

A regular meeting of the San Anselmo Planning Commission called to order on June 16, 1986, at 8:05 p.m. by Chairman Kroot in the Council Chambers. Public Works/Planning Director Kottage and Planning Technician Wight were present.

ROLL CALL

Commissioners Present: Harle, Hayes, Heubach, Manning, McPeak, Zaharoff, Chairman Kroot

Chairman Kroot welcomed Larry Manning to the Planning Commission. He filled the seat vacated by John Sharp.

APPROVAL OF MINUTES

The minutes of March 17 and June 2, 1986 were continued to the next regular meeting.

PUBLIC HEARINGS

V-2086 - Don Velazquez, 27 Oakwood Court, A/P Nos. 5-062-80 and 5-062-83, review of structural and architectural aspects of the building (continued from May 19, 1986 meeting for applicant to provide specific information on parking places, drainage, number and length of road closures, and for staff to review the possibility of a retaining wall along the entire property frontage on Oakwood Court).

Public Works/Planning Director Kottage reported that the additional information requested by the Commission at the May 19th meeting had been submitted and he has responded by revising the proposed 15 conditions of approval, the most stringent conditions he is aware of for a single family home. This project also must be approved by the Town Council.

Mr. Velazquez said there would be 10 scheduled road closures, of which 6 will require a full day. There will be a job phone so that during these closures, affected residents can call him for taxi rides to and from Oakwood Court.

Concerning drainage, Jasper Strangaard, civil engineer for the Velazquez', said the most desirable solution was a closed culvert through a drainage easement down to Carlson. He noted that the same amount of water will be draining before and after the construction although the water may appear at the upper portion of the lower lot faster than is currently the case due to the amount of new building coverage. In the absence of a closed culvert through a drainage easement, the water collected from the roofs, patios and driveways would be dispersed through riprap in as many places as possible.

Regarding the issue of a retaining wall along the entire 27 Oakwood frontage, Mr. Strangaard said that while he would understand the City Engineer requiring street improvements, he did not feel the retaining wall was necessary and there were no cracks in the street in the area of the suggested wall extension. He said the construction equipment will not make much difference on the condition of the road.

Mr. Velazquez added that there will be a retaining wall along all the parts of the roadway that will be disturbed during the construction. He said there is no documentation of any slides on his property and other properties with a history of slides were not required to include retaining walls along the street.

Carl Gonser, attorney for the Velazquez', said that his clients will comply with all reasonable requests but felt a request for a retaining wall would be discriminatory and punitive.

Rick Sheviakov, 30 Oakwood Court, expressed the following concerns:

1. The height of the house above street level and a two-car enclosed garage instead of a carport will be obtrusive.
2. Why was on-street parking for construction vehicles increased from 30 minutes to 45 minutes? This will block the street to all except subcompact cars.
3. Under the proposed condition #7, the only exception on road closures is for emergency vehicle access.
4. All parking spaces are within 12 feet from the center of the pavement which he said the Police Department says is illegal. Even if the Police do not ticket the cars, the Fire Department will not like this arrangement.
5. Once the parking deck is built, it should be reserved for subcontractors. The other workers on the job on a regular basis should be shuttled up the hill.
6. Like Hillside, Oakwood has a significant danger of slides. There are cracks in the street measuring 3 1/2 inches and more, some of which were just covered up by slurry seal last summer.
7. The biggest concern is one of guarantees since there has been a history of difficulty with contractors in the past.

Philip Miller, 50 Oakwood Court, the adjacent property owner, said Oakwood was too narrow for two vehicles to pass and asked how much of the 27 Oakwood drainage will go across his property. Mr. Strangaard responded that there will not be any more water draining from the Velazquez' property than is there now. Mr. Miller asked where the sewer line will be located if not in a drainage easement down to Carlson. Mr. Velazquez responded that there will be a one foot wide trench down the side of Oakwood to the Sanitary District connection at the cul-de-sac.

Tom Hendricks, 23 Carlson, said he represented the McWhorters, the property owners from whom the Velazquez' are seeking a drainage easement, said the McWhorters did not have enough information to make an intelligent decision on the easement.

Commissioner Zaharoff suggested clarification of the 45 minute road closure condition to prevent abuse of unscheduled closures, and asked for information on what drainage alternative would be used if the easement is not obtained. She also suggested there be a break in the work on the sewer so that the road is not closed for three consecutive days.

Public Works/Planning Director Kottage suggested a manifold dispersal system with a retention tank be used for drainage as it is consistent with the recommendation of the soils engineer.

The Commission made changes to the conditions of approval submitted by staff. They discussed limiting the work to weekdays but the consensus was to allow work on the weekends. Concerning road closures, the Commission noted that the intent of the conditions was to limit the number and length of road closures to the bare minimum.

The Commissioners considered bringing the project back to the Commission during the construction process for review of the conditions with the neighbors and the property owners. It was the general feeling of the Commission to leave this periodic review up to the Public Works Director.

