

The regular meeting of the San Anselmo Planning Commission was called to order at 8:00 p.m. on December 6, 1982 by Chairman Hayes in the Town Hall Council Chamber.  
L. Wight of staff present.

1. ROLL CALL

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

2. APPROVAL OF MINUTES

M/S Peterson, Harle to approve minutes of November 1, 1982 as written. Passed unanimously.

M/S Peterson, Harle to approve minutes of November 15, 1982 as written. Passed with six Aye votes; Commissioner Hayes abstaining.

3. PUBLIC HEARINGS

A. U-573 - Randall E. Karkkanen

At this time there was no one present representing Mr. Karkkanen; however, since the Chief of Police had appeared for the second time, his testimony was taken. He said there had been several problems at the Karkkanen establishment, some of which had to do with complaints about the loud noise. Unfortunately, his notes had been locked in his office, and he was unable to get them, but to this best recollection, the complaints had come from Greenfield Avenue, Forbes Avenue and Island Drive. He thought there had been 10 - 12 complaints since the original use permit for live music had been granted. He said County and Western music was played. Since there was still no one representing Mr. Karkkanen, this item was continued until later in the evening.

Item B was heard and Mrs. Karkkanen arrives, then the hearing continued:

Mrs. Karkkanen said the traffic more than compensated for the noise; normally they have music on Saturday night only and are finished by 1:00 a.m. Mrs. Karkkanen said she was unaware of any complaints. Members of the Commission pointed out that the use permit was not approved for country and western music; that it was part of the original motion that baffling be used if there were complaints about noise; and it was too bad that no one in the neighborhood appeared for this rehearing.

M/S Bergeson, Peterson that we continue the Use Permit for live music that was granted in May 1982 with the same provisions, for three months when this review will be heard again. During this period the owner shall take measures to sound baffle the premises to a point below the level allowed by the noise ordinance.  
Passed unanimously. P/C 12-06-82

It was suggested that the Chief of Police have his records available and perhaps give the Karkkanens a copy, so they would have it in time for the next hearing. Records should include what the complaints are, who is making the complaints, with what frequency they are made. Staff was asked to keep track of the baffles to be sure they are installed right away. Mrs. Karkkanen asked if it would be acceptable to turn the sound down. Chief Del Santo said the onus fell on the P.D., and he would advise the Commission if the complaints continued.

B. U-582 Leonard Laudisio

Bob Hebrn present for Leonard Laudisio. Staff reports no problems. There was no one in the audience to speak on the matter. Mr. Hebrn stated they intended to serve wine to only 4 persons at a time. Wine tasting is not their main business--selling food is.

M/S Harle, Signorelli to approve a use permit for wine tasting in a C-3 zone at 34 Greenfield Avenue, A/P 6 251-09, for Leonard Laudisio, on the basis that the use will not be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood, or be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the Town, and that the granting of the application is necessary for the preservation and enjoyment of substantial property rights of the petitioner.  
Passed unanimously. P/C 12-06-82

C. NU-27 Richard Gould 11 Skyline Road

Staff reported a use permit for a second unit had been granted to Theodor Ehrler several months ago, and he had sold the property; the new owner was applying under the same conditions. Staff also reported all required permits had been taken out and inspections made. Diane Kavantjas, 15 Skyline Road, said she opposed the application on the same basis she did Mr. Ehrler's application, privacy, parking, identity of the neighborhood.

M/S Peterson, McPeak to approve NU-27, application of Richard Gould, 11 Skyline Road, A/P 5-082-34, for a use permit for a second unit to remain upon change of ownership, with the conditions that no more than 2 cars be domiciled on the property. At any time that there is a third car being domiciled, an additional off-street parking space shall be added; use permit granted on the basis that the use will not be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood, or be detrimental or injurious to property and improvements in the neighborhood, or the general welfare of the Town, and that the granting of the application is necessary for the preservation and enjoyment of substantial property rights of the petitioner.

Passed unanimously.

P/C 12-06-82

D. Z-221 - June Dunham, Bill Fries and Dan Goltz 9 - 11 Fern Lane

All three applicants present.

Mr. Fries said they originally did not intend to become landlords for 3 units; they had to foreclose as second mortgage holders and were trying to salvage their investment. The third unit, he said, had been in use for approximately 5 years--the tenant had not been successful in finding another place to live, and she urged them to apply to be allowed to continue the use. They are asking to keep the use exactly as it has been for the past five years.

