotman, 290 Redwood Road said Phases I and II are a gross plan for the area. She stated she could not have children on that hill because of the traffic.

Lucille Dandeleit, 126 Redwood Road said she has helped police close off Redwood Road many times when moving vans, cement mixers, bulldozers, etc. got stuck on Redwood Road. She said the same vehicles are beating up the road.

Bill Cordingly, 10 Elk Horn Way said it was decision time. Mr. Fraser must make a decision whether to proceed without an EIR--if so, he should plainly state, in the event he would be coming back later in litigation. He said it was very clear at the end of last meeting what the direction from the Planning Commission was, and that was disregarded. He said a density of 24 units was far too high and consideration should be given to a density of 1 on 3 which is being considered at the present time for the density ordinance.

Discussion was returned to the Planning Commission at this time.

Commissioner McPeak said he would like to propose that we refer the application back to the applicant with some basic direction. He feels both the applicant and staff should take a good look at the mitigations.

Commissioner Bergeson asked Rebecca Hammond what she meant about the rezoning application not being a valid application. She said it did not show access for all of the lots that are being created. No access is shown for the proposed lots in Phase II. She said it would be best to review the application in terms of what the proposal would be.

Commissioner Signorelli said he had hoped we would see a project for Phase I. He is still concerned about zoning and mitigation. He questioned Bill Schenk about mitigation and how they apply to the zoning application. He was told each level of consideration had its own range of mitigation.

Chairman Hayes said he had expected some revised project proposals. He said they had clearly given signals. They wanted to see a resolution of Phase I density, access of Phase II through Fairfax is not acceptable, but all three parcels should be considered and perhaps a density transfer. He said there were a couple of criteria for density based first on the projects approved by the Planning Commission in the past; the total acreage could be divided by the total number of units and would yield about 1 unit per 2.3 acres, or 11 units for this total parcel; looking at the proposed density ordinance which is now in the early stages, 1 on 3 would be the bottom line, or 8 - 11 units. Commissioner Hayes did say he would like to reserve the right to rethink this later on if he desired.

M/S McPeak, Signorelli that the Commission establish a policy for this project that we will review only a plan that has access from San Anselmo. If this policy is ever pushed aside, Fairfax will be notified. Passed unanimously.

Moved Bergeson that Z-215, application of Mr. and Mrs. Peter Fraser and Mr. and Mrs. Jack Horn, A/P Nos. 7-071-03, 7-101-02 and 7-154-04, southwest of No. 360 Redwood Road and No. 107 Allyn Avenue, be sent back to the applicant for revision to comply with the motion made tonight relative to access only from San Anselmo, to follow guidelines relative to density voiced here tonight, from 4 - 11 units, and that a preliminary development agreement be instituted between the applicant and Town of San Anselmo regarding off-site improvements. Motion died for lack of second.

M/S McPeak, Harle that the application be referred back to the applicant for him to revise the plan for no more than 12 units on 25.6 acres and accessed from San Anselmo. Applicant will review mitigations and respond as to what mitigations with which he has problems. Staff will review mitigation measures and scope out all suggestions as to specifics for physical improvements regarding access, drainage and water supply. Staff is to advise applicant of these specifics in time for applicant to respond to these specifics at the next scheduled hearing of the application. Passed unanimously. P/C 1-3-83

MATTERS FOR DISCUSSION OF THE COMMISSION

Commissioner Hayes briefly discussed the sign ordinance and requested that this item be placed on the agenda for consideration of modification.

Commissioner McPeak asked if staff could do a parking survey in the commercial area. Survey should consist of available parking, in town-owned lots and on-street parking, and what the demand is so the Commission could have some guidelines when considering parking variances in the commercial area.

Commissioner McPeak said he had a problem with how Larry Seeman handled the application for the Fraser-Horn rezoning. He questioned who made the decisions as to the extent of the EIR, was he acting on his own, or was he given direction from the Planning Department. He felt Fairfax had been brushed off; that a complete application had not been made. He asked staff to look into instructions given the consultant and that a reply be channeled through the Planning Commission Chairman. Chairman Hayes said the contract work statement should be reviewed to insure that Larry Seeman Associates had performed under the contract.

Commissioner Bergeson questioned the other Commissioners as to what was wrong with the motion he made that no second was elicited. He also asked why a second unit abatement could not be handled by staff.

At 12:15 a.m. the meeting adjourned to the next regular meeting of January 17, 1983.

Thelma Foster