M/S, McPeak-Harle, to approve the design review, structural and architectural aspects of the building for V-2086, Don Velazquez, A/P Nos. 5-062-80 and 5-062-83, to include the conditions stated in the staff report dated June 16, 1986, including the amendments with the following changes:

1. On condition #6, delete the second sentence.
2. On condition #8A, after the first sentence, add the following: "Further, there shall be at least 1/2 hour between closures. There shall be no more than a total of 2 hours of closures on any given day.
3. Condition #8b was added to read, "Construction of the parking deck shall be the first item of work after completion of the house foundation. After completion of the parking deck, there shall be no unscheduled road closures.
4. Delete the wording of condition #12 and replace it with, "If the above solution is not successful, the issue will be brought back to the Planning Commission.
5. The following sentence was added to the end of condition #3: "Unnecessary closures of the road shall not be permitted."
6. Condition #14 was amended to read, "Certification by the Soils Engineer on the acceptability of the drainage installation shall be provided to and approved by the Public Works Department prior to occupancy."
7. A condition #16 was added to read, "The Public Works Department shall have the authority to review the effectiveness of the conditions and modify them in order to retain the original intent of the motion.

Said approval is made in reference to the drawings received April 30, 1986, on the grounds that it is not detrimental to the community and allows the property owners substantial property rights.

M/S, Hayes-Zaharoff, to delete condition #4 to have the effect of reinstating the original wording of condition #4 to disallow work on the weekends. The motion failed by the following vote:

AYES: Hayes, Manning, Zaharoff

NOES: Harle, Heubach, McPeak, Kroot

M/Heubach, to amend the motion by striking the last sentence of condition #12, restoring the language as it originally appeared in condition #12, for a runoff drainage disposal system acceptable to Town staff. The motion died for lack of a second.

The question was called on the motion on the floor. The motion passed unanimously.

The item will be heard by the Town Council at its meeting of June 24, 1986.

SS-263 - Paul Tietjen, 1348 San Anselmo Avenue, A/P 7-051-07, two lot parcel split and initial environmental review - CONTINUED TO 7-7-86.

SR-340 - Wells Fargo Bank, 3 Tunstead Avenue, A/P 7-253-01, sign variance to permit additional signs.

George Helberk from MinaTree Signs was present.

The proposal is for 8 signs for a total of 85 square feet. Town Code allows two signs and a total sign area of 150 square feet.

M/S, Hayes-Harle, to approve SR-340, Wells Fargo Bank, 3 Tunstead Avenue, A/P 7-253-01, sign variance to permit additional signs, on the grounds that such approval is necessary for the enjoyment of substantial property rights, and it is not detrimental to the health, safety and welfare of persons living and working in the neighborhood, in reference to the file drawing dated May 13, 1986 acknowledging 8 signs but totalling less than the allowed square footage. Motion passed unanimously.

E-2 - Rae Johnstone, 1119 San Anselmo Avenue, A/P 7-085-08, exception to undergrounding of utilities - proposed installation of new electric service to be above ground.

U-610 - Rae Johnstone, 1119 San Anselmo Avenue, A/P 7-085-08, use permit for an on-site eating establishment in a C-1 zone.

V-2127 - Rae Johnstone, 1119 San Anselmo Avenue, A/P 7-085-08, parking variance - increasing the intensity of use with the addition of an eating establishment on a parcel with substandard parking.

Rae and Patricia Johnstone were present.

There were essentially two proposals before the Commission:

1. A request for exception from the Town Code requirement that the electric service laterals shall be placed underground upon the relocation of the service box to the rear of the building. The Center Market's service is currently connected to a pole on Center Boulevard and the applicant proposes to connect the twisted triplex cable to a pole on Redwood Road.
2. A proposal to have tables, chairs and counter stools for sit down food and beverage service in 263 square feet of the front area of the store. (The applicant originally proposed to have beer and wine sales but this use is not allowed in the C-1 zone.) On-site eating is allowed in the C-1 zone only by use permit. Staff has determined this is an increased intensity of use and therefore the property must conform to the parking requirements. The building's size of 1,600 square feet means that a minimum of six on-site parking spaces are required.

Due to the configuration of the parking lot, the location of the driveways and a driveway easement for the property at Nos. 5, 7 and 9 Redwood Road, the bicycle rack and garbage bin, staff determined that only four workable parking spaces are present.

Under the Uniform Fire Code, a minimum of 15 square feet is required per seat; therefore, 9 seats would be permitted in a 130 square foot area.

Police Chief Del Santo has advised that there is a parking problem at the site in the early morning and late afternoon, and there are only two on-street parking spaces for the three businesses at 1115, 1117 and 1119 San Anselmo Avenue.

Staff recommended denial of the use permit and parking variance due to existing parking problems which would be intensified by on-site eating.

