

TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES FOR THE MEETING OF OCTOBER 18, 1993

The regular meeting of the San Anselmo Planning Commission was convened at 8:00 p.m. by Chairman Mihaly. Staff present was Planning Director Ann Chaney, Planning Consultant Lisa Newman, Planning Intern Elaine Tope, and Town Engineer Wayne Bush

A. CALL TO ORDER

Commissioners present: Harle, Hayes, Julin, Kroot, Sias, Israel, Mihaly

B. CONSENT

1. Minutes of September 20, 1993

M/S Julin/Kroot, to approve the Minutes with the following amendments from Commissioner Julin: Page 2, paragraph 5 should read as follows:

"Commissioner Julin questioned Finding Number 6 on page 5 of the staff report. During the early stages of the process, there was a second access granted to the upper portion from the site from Oak Avenue. The Commission was later told by the applicant that the garage on the lower portion of the lot would only be used to restore an old vehicle. She wondered if the parking for the second unit would be on the lower portion of the lot." Paragraph 6 to amend as follows: "Mr. Washington stated that parking for the second unit would be by the easement at the lower portion of the site." Page 3, paragraph 5 should be amended as follows: "This site is almost showing that the Town has granted too much in a single family neighborhood, resulting in over intensity. She is still concerned about the health and safety issues regarding fire safety particularly evacuation during a fire emergency, and not just relative to fire response time; regarding design review, the existing addition looms over the easement at the lower portion of the site and to add more over this easement would extend the looming effect. The applicant had an opportunity in the past to prepare an integrated plan to add more elements, now seems too much of a fragmentation. She was also concerned about the excessive grading and erosion and the effects it will have downstream".

Motion unanimously passed.

C. CONTINUED PUBLIC HEARINGS

1. V-9328/DR-9320 - Edmund Coyne, 25 Canyon Road, A/P 7-064-14, a design review and variance to construct a new single family residence 15'6" from the front property line (20' required), and to remove six (6) required trees having trunks between 14" and 24" in diameter, on property located within the R-1 Zoning District (Above 150' mean sea level). CONTINUED TO THE MEETING OF NOVEMBER 1, 1993.
2. DR-9314 - Andrea Moyer, 43 Tomahawk Drive, A/P 177-250-60, a design review request to paint the exterior of the house with an alternative color that does not conform to the approved color palette for homes on Quarry Mountain, on property located within the R-1-H Zoning District. CONTINUED TO THE MEETING OF DECEMBER 6, 1993

D. PUBLIC HEARINGS

1. Housing Element Update Public Workshop - Town of San Anselmo, a workshop to present information on the Town's work to update the 1985 Housing Element and gather comments about current housing issues and needs.

Ms. Chaney gave a welcome to the Housing Element Workshop; discussed the purpose of the workshop (i.e. collect early comments on housing issues/policies); and provided an overview of the agenda.

Ms. Newman highlighted the Housing Element process. This includes a workshop, data collection, preparation of an Administrative Draft Housing Element, sending this copy to the Housing and Community Development for comment then holding a public hearing before the Planning Commission and Town Council.

Ms. Newman outlined the "Projected Housing Need by Income Category". Marin County's Median income for 1993 for a family of four is \$54,300. She explained what was required for the Housing Element. The requirements for "Very Low" (50%) is 9 units; "Low" (65%) is 8; "Moderate" (80%) is 9; "Above Moderate" (+120%) is 21.

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The "Above Moderate" units have been provided. However the provision of housing in the other categories have not been provided. ABAG has set a fair share allocation. The period for meeting this goal is 1990 to 1995.

The Commission asked questions about how these numbers were arrived and how many units have been provided since 1990. This information will subsequently be provided to the Commission.

Ms. Tope provided information on the current policies in the element and what goals have been achieved. These include financial contributions to Section 8 and rehabilitation units.

Ms. Newman discussed density bonuses which allow an increase in density provided affordable housing is incorporated in the project.

Ms. Tope focused on vacant land. She explained that there is the potential of developing 227 units, however only 3 parcels are for non-single family development. She then discussed "potential" sites that could conceivably accommodate affordable housing. These sites include: Sunny Hills, Red Hill School site, Church of Divine Man (1381 San Anselmo Avenue), 27 Mariposa (St. Anselm's School), Lincoln Avenue and Pine Street.

Ms. Chaney discussed second units. She outlined the current second unit ordinance, including the rental agreement provision establishing rent control. Of the 276 second units that are allowed, 164 are "registered" (not subject to rent control), 67 are approved by Use Permit (subject to rent control), and 44 openings are still available. The Commission asked that this topic be discussed in more detail at a future meeting. Relevant topics include: illegal units, possible adjustment of rental agreement income levels, and evaluation of neighborhood unit allocations.

Chairman Mihaly asked if the registered units play a part in assigning second units to each neighborhood. Ms. Chaney affirmed.

Commissioner Israel