Jean Ellis stated she lived in the illegal unit and stated until recently she was unaware that the unit was illegal. She said in the four years and eight months she had been in residence there had been no parking problems.

Discussion raised by the Planning Commission: Why was this submitted as PPD instead of straight R-3? Density should be supported. This is an excellent area for the proposed type of density. Would it be possible to subdivide this property if it were zoned to SPD. The Town should receive some definite benefit if this application is approved, such as keeping two of the units under a rental agreement for low/moderate income. To change this lot to SPD would remove 1 unit from the second unit program and add 2 to R-1 zoning. There is sufficient parking and this area is in a period of transition. Question about tandem parking in R-1 zoning and if a parking variance would be required for number of spaces as well as parking in setback. There is a tremendous burden for the three owners if the Town requires owner-occupancy of one of the units. One of the Commissioners stated he felt this zoning was a mechanism for getting around the second unit ordinance. Another said this use of SPD zoning seemed pretty free and easy, and he did not want to open up SPD zoning for second units. Approval of this application would be precedent setting. One of the Commissioners said a precedent would be set in that by paying a fee of \$550 for a rezoning application instead of \$75.00 for a use permit for a second unit, property would not fall under rental agreement, nor the living on the property clause and the extra money could easily be recouped in selling the project--it would almost negate the second unit ordinance.

Owner Goltz stated they were not here for a second unit zoning; they did not want second unit zoning, they were here for an existing condition and were asking specifically for SPD. He said they could not do it if two of the three units were under second unit status; for one thing, the utility bill for the building is \$280 per month. He pointed out SPD is very restrictive.

M/S Signorelli, McPeak to accept the Negative Declaration.

Passed with 6 Aye Votes and Commissioner Sharp abstaining because of conflicting interest.

M/S Bergeson, Signorelli to recommend approval of Z-220, application of June Dunham, Bill Fries and Dan Goltz, 9 - 11 Fern Lane, A /P 5-193-07, environmental review and proposed rezoning from R-1 (Single Family Residential) to SPD (Specific Planned Development) for three separate living units to remain with the condition that one living unit fall into the category of second unit for moderate income housing and a rental agreement be set up to implement that condition. Granting of this rezoning is not detrimental to the neighborhood and is consistent with the General Plan.

Passed by the following vote:

AYES: Bergeson, Harle, Signorelli, Hayes.

NOES: McPeak, Peterson

ABSTAIN: Sharp (conflicting interest)

P/C 12-06-82

V-1041 Robert Corellet

14 Caroline Avenue

Mr. and Mrs. Corlett present.

Staff reported a letter protesting the application from the rear property owner, Mrs. Pat Lemme, on the basis of a drainage problem. Staff reported they did not feel this addition would have any affect at all on drainage.

Commission Comments: There is a drainage problem involving the Lemme property, but there is no connection to this addition. There may be a drainage problem involving two neighbors, and it was suggested that Mr. Corlett make contact with his neighbors to try to resolve the problems.

Mr. Judd Brown, 101 Hilldale Avenue spoke on drainage in the Hilldale tract and easements, and installation of drain tiles, concluding with "who wants that expense"?

M/S Petesrson, Signorelli, to approve V-1041; application of Robert Corlett, 14 Carolina Avenue, A/P 6-154-13, for a one foot north sideyard variance to construct an addition to within seven feet of the north side property line on the basis that it permits enjoyment and preservation of substantial property rights, 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 and improvements in said neighborhood; it is consistent with the configuration of the present structure on the lot and is necessitated by the placement of the structure on the lot.

Passed unanimously.

P/C 12-06-82

A short recess was declared.

Thelma Foster

- F. Z-215 - 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.

- 1) Review of Final Focused Environmental Impact Report
- 2) Proposed rezoning from PPD R-1 B-20 (Preliminary Planned Development with a presumptive use of Single Family Residential) to SPD (Specific Planned Development) for 24 single family dwellings.

Peter Fraser, applicant, Dietrich Stroeh, John Stuber and Bill Schenk of Stuber-Stroeh, and Chuck DeLeuw of DKS Associates, present.

