

A regular meeting of the San Anselmo Planning Commission was called to order on January 20, 1986, 8:00 p.m. by Chairman Kroot. Public Works/Planning Director John Kottage was present.

#### ROLL CALL

Commissioners Present: Harle, Hayes, Heubach, McPeak, Sharp, Zaharoff, Kroot

Commissioners Absent: (None)

#### APPROVAL OF MINUTES, JANUARY 6, 1986

On the first page of the minutes, Chairman Sharp's welcome to the new commissioners was corrected to include Robert McPeak.

M/S, Heubach-McPeak, to approve the minutes of January 6, 1986 as amended.

AYES: Harle, Heubach, McPeak, Sharp, Kroot.

ABSTAIN: Hayes, Zaharoff

#### PUBLIC HEARINGS

A. V-2083 - Allan and Joy Widenhofer, 60 Elm Avenue, A/P 7-053-23, 4' east sideyard variance to construct an addition to a sun room with a mini-garage underneath; and a 2.5' east sideyard variance to enlarge a bathroom and a 4' east sideyard variance to reconstruct a portion of the wall on the east side of the dwelling

The applicants were present.

Planning Director Kottage reported that the new submittal included the lowering of a portion of the roof, lowered windows, reshaped windows in the setback and a photo overlay depicting the addition.

Mr. Widenhofer said he had lowered the roof from 30' high to 26'7" high and that any more lowering would void the attempt to use solar panels on the south slope of the roof. He said that what is seen from 66 and 70 Elm is superior to what he will see and that the new submittal is not just a compromise, but a major rebuild. He said the highest point is 4' above the roof at 66 Elm and 2 feet above the 71 Elm roof.

John Cowan, 66 Elm Avenue, read a statement in opposition of the application. He stated that he was furnishing photographs to compare the rooflines and sidewalls before and after the remodeling was done, that Mr. Widenhofer has violated the Town's stop work order of November 3, 1984, and if a 3' wide strip of property had not been previously deeded from his property to the property at 60 Elm, the subject addition would abut the common property line. Furthermore, Mr. Cowan said the addition exceeds the two story height limit and the additional impact in height created by the proposed solar panels must be addressed. He concluded that granting a variance of this magnitude in setbacks and height does adversely impact the neighborhood, is not in the public interest of safety, health and welfare and to grant it would be a striking and dangerous detriment.

William deBishop, 91 Elm, opposed the application saying that the height is out of proportion and the 3 foot setback is ridiculous in that there should be greater separation between houses. Peter Mow, 70 Elm, said he felt the same way.

Mr. Kottage advised that the proposed addition was not considered three stories under town code. The highest point in the center from the ground is 23', the height at the bottom steps is 27' and the highest point down to the level below is 19 feet.

Commissioner Sharp said Mr. Widenhofer had gone to a great extent to compromise, he was not as troubled by the encroachment as by the roof line, but that he would have difficulty making the finding there was no material detriment.

Commissioner Zaharoff said the addition does loom, there appears to be other places to locate the addition although not with the best advantage of the south slope, and she was not convinced there were special circumstances of the lot to warrant the variance.

Commissioner McPeak said he could not make the finding there was no detriment to other properties due to the proximity of the addition and its layout up the hill.

Commissioner Heubach stated he did not have a problem with the sun room extension but did have a problem aesthetically from the front. He would like to see a different looking roof line which accommodates the original roof line.

Chairman Kroot commented that the applicant has come a long way to make compromises but he was still concerned with the high windows overlooking the neighbor and again suggested screening.

M/S, Sharp-Heubach, to refer the application back to the applicant for revision consistent with comments made tonight. Motion passed unanimously.

B. Z-239 - Triad Properties, 57 Ross Avenue, A/P 7-284-06, Rezoning from R-3 (Neighborhood Apartment District) to SPD-R3 (Specific Planned Development) to allow three additional apartment units for a total of 18 units at this site, and initial environmental review

Fred and Jan Usher, property owners, and Dan Goltz, project architect, were present.

