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The San Anselmo Planning Commission's Regular Meeting of December 6, 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; C. R. Leitzell, Director of Public Works/Planning.

1. ROLL CALL

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

Commissioners Absent: Eisgrau

2. APPROVAL OF MINUTES - November 15, 1976

M/S Goltz, Bolles to reconsider correction of the October 18th minutes as written in the November 15th minutes. Passed unanimously.

M/S Bolles, Hulpke to substitute the paragraph suggested by Staff as correction of Pg. 3, para. 5 of VAR-699 in the 10/18/76 minutes, and to approve the November 15th minutes as corrected. Passed unanimously.

Correction: Move to approve VAR-699, application to permit construction of a single family dwelling 13' from the front property line, a variance of 7' on the Miwok frontage at 35 Blackhawk, A/P 177-262-05, be approved for the reason that the site is better utilized by this variance due to the extreme upslope and providing the restriction that no further construction will be allowed within 20' of the Blackhawk frontage; the granting of this application is necessary for the applicant to enjoy property rights and for the reason that this variance will not be detrimental to those living and residing in the neighborhood.

3. ANNOUNCEMENTS/ELECTION OF CHAIRMAN/VICE-CHAIRMAN/DESIGN REVIEW REPRESENTATIVE FOR 1977

Commissioner Goltz nominated Duane Ragan to serve as Chairman. Commissioner Buckle seconded the nomination. Commissioner Goltz moved the nominations for Chairman be closed, which Commissioner Bolles seconded. Passed unanimously, Chairman Ragan abstaining.

Commissioner Bolles nominated Sue Hulpke to serve as Vice Chairman. Commissioner Greenfield seconded the nomination. Commissioner Greenfield moved the nominations be closed, which Commissioner Goltz seconded. Passed unanimously, Commissioner Hulpke abstaining.

Staff questioned whether the Commission wanted to continue having a Design Review representative. Commission felt it was important and they recommended Susan Eisgrau. This matter was held over until Commissioner Eisgrau was present.

4. PUBLIC HEARINGS

A. OLD BUSINESS

1. 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.

Mr. Arnold, architect, was again present. A new drawing was submitted based on the architect's understanding that the Commission wanted the parking off Glen Rd., without a roof, and to offer parallel parking.

No one was in the audience to comment on this application.

Commissioner Goltz felt the parking should be located off Creek Rd. underneath the existing deck area. He felt the lot was extremely overdeveloped, and the parking plan presented tonight accentuate that overdevelopment. He agreed a hardship was present due to the fact that the lot is narrow, small and steep in the front.

Commissioner questioned whether the applicant could negotiate with his neighbor to the west to move the existing fence into his property 6' to accommodate the use of a parking space off Creek Rd. on Mr. Sousa's property.

Commissioner Bolles felt Creek Rd. was parking. He felt the corner of Glen Rd. and Forest should be preserved. He also felt the Commission should only require the applicant provide one parking space, located at the rear of the property. This would tend to curb the temptation to park on Glen Rd.

Commissioners agreed they would be in favor of requiring one parking space.

Commissioner Greenfield felt the moment a parking deck was constructed in the front, more than one car would try to squeeze on the deck to park. He felt the two parallel parking spaces shown on the presented plan were unworkable and he preferred to see the parking area off Glen Rd. (with a variance to require parking for only one car),

Commission agreed they wanted the applicant to provide a parking space located under the deck in the rear (applicant was told he could have a 0' sideyard setback) with a workable solution for ingress and egress. That meant being able to back out, turn around and drive out forward on to Creek Rd.

Chairman Ragan referred VAR-695 back to the applicant for resubmission on December 20th. Passed unanimously.

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B. NEW BUSINESS

- 1. EU-1 - Robin Skewes-cox, 43 and 45 San Rafael Ave., A/P 7-211-05, application to permit existing second dwelling unit to remain.

Robin Skewes-cox, applicant, was present. He stated he objected to the fact that his unit had been referred to as illegal. Staff apologized.

Commissioner Hulpke questioned whether there was the possibility the Water District could turn off the water since applicant had connected the water line to the second unit to the main dwelling. Applicant stated there was that possibility but he wasn't worried about it.

M/S Goltz, Greenfield that the Planning Commission approve EU-1 for Robin Skewes-cox, 43 and 45 San Rafael Ave., application for an existing second dwelling unit to remain, on the basis that the Planning Commission has made the finding that it meets the resolution setting the number densities and all of the requirements of the ordinance regarding owner/resident; all of the setback requirements of our zoning ordinance; that it meets Codes that were being enforced at its time of establishment; and finally, because it is not detrimental to those living & residing in the neighborhood. Further move that this use permit be granted pending final rent agreement as required by our resolution on low rent. In regard to the question of paving, the surfacing is to be as required by our City Engineer. Passed unanimously.

