

The regular meeting of the San Anselmo Planning Commission was called to order by Acting Chairman Ed Bergeson at 8:00 p.m. on February 7, 1983.

1. ROLL CALL

Commissioners Present: Bergeson, Harle, Sharp, Signorelli, Sousa, McPeak (late)

Commissioners Absent: Hayes

2. APPROVAL OF MINUTES

The minutes of January 17, 1983 had the roll omitted. Commissioner Sharp asked that the next to last paragraph of Page 2 be corrected to read: Commissioner Sharp said if there is a vesting issue, by granting a variance....."

M/S Sharp, Harle, minutes be approved as corrected.

Vice Chairman McPeak arrived at 8:10 p.m. and took over the chair.

3. PUBLIC HEARINGS

A. U-576 Doug Bullis

Continued to the March 7, 1983 meeting at the request of the applicant.

B. EU-21 Clarence Whitbeck

Continued to the March 7, 1983 meeting at the request of the applicant.

C. SR-334 Wells Fargo Bank

There was no one present representing Wells Fargo Bank; however, staff reported this was an application for a minor sign variance and hoped the Commission would see fit to act on it.

There was no one in the audience to comment.

M/S Signorelli, Harle, approval of SR-334, application of Well Fargo Bank, 3 Tunstead Avenue, A/P 7-253-01, for a sign variance to permit two "Express Stop" signs with a total square footage of 7.29, on the basis that 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 the neighborhood; further granting of the variance is necessary for the preservation and enjoyment of substantial property rights. Passed unanimously. P/C 2/7/83

D. U-584 Maurizio and Katherine Rossetti

M/S Harle, Sharp, approval of U-584, use permit for the on-sale of beer and wine on the basis that it 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 the granting of the application is necessary for the preservation and enjoyment of substantial property rights. Passed unanimously. P/C 2/7/83

E. V-1046 Tony Gambardella

Staff reported the property owner at 45 Cordone was concerned about the side property line. Only 3 corners of the lot had been staked, and she felt the fourth should be shown. Staff reported if there was any question in the mind of the building inspector about the side line, he could require the fourth corner to be set as a requirement of issuance of the building permit.

Mrs. Gamba of 45 Cordone said she was the person who had questioned the lot line, she felt a house on this lot would result in a too jammed effect. She would have a house on the side of her and in back. She said it made her lot not a desirable lot any more. She asked for consideration; she wanted time to engage her own surveyor. She asked if anyone knew the history of the lot. She felt it and the lot next door should be only one building site. She said construction of a dwelling on this lot would affect her property dramatically. She did not feel she was going to get a equal share of environment.

Mr. Gambardella said when he bought the lot the seller did not know he was going to apply for a variance. He intends to place a pre-fab house there, and because of the design, will need the variance. He said he thought the dwelling would be well suited as far as placement; Mrs. Gamba would look out on a small meadow and not a building.

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

Commissioner Bergeson said he sympathized with Mrs. Gamba, but the application would not affect her since the variance was for the other side of the Gambardella lot. He was concerned, however, about granting a variance for a new dwelling rather than an existing building.

Commissioner Harle said he had no quarrel with the design; he understood Mrs. Gamba's concern; this is however, the largest of the 3 lots on the corner. He said he had the same concerns as Commissioner Bergeson and could not find a hardship.

Commissioner Sharp felt the hardship is in the narrowness of the lot; he said he had no problem with the application.

Commissioner McPeak agreed with the hardship and felt the application for variance a valid one.

Commissioner Signorelli said if a Certificate of Compliance had been issued by the Town, then it is a legal site and the Commission must recognize it as such.

M/S Signorelli, Sharp to approve V-1044, application of Tony Gambardella, 8 Rivera Street, A/P 5-223-10, for a 1.38 foot west sideyard variance to construct a single family dwelling to within 6.62 feet of the west side property line; the variance is supported by the fact that the dimensions of the lot necessitate an encroachment into one of the side lines and he proposes to use the westerly side line; variance is necessary for the preservation and enjoyment of substantial property rights, and 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 2-7-83

F- Z-165 Hartmut Fischer

Staff reported that the Director indicated approval of this application may result in the requirement of more off-site improvements; he was not specific. Staff recommended acceptance of the EIR prepared in 1978 which was prepared for this site on the basis of a proposal for 14 - 18 homes.