Staff reported that while the proposal represents little visual change to the property, the proposed density exceeds all the current guidelines for this area and the off-street parking provisions may be inadequate even though they conform to the parking requirements. A possible mitigation to these concerns is a provision for low income housing.

Mr. Goltz said that since the units were small and close to the downtown, this was an appropriate location for high density development. The units currently house several elderly residents, many of whom do not drive, and there now is more than adequate parking based on the code and current use.

Mr. Usher noted that five parking spaces will be added while the existing 17 spaces are not fully used. Ms. Usher said the property's proximity to the downtown is an attraction for tenants who do not own vehicles.

Steve Potter, 54 Ross Avenue, said that while current tenants may not use cars, this could change in the future. He said this was a nice area for older people but questioned how the density increase will affect his property values.

Commissioner Hayes said the proposal represents a transparent change visually but expressed concern about the recent increase in intensity of use along Ross Avenue. Commissioner Heubach disagreed that the second story unit in front would not be detrimental and did not see any justification for increase in density. Commissioner Harle said he viewed the SPD zoning as an option for the town to control development from a community standpoint and did not feel the proposed re-arrangement of parking and inclusion of low income units was compensation for that density of development and a re-zoning to SPD.

Concerning the environmental review checklist, Commissioner McPeak noted that the proposal may create negative impacts on land use, population, transportation/circulation and parking. He suggested the application be referred back to the applicant for a firm proposal that includes two low income units and one moderate income unit on the property (but not necessarily the new units), and a report on the impacts from this proposal.

Commissioner Zaharoff said she had trouble with the density issue but did not have a problem with the proposal from a building/aesthetic standpoint. Commissioner Sharp said he could not support the proposal

due to overwhelming traffic and parking problems, noting that this area was looked at about 1 1/2 years ago for rezoning, including possible downzoning.

Mr. Goltz responded that the applicant had no problem with providing an agreement to include low income rental units as a return for being able to have a special district zoning. In response to the Commission's concern that such a rezoning would be precedent setting, Mr. Goltz stated that this location near the downtown and public transit was an appropriate site to set a precedent for high density development. He noted that new developments could obtain low interest loans for low income housing but not an addition of this kind.

Mr. Usher added that he is not opposed to low income housing and it probably already exists on the site, but he has not done a specific cost analysis of it.

Chairman Kroot expressed concern about the precedent that approval of this application could establish for properties zoned R-3 and he asked the applicant to demonstrate why this property is unique for this type of rezoning.

M/S, McPeak-Harle, to refer the application back to the applicant for a specific proposal on low and moderate income housing and request staff prepare a recommendation for a focused environmental impact report on land use, population, traffic/circulation and parking.

Commissioner McPeak noted that his motion was intended to be in line with the implications from the Housing Element for low and moderate income housing.

The Commissioners advised the applicant that even if the motion passes and a proposal for low income housing is received, the application may still be denied.

The question was called.

AYES: Hayes, Harle, McPeak, Kroot

NOES: Heubach, Sharp, Zaharoff

The motion passed.

ZONING WORKSHOP - Discussion on changing the zoning of the following properties: 1535 Sir Francis Drake Boulevard, A/P 5-153-01 (Miwok Station lot) and 805 Sir Francis Drake Boulevard, A/P 6-082-14 and 15 (Shell Station lot)

Chairman Kroot abstained from this item due to a possible conflict of interest. Vice Chairman Heubach chaired this portion of the meeting.

The 1535 Sir Francis Drake property is currently zoned C-1, Neighborhood Business District, while the 805 Sir Francis Drake property is now zoned C-3, General Commercial District.

Planning Consultant John Roberto reported that the 1535 Sir Francis Drake Boulevard property's zoning of C-1 was inconsistent with its designation on the General Plan Land Use Map in the mixed residential land use category of 6 to 12 dwelling units per acre. He recommended rezoning this property to R-2, which allows up to two units on a minimum lot size of 7,500 square feet with an average width of 60 feet.

