

The regular meeting of the San Anselmo Planning Commission was called to order at 8:00 p.m. on November 15, 1982 by Vice Chairman Fred Peterson, in the Town Hall Council Chamber. L. Burglin-Wight and G. C. Davison of Staff present. Hadden Roth, Town Attorney also present.

1. ROLL CALL

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

2. APPROVAL OF MINUTES

Minutes of November 1, 1982 had not been completed, hence were held over until the next regular meeting.

3. OLD BUSINESS

A. U-573 RANDALL E. KARKKANEN 75 RED HILL AVENUE

Mr. Karkkanen was not present, and a telephone call ascertained that he would not be attending the meeting; item was continued to the December 6, 1982 meeting.

4. B. Z-219 Siegfried Pfendt, Astra Enterprises

Hadden Roth, Town Attorney, introduced Ken Bley, attorney for Mr. Pfendt. Mr. Roth said this was a jurisdictional dispute. The Town wants to include all of the properties in the area held under the Pfendt name and plan the entire area.

Mr. Bley said he would prefer to get information from the Commission to get an idea of the number of units they would allow.

Mr. Roth recommended the Commission not proceed with discussing anything more than the application before them. He said if the Pfendt entity wanted to include the entire area, then they could master plan the entire area.

Mr. Bley stated his client had applied for development both on the ridge area and the lower area and both together. One of the previous applications had been recommended for approval by the Planning Commission and turned down by the Council. The original application was turned down at both levels. He is now applying for the lower area. The reason he is asking for 20 units is two-fold: There should be applications that cover the entire parcels. If 20 units is approved as now proposed, Mr. Pfendt is willing to dedicate the upper area to the Town. A financial breakdown was submitted. Some items in the breakdown were briefly discussed.

Mr. Roth said he disagreed with the figures submitted.

Mr. Bley said he wished to try to reach a mutual accomodation. He asked: Is there a view on the part of the Commission that this 20 lots as it stands can be approved? And is it possible it would be recommended to zone to SPD a plan for 22 lots spread a little more apart, with 3 to go on the lower portion of the ridge area?

Mr. Roth pointed out this consideration was not officially before the Planning Commission, and he objected to the procedure. He said a new application would have to be presented if the Commission wished to consider 22 lots. The only plan before the Commission is for 20 lots.

Commissioner Peterson noted Parcel 50 was included in the application and there was now three parcels instead of 2.

Mr. Roth said this was not the way the Town of San Anselmo does business. Mr. Bley said he understood the Town's desire to have this considered on its merits.

Mr. Roth stated the applicants have come with one application throughout the entire process. It was always the same proposal, on a little different angle each time. He said a new application should be made to include the entire properties and should include any proposed dedication and the number of units proposed.

Commissioner Signorelli felt the proposal submitted is much too dense. There is an effort to transfer density from the ridge to a specific location. He agreed with the principle, but to attempt that many units in that small an area does not follow character of the neighborhood. It would be essential to include the rectangle area in order to achieve whatever density is proposed.

Commissioner Bergeson said he felt ill at ease; he felt that he is being coerced into a decision he doesn't wish to make.

Commissioner Sharp said he couldn't understand if the application is being amended to include the other property.

Mr. Bley said no it has not been amended. If it is the Commission's pleasure to recommend that the 20 lots be approved, Mr. Pfendt would dedicate the upper area to the Town.

Mr. Sharp said he was resentful of the Commission being used as some sort of tool in litigation strategy. He restated he did not wish to be in the business of giving advisory opinions.

Commissioner McPeak: We gave the applicant an opportunity to come back and submit a plan for all property under his control, and he hasn't done it, and therefore I am prepared to go forward with this application.

Commissioner Peterson: It was established at the last meeting the General Plan designation of one unit per acre in the conservation zone should be the guideline, and this parcel has 12 acres, and it appears to me the applicant is asking for density greater than the General Plan permits. If the north ridge is not before us, then we can't begin to talk about density transfers for the rest of the property.

Mr. Bley asked if he understood that the only thing the Commission wants to do is rule on a precise application brought before it. He said he is not averse to submitting an amendment if he knows it is going to be anything more than a waste of time.

Mr. Pfendt said at the last meeting he had understood that Mr. Bley and Mr. Roth had some accommodation that he did not know about. He said he redrew his map. He also stated that a lot of the developed property in the conservation zone is less than one acre parcels.

Steve Best, 46 Elk Horn Way asked about the economic feasibility and legal costs which he said should not be a part of the decision making process.

Bill Tabb 26 Indian Rock Court pointed out that with regard to economic viability, shorter roads and houses closer together would cost less also, and might be more economically feasible. He asked whose responsibility it is to see that the developer makes a profit. He said the Town was not obliged to provide a profit.

Peter Edridge, 49 Indian Rock Court stated Mr. Pfendt is a speculator. He bought the property at a low price because of the zoning on the property. He is a speculator, as for saying he needs a certain number of lots and the overhead he has spent must be recovered--that is wrong. We owe him nothing. He is the one that caused the overhead. He urged the Commission not to be "bamboozled".

Bob Portnoy, 50 Indian Rock, stated he is an architect, and he is concerned over the people who live below. He said he is going to have to put up a retaining wall because the whole sidewalk area is slipping. He said Mr. Pfendt's proposal is to sell a bunch of lots, not to have trees planted and guarantee erosion protection. He said there would be no one to have recourse to when Mr. Pfendt sells the lots. He will be gone and the owners as well as those owners below will be on their own.

Joseph Thorne, 4 Blackhawk Drive. Asks what the Commission is evaluating; 20 units on 12 acres. He said there doesn't seem to be any good faith on the part of the applicant.

Mr. Ken Meyer, 20 Elk Horn Way said he suggested over a year ago that the applicant familiarize himself with the plans for the County and San Anselmo particularly, and then to follow the intent of the General Plan. He urged the Commission to "stick to their guns".

Bill Cordingly, 10 Elk Horn Way, said he felt everyone in the audience felt pretty much the same. The Commission is being told to make a decision that it does, in fact, not have to make at all.

M/S McPeak, Sharp to approve V-1040, application of Robert L. Adrian, 53 Bella Vista Avenue, A/P 6-082-08 for a 17 foot frontyard variance to construct a single family dwelling within three feet of the front property line on the grounds that the topography and presence of the creek necessitates the location of the house closer to the front property line and that granting of this variance is necessary for the preservation and enjoyment of substantial property rights; the 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.

Passed unanimously.

P/C 12-15-82

Applicant was notified of the 10-day appeal period. It was suggested that the applicant contact the Town Engineer prior to submitting his drawings for a building permit.

5. The meeting adjourned at 9:50 p.m. to the special meeting to consider the density ordinance of November 22, 1982.

THELMA FOSTER