Patricia Johnstone stated that the Market's electrical service needed upgrading and it would cost between \$5,000 and \$6,000 to place it underground. The pole to which the electrical service would be connected is on Redwood Road, an area not scheduled for undergrounding for approximately 50 years. She said it would be an unnecessary inconvenience to the neighborhood to tear up the street now.

Concerning the on-site eating applications, she said that contrary to the concerns of the Fire Department, the tables would not be cramped in the 110 square foot area. She said there was a 4,000 to 5,000 square foot parking lot which holds 6 to 7 parking spaces, as she has marked on the lot pavement. Furthermore, there is 90 feet of on-street parking available. She submitted a drawing of the parking lot showing the length of the lot to be 71 feet, which differed from a survey staff submitted showing the length to be 61 feet - excluding the 10 foot wide easement.

Ms. Johnstone submitted a petition in favor of the on-site eating proposal.

Tom Frankel, owner of 5, 7 and 9 Redwood, said that although he does not live on this property he was concerned about the visual impact of the overhead electrical wires which would be moved closer to his property, and would be concerned if there was a proposal for on-site sale of alcohol. He said that cars should not block the easement as his tenant needs clear access to the entrance of his workshop. In addition, he said egress from the lot onto the narrow Redwood Road is awkward.

Ms. Johnstone replied that they would keep the easement clear. In describing the proposed use, she said that their primary business now and will be walk-in business. The deli, which consists mainly of sandwiches and ice cream, is open between 7:30 a.m. and 10:00 p.m.

Commissioner McPeak said that based on the fact that it takes a variance to have an eating establishment in that neighborhood, the suspected inadequacy of the Town's current parking ordinance and the number of existing parking spaces, he could not support the applications for use permit and variance.

Commissioner Heubach agreed that undergrounding of the electrical service was a hardship. However, he opposed the applications for use permit and parking variance noting that when he parked his car there that day he could not open his door without going over the chalk lines drawn on the pavement by the applicant and did not see how there could be more than four parking spaces on the lot. In leaving the lot, he used virtually all of Redwood Road to turn. He said that given the lack of credibility of the applicant on a previous application where he said misinformation was provided on the plans and that further the subject building was converted from a storage shed to living quarters contrary to the decision of the Commission, he questioned relying on the credibility of the applicant, particularly with respect to her contention of the number of spaces.

Commissioner Harle added that something needs to be done to clarify the intent of the ordinance requiring the undergrounding of electrical service.

Commissioner Hayes said he agreed with the other comments made. Commissioner Manning also expressed opposition to the application and noted he would not support a proposal to serve beer and wine. Chairman Kroot said he would be prepared to approve the electrical undergrounding but not the use permit or variance.

M/S, Heubach-Harle, to approve E-2 - Rae Johnstone, 1119 San Anselmo Avenue, A/P 7-085-08, exception to undergrounding of utilities, proposed installation of new electric service to be above ground on the grounds that the undergrounding of the service will cause results inconsistent with the purposes and intent of the undergrounding ordinance, with the recommendation to the staff and Town Council to tell us what those purposes and intents are. Motion passed unanimously.

M/S, Heubach-Hayes, to deny U-610, Rae Johnstone, 1119 San Anselmo Avenue, A/P 7-085-08, use permit for an on-site eating establishment in a C-1 zone, on the grounds it will be detrimental to the health, safety, peace, morals comfort and general welfare of the people living and working in the neighborhood. Motion passed unanimously.

M/S, Heubach-Harle, to deny V-2127, Rae Johnstone, 1119 San Anselmo Avenue, A/P 7-085-08, parking variance for increasing the intensity of the use with the addition of an eating establishment on a parcel with substandard parking, on the grounds that it will be detrimental to the health, safety, peace, morals comfort and general welfare of the people living and working in the neighborhood. Motion passed unanimously. The applicant was informed of the 10 day appeal period.

A-240 - Penny Wells, 24 - 28 Ash Avenue, A/P 5-194-23, rezoning from R-2 (Two Family Residential) to R-3 (Multiple Family Residential) and the initial environmental review - CONTINUED TO 7-7-86.

V-2126 - Penny Wells, 24 - 28 Ash Avenue, A/P 5-194-23, parking variances for two required parking spaces to be substandard in length and within zero feet of the south side and front property lines - CONTINUED TO 7-7-86.

Amendment to Zoning Ordinance of the Municipal Code, Title 10, Chapter 3, Article 21, regarding findings for the granting of variances and initial environmental review.

The State Government Code requires a finding of special circumstances of the property to be made when approval is given for a variance. The proposed ordinance is to include this finding in provisions for variance approval. This finding had previously been included in the San Anselmo Municipal Code but was since deleted.

Commissioner McPeak noted that the ordinance states the the "applications for variances...shall be accompanied by...plans based on evidence showing...special circumstances..." but does not specifically state that the Planning Commission shall make the special circumstance finding. It was the consensus of the Commission to continue review of the ordinance until this point is clarified.

On motion duly made and seconded, the meeting was adjourned at 11:45 p.m.

Beth Calamar