Also present were Malcolm Sproul and Larry Stromberg of Larry Seeman Associates, and Don Goodrich, developer of the TIRE Index.

Mr. Goodrich explained the chart on Page 58 of the Draft EIR; looking at the top values:

63	70	77/80	79/82	1.8/1.9
----	----	-------	-------	---------

He stated the TIRE Index (Traffic Infusion on Residential Environment) is a scale ranging from zero to five; however, it is actually in tenths so there are 50 ranges, with zero representing very low and five representing very high. The example used was if a child playing in his yard ran into the street after a ball he would probably make it back safely if the index for that street was "three." It was pointed out that this index is not just a measure of safety, but also includes noise, etc.

1.8 is the existing value and 1.9 is the value if the proposed project is added. The change is 1/10th, which would be noticeable to the residents - it is up to the Commission to determine whether that 1/10th increase is significant or just noticeable.

Another index is Perceived Capacity, which was developed to help the Planning Commissions and Town Councils judge if their citizens are being unreasonable with their complaints. It is based on what the average person has said about traffic on their street. It takes into account curvature, width, sight distance and grade. 63 is the value people using that street would give for capacity per hour. 70 is the existing peak level volume, so it is presently carrying more in this case than the Perceived Capacity would say. This is not the traffic engineering capacity; that figure is always higher. Regarding the figure 77/80 - 77 is traffic volume based upon 0.7 trips per unit and 80 is based upon one trip per unit for future peak-hour if this project is added. The fourth column, 79/82 is the cumulative peak hour traffic volume with this project and any others that might be constructed in the area - 79 is based upon 0.7 trips per unit and 82 based upon one trip per unit. It was pointed out that Perceived Capacity would not be related to the density of the project as it is a function of the street itself. The reason for the two figures based on 0.7 trips per unit versus one trip per unit, is if the study were done without data, the one trip per unit would be used, but in this case, it was more realistic to use 0.7.

Mr. Schenk asked how the index would be adjusted for Gerlach Road being closed; Mr. Goodrich said he tried to do the studies based on that road not being closed next year.

Page 59 of the draft EIR, first paragraph, change " . . . there are 12 lots between . . ." to " . . . there are 12 houses between . . ."

Jim Boyd of Fairfax questioned the sensitivity of the TIRE study and feels the Perceived Capacity tends to discredit people.

Bob Castle, 42 Crest Road, Fairfax, suggested using two trips per unit during the peak hour, rather than one. Mr. Goodrich disagreed, stating that the highest he has ever known is 1.2.

Mary Cone, 349 Redwood Road, questioned whether a measurement in January is reflective of the summer months when people are driving around. Mr. Goodrich advised the data was from January, July and August. She asked that Page 18 of the Addendum, change the "Future Peak-Hour Traffic for Redwood Road above Olive Avenue" from "55" to "77".

Mr. Stromberg refigured the values on the TIRE Index based on cutting the density in half, and found that some areas would change by 1/10th and others would not.

Responding to the letter from Rebecca Hammond, Mr. Davison agreed if we are considering Phase II, we do not have adequate information in the EIR. He pointed out, as he has in the past, that we should not approve units accessing from Fairfax as it is not good planning.

Rebecca Hammond, Town of Fairfax Planner, reiterated the comments in her December 6th letter and advised the Planning Commission has made a preliminary recommendation for denial of the project. Frank Egger, Fairfax Councilman, said it appeared at an earlier Council meeting that the Council might also be headed in that direction.

Trevor Hughes, 125 Porteous Avenue, Fairfax, submitted a petition signed by 110 residents of Fairfax opposing Phase II access.

Nancy Sandy, 97 Crest Road, agreed further study should be done for Phase II - the EIR does not address the difference in density regulations for Fairfax and San Anselmo; Crest Road and Hillside Road traffic does not flow well; she is concerned about stability on upper Crest Road since there have been washouts and sink holes; the effect of construction vehicles; the roads are narrow and cannot be widened; and if turnouts are provided, people will use them for parking.

Jerry Lloyd, 540 Scenic Avenue, requested there be studies of access on different routes. Beverly Thomas, 576 Scenic Avenue, agreed.

Paul Brand, 130 Allyn Avenue, questioned whether the Fire Department had done the test to determine the kinetic flow on the water mains.