- 2. 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 Ave.) from PPD/R-1 to SPD/R-3 to accommodate a 20 unit duplex condominium development.

Staff stated there had been a letter received from Miles C. Pipal protesting the Negative Declaration. Mr. Robbins read the letter.

Mr. Robbins read the Town geologist's comments, received over the phone, regarding the additional information required of the client before concurring with site stability.

Staff explained any action on the application had to await acceptance of the environmental review.

Staff commented as follows on some of the comments made in Mr. Pipal's letter of protest.

Traffic - Staff did not believe the capacity of the street nearly approached that stated in the guidelines. There had been no accidents on Essex/Red Hill over the past year.

Congestion: Covered under traffic.

Schools: Children should only cross at either the Hub or Sequoia intersections

Commission was questioned whether they accepted the negative declaration or whether they wanted other environmental areas investigated.

Commissioner Bolles stated he had some concerns about Essex and Red Hill Ave. intersection. He number of units proposed did create additional impact on the intersection.

Commissioner Greenfield was concerned about the cars headed toward San Rafael which would cut across the two lanes of traffic on Red Hill. He questioned the amount of traffic westbound in the evening and eastbound in the morning.

Commissioner Greenfield stated he would want more information on traffic and soil conditions.

Commissioner Goltz, at this time, stated he was going to disqualify himself for professional reasons and would stay out of the discussion.

Commissioner Bolles questioned fire safety. Staff stated the Fire Dept. had reviewed the proposal.

Commissioner Bolles commented on the visual impact of the project. He felt the most perplexing point of the plan was the area designated as the pool site/recreation room. He questioned how it related to the community and the development. He felt the visual aspects of the project had not been addressed and the applicant should show visually there would be no impact (i.e. by model or photographs).

Commissioner Buckle felt the traffic congestion was a valid issue, but questioned whether a traffic consultant could actually show the Commission anything meaningful.

Commissioner Hulpke stated she opposed the idea of rezoning. She would agree an environmental impact report would be necessary, however, she would still oppose the application because of density, traffic, safety, aesthetics. She did not feel the application would benefit the Town.

Mr. Holsinger stated he did not like to hear people pass judgment on the application. Because of the terrific costs, he wanted to get through the planning process as soon as possible.

He felt the development was not dense. The hill, in its present state, is unsightly. Except for three of the units, no one would ever see the other structures. He felt the development would be attractive.

Mr. Holsinger reviewed for the Commission the number of times the development of this property had been proposed before the Planning Commission.

1965 - Application for 70 units (area above Bauer's property), rejected because too dense.

1965 - Sharrow applied for 36 units, again rejected because of density.

- 1969-70 - Put in Essex apts. Asked for 34 units, were given 10 units and told to come back later with the request for the other units. Applicant was required to widen Essex St. and make the intersection safe, which was done.
- 1976 - Requestd 24 units. Council suggested merging with Mr. Bauer as it made a logical project. Original application requested 24 units. That was withdrawn and request is now for 20 units.

Mr. Holsinger noted the matter of traffic had been discussed the period when the Essex apartments had been built. It was his feeling that the street had the capacity to handle ten times that being proposed.

Mr. Holsinger felt the location of the new apartments would discourage a lot of second cars in the family.

With regard to fire safety: three hydrants were proposed one on Red Hill Ave. and two on the site to serve the units.

Keith Bergman geologist and geophysicist for Harding Lawson stated that on the basis of Harding Lawson's investigation, it was their understanding the development was feasible.

Mr. Bergman stated that Mr. O'Rourke's comments were directed more towards design. Any question in Mr. O'Rourke's mind could be cleared up via the telephone.

Commissioner Greenfield stated the soils report had made no statement as to the effect an earthquake might have on the site.

Mr. Bergman stated the buildings would be designed with reasonable seismic input per slope. He stated there were no sands that would be liquifiable.

Commission stated that due to the nature of the application, Specific Planned Development, if the results of the soils report changed the density, that had to be resolved first.

Mr. Korbay felt the density didn't need to be changed.

Mr. Korbay stated that mapping was the basic tool used for locating hard rock. He felt the site was not a high risk area in terms of stability. A major portion of the site is underlain by sandstone which is seen in the cut slope. He didn't feel it was necessary to map each bolder.

Mr. Korbay stated there is one melange rock type on the site containing sheared shale/clay/serpentine and various masses of competent rock. He felt all the units shown on the plan would be close that that mass.

The slope above the units is steep and contains graywacke soils which are relatively shallow. It is questionable as to its stability; however, he felt that if the material did fail it would be relatively shallow and would be caused by a combination of events -- saturation, steady rainfall and earthquake. Those items would precipitate sliding. He doubted any mudflows would go into the development.

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Mr. Korbay stated their soils and geologic report was a feasibility study. They had addressed themselves to the stability of the site as shown.