The 805 Sir Francis Drake Boulevard's C-3 zoning is consistent with the General Plan Land Use Map but might be interpreted as being inconsistent with policies in the General Plan to discourage uses which generate traffic and turning movements on Sir Francis Drake Boulevard. Staff recommended amending the C-3 zoning regulations to provide for more discretionary review of uses through the use permit process.

Cook Segale, representing Attilio Segale and other owners of the property at 1535 Sir Francis Drake Boulevard, argued that the R-3 zoning would be in conformance with the present use of the area and the General Plan and that R-2 zoning would be a large step down in the value of the property.

Bob Chapman, 57 Oak Knoll Avenue, noted that with the exception of multiple units on one side, the properties in the neighborhood were R-1. He suggested that an R-3 zoning may be acceptable if there is a commitment to include housing for the elderly.

Since the lot is approximately 1/2 acre, the density range for this lot under the General Plan is 3 to 6 units. With an R-2 zoning, subdivision would be necessary to obtain more than two units on the property.

Commissioners Sharp and Zaharoff agreed that R-2 is the zoning consistent with the General Plan.

Discussion then turned to whether the R-2 zoning was too restrictive, whether the property owner should be given the opportunity for the maximum General Plan density of 6 units on this 1/2 acre parcel - or more if low and moderate income housing is included, if R-3 zoning was more appropriate, or if a PPD zoning would provide the advantage of further town review and the clustering of units.

Cook Segale questioned how many low and moderate income units can be obtained out of a 4 to 6 unit development. He made reference to a memorandum written by previous staff dated January 24, 1985 regarding use and density of this property.

Mr. Roberto noted that a subdivision would not be needed if the property was zoned PPD R-2 but that would not provide a density bonus to allow 6 or more units.

It was the general feeling of the Commissioners that an R-2 zoning may be too restrictive, they should stick with the density in the General Plan but that some Commissioners might be willing to entertain a density bonus in order to implement the policies of the housing element; exactly which specific zoning will best suit this goal, such as PPD R-2 or PPD R-3, is still undecided and needs further review.

M/S, Hayes-Sharp, to direct staff to initiate a public hearing to rezone the property at 1535 Sir Francis Drake Boulevard to one of two or three zoning designations.

AYES: Harle, Hayes, Heubach, McPeak, Sharp, Zaharoff

ABSTAIN: Kroot

Discussion turned to the former Shell Station lot at 805 Sir Francis Drake Boulevard. It was the consensus of the Commission that restructuring the C-3 zoning to require more discretionary review of uses by the Town through the uses permit process was preferred, but this ordinance change would probably not be done in time for review of a new use at the Shell Station lot. Since rezoning of this one property to PPD C-3 to require special plan review would be more expedient, it was the consensus of the Commission to use this strategy as a stop gap measure pending rewriting of the C-3 zoning. Staff agreed to ask the Town Attorney if rezoning of this one property was advisable.

Dale Westrom, 23 Bella Vista, expressed concern about the impact of development of that lot on the adjacent neighborhood.

M/S, Hayes-Sharp, to agendaize and notice a zoning workshop for potential rezoning of the Shell Station lots at 805 Sir Francis Drake Boulevard only to PPD C-3.

AYES: Harle, Hayes, Heubach, McPeak, Sharp, Zaharoff

ABSTAIN: Kroot

M/S, Sharp-Hayes, to continue agenda item 4E, rezoning workshop on 805 Sir Francis Drake Boulevard, to the meeting of January 27th.

AYES: Harle, Hayes, Heubach, McPeak, Sharp, Zaharoff

ABSTAIN: Kroot

M/S, Hayes-Sharp, to continue the ordinance change regarding Vesting Tentative Map Statute to the February 3rd meeting. Motion passed unanimously.

ADJOURNMENT - On motion duly made and seconded, the meeting was adjourned at 11:50 p.m. to January 27th.

*Beth Calamar*