The applicant stated the reason for the application is an economic one. When he purchased the property, he intended to build only 2 homes there; now to salvage his investment, he must split the larger of the 2 sites in half, creating a third building site. It would result in 3 homes on 6+ acres.

Jonathan Braun, 479 Scenic Avenue said if there is a further split of this parcel the end result would be 6 units on Summit Road since there are at least three other lots with potential building sites on this primitive dirt road, which would place an even greater strain on the environment. This area is important as a landmark because of the high visual impact. It was a serious compromise when 2 lots were approved for the parcel.

Gay Kagy, 280 Redwood Road, said the General Plan states the area should be kept free of houses. Fairfax allows 1 unit for 6 acres in this area, hence 2 units would be more in keeping with Fairfax policy. The dirt road is going to be a problem.

Veronica Basker, 106 Humboldt Avenue mentioned the hiking trails which she thought might disappear if three lots are developed. She said it appeared to her there are already 3 water meters at the property edge.

Roger Van Craeynest, 112 Humboldt Avenue said he was involved in the original application by Keith Franc, and he was dismayed to learn of this proposal. He is concerned that each subsequent owner will come back to resubdivide with the end result of 14 - 16 dwellings. The dirt road is also a concern.

Dr. Fischer said the hiking trails have been deeded and are a part of the permanent record. The visual impact has been lessened. The house will be at the edge of the trees. He said there is some talk of paving the road. He also said it would be difficult to get much more on the parcels because of the extreme downslope.

The builder of the proposed dwelling said the house will sit down in the trees and only 5 - 6 feet of the roof will be visible. He also said only 2 trees would have to be cut because of the second house and none because of the third. It is planned to use natural siding and a natural non-combustible roof. He said the homes would blend well into the landscape.

The Chairman asked at this time for discussion from the Commission on two questions concurrently: (1) Whether or not the EIR will be adequate; (2) A determination of whether an additional building site should be allowed.

While five of the Commissioners felt the EIR adequate for consideration of the application, the following comments were made regarding the additional site:

It is inconsistent with the General Plan. It is in violation of the present density ordinance consideration; the road is too primitive, too narrow. The site is too steep; while sympathy is with the plight of the present owner, this is an incredibly sensitive area which cannot handle the additional traffic, noise, and the visual impact. The water tank is inadequate; there should have been some mitigation measures offered if the application were to be considered seriously.

M/S Harle, Signorelli, to recommend acceptance of the EIR for the site as adequate for the proposed amendment to the SPD zone. Passed by the following vote:

AYES: Harle, Sharp, Signroelli, Sousa, McPeak

ABSTAIN: Bergeson. Commissioner Bergeson abstained because he had not seen the original EIR and had only a review of the work sheet.

M/S Singorelli, Harle, to deny Z-165, application of Hartmut Fischer, off Summit Road, A/P 7-031-24 and 36, for a proposed manedment to Specific Planned Development zoning map for three single family dwellings presented for consideration dated January 19, 1983 for the reason that it does not conform to the General Plan.
Passed unanimously. P/C 2-7-83

G. Proposed Zoning Ordinance Amendment Requiring Use Permits for the Generating of Electricity as an Incidental Use.

Commissioner Signorelli said he thought the wattage should be changed from 2,000 to 3,000. The Commissioners commented that they were impressed by the staff for being aware of these considerations before they were upon the Commission.

M/S Sharp, Signorelli to approve the proposed zoning ordinance amendment as prepared by staff with the change that the proposed watts shall not exceed 3,000.
Passed unanimously. P/C 2-7-83

At 10:00 p.m. the meeting adjourned to the special meeting of February 14th. February 28th is the special meeting set for Density Ordinance Hearing.

THELMA FOSTER