Jonathon Braun, Scenic Avenue, said there is a lack of clarity in the proposed plan. It should be determined whether there will be a water tank and then mitigating factors can be discussed. Phase II needs more information on traffic and drainage. He asked the developer the purpose of the bulldozer up there and was advised borings were made to clear up the discrepancy between the two soils consultants - Earth Science and Darwin Myers.

Gay Kagy, 280 Redwood Road, said it is difficult to make comments on the adequacy of the EIR when Phase II access is not addressed. She added that Gerlach washes out every year, which increases the traffic on the other roads; she disagrees with LSA that noise will not be significant due to the long construction cycle; and that the water tank will not be a visual impact.

Mr. Schenk advised an additional water tank will be necessary for Phase II, but not for Phase I, adding that it can be made barely visible. He disagreed with referring to the following as unavoidable adverse impacts: 1) drainage, Page 10 of the Addendum, fourth paragraph, the one percent addition to

downstream facilities should be considered as only a potential impact; 2) traffic, Page 19 of the Addendum, the "Response to Traffic" is not accurate. In this situation traffic is operating at the low end of the TIRE Index.

Commissioner McPeak said he cannot accept this EIR as adequate because little is known about the Phase II access. To avoid sending the EIR back to the consultant at this time, he suggested the EIR be accepted as is with the density to be cut back and clustered in the area of Phase I with access to be off Redwood Road and Oak Avenue. He added that he finds it unacceptable for access to the San Anselmo parcels be from Fairfax.

Commissioner Sharp said the Addendum does not address the Phase II access any more than the draft EIR. Regarding the issue of drainage, he suggested the Commission should anticipate how to avoid damages, not how to deal with it when it happens; traffic data seems to be based on arbitrary suppositions; how does traffic mitigations effect problems down the road; and noise, as discussed on Page 20 of the Addendum, is treated as not being significant to which he takes strong exception.

Commissioner Peterson questioned at what density level would there not be a significant change in drainage. Mr. Sproul advised even one house would have significance, and traffic is a similar situation. Commissioner Peterson also feels the EIR is severely inadequate for Phase II.

Commissioner Bergeson said there are too many open ended questions related to soils and engineering and the EIR is inadequate for Phase II.

Commissioner Signorelli has no problems with the EIR as far as Phase I is concerned. Regarding density, he commented on Page 12 of the Draft EIR on the 12 to 20 units per acre in the Conservation Zone.

Commissioner Hayes told the applicant that if he continues with plans for Phase II, the EIR will need further study.

Mr. Fraser said he finds it disappointing that the Town of Fairfax, with its limited means, has got it together to bring up two separate documents requesting information. Whereas, the Town of San Anselmo staff has made no recommendations to the applicant or his consultant. Mr. Fraser said he agrees with Fairfax that the EIR is insufficient for Phase II. Since they have had no direction from staff, they are requesting it from the Commission. He added that he took exception to staff's statement that we must deal with all the parcels as one project.

Commissioner Hayes said it makes sense in general that when land is together, it should be developed together. He added that probably some burden should be on the developer in that not all the information was there on the plan so this was the course that had to end here. Commissioner Hayes said he is willing to consider a density transfer with clustering; however, the density is too high. He explained that during the density ordinance workshop meetings the Commission has tentatively come up with a density in the area of one unit per three acres. Referring to a list of projects recently approved in Town, the average density has been one unit per 2-1/3 acres.

M/S McPeak, Harle, to accept the EIR as presented in the original draft version and the Addendum with the following conditions:

1. all acreage to be considered at one time;
2. the maximum density be limited to 16 units (16 picked up because that is basically what the EIR addresses);

3. access to any part of this project must be from either Redwood Road or Oak Avenue.

Motion carried: AYES: Bergeson, Harle, Hayes, McPeak,  
Peterson, Signorelli.  
NOES: Sharp

Commissioner Sharp feels the entire EIR is inadequate.

Commissioner McPeak pointed out that this motion does not preclude other access; it says the EIR is only accepted based on the above conditions.

Mr. Schenk asked that a limit of 16 units not be placed on the project. Commissioner Signorelli agreed.

4. ADJOURNMENT

The regular meeting of the San Anselmo Planning Commission was adjourned at 2:00 a.m. to the next regular meeting on December 20, 1982.

*Lisa Wight*

LISA WIGHT  
PLANNING TECHNICIAN