Mr. O'Rourke had prepared a geologic report of San Anselmo and did not show any landslides in the project area. Mr. Korbay felt there was a possibility of landslide deposits in the ravine to the west; none in the ravine to the east.

Mr. Korbay stated there was no flooding on the site; no active faults; no potential for liquification/flooding/settlement/diversification of soil or fill.

Commissioner Buckle questioned the time of year Harding-Lawson had inspected the site. Mr. Korbay stated it had been two weeks ago. Commissioner Buckle questioned whether there would be a lot of ground water if there was the typical rainfall.

Mr. Korbay stated that water was the basic fact to ground instability. If there is a high water table, the site is then susceptible to slope failure. There were no indications on this site, at this time, of seepage or a high water table.

Borings to 20' had been taken but stopped because they could not drill any further. The majority of the melange at that depth was harder rock.

Commissioner Bolles again brought up the subject of visual impact. This issue had not been addressed by the applicant. Commissioner Bolles stated he was concerned about the reaction of the Town. He stated he did not want to hold Mr. Holsinger up, but on the other hand he did not want the Commission put in a vice because they were not prudent.

Commissioner Greenfield agreed. He felt that while he did not want to push for an EIR, there were some questions that needed answering. The Commission had to act in the public's interest. Visual impact is important. Commissioner Greenfield also stated he would not vote for accepting the negative declaration until at least the Staff had been convinced the two consultants had come to an agreement. The traffic issue was still a question and he felt perhaps Staff could look into this.

Mr. Piple of the audience stated he appreciated the fact the applicant had spent time, money and effort on this project. He wanted to point out, however, that the developer did not live in San Anselmo and they would construct something which did not effect them. Regarding traffic, he stated his fender had been damaged on Essex Avenue. Regarding water runoff, water gushed down the hill leaving water and rocks in the streets.

Mr. C. Dill stated he was concerned about the traffic, water runoff and how the development would look.

Chairman Ragan stated the three items of concern were:

1. Resolve between engineers matter regarding soil stability.
2. Traffic problems.
3. Visual impact -- what is benefit to the community
(Chairman suggested applicant prepare a model to give Commission a better idea.)
4. Density.

Mr. Holsinger stated they couldn't get into the design of the project or design engineering before they know where they stood as far as density.

Chairman Ragan moved to continue the public hearing to the 20th of December, 1976 in order for the applicant to prepare the information requested by the Commission. Commissioner Hulpke seconded the motion. Passed unanimously, Commissioner Goltz abstaining.

3. Proposed changes in uses permitted in C-1 (Commercial) zones.

Bob Leitzell, Director of Public Works/Planning explained that back in 1960 the Town had felt residential use should not be allowed in commercial areas. The Commission was now being questioned whether or not they felt residential use should be permitted in C-1, Neighborhood Commercial.

Mr. Krueger, 165 Tunstead felt residential use should be permitted in commercial areas.

Commission generally agreed many of the commercial areas did and should have residential use auxiliary to the commercial use.

Commissioner Goltz felt R-1 use should be allowed in C-1 areas. C-2 and C-3 areas would require a use permit. At the time the use permit was considered the Planning Commission could consider whether the use would be upgrading the area.

Staff was directed to draft an ordinance. Section 10-3.902(g) should say each use that is allowed in R-1 through R-3 areas. If not permitted, a use in question should come before the Planning Commission. Staff should draft an ordinance for the C-1 areas which allowed strictly neighborhood services.

M/S Goltz, Greenfield to put over the hearing for changes of uses in C-1 zones until January 24, and that Staff be directed to prepare a draft ordinance. Passed unanimously.

4. Proposed Condominium Conversion Ordinance (This item is out of sequence in the minutes. It was actually considered before the proposed changes in uses in C-1 zones.)

After a brief discussion about how the Town was skeptical conversions would encourage anything but higher income families in units that may have once housed lower income families, the Commission questioned whether they wanted to allow existing apartments to be able to convert to condominiums.

Commissioner Hulpke questioned whether the Town could legally deny a property owner the right to convert when new developments would be allowed.

Staff was directed to ask the Town Attorney whether it was possible to delete conversions from the Community Housing ordinance.

5. Amendments and additions to Chapter 4, Title 10 (Design Review) of the San Anselmo Municipal Code. Held over until December 20, 1976.

C. MATTERS FOR CONSIDERATION

1. Suggested agenda items for meeting with the San Anselmo School District regarding the Yolansdale School site.

Commission directed Staff to write the School District a letter telling them the Commission's intentions were not to request a formal meeting of the two bodies, but to invite them to attend the Planning Commission's workshop session. They were not expected to participate.

The Special Meeting was set for the 17th of January, 1977.

V. ADJOURN - Meeting adjourned 12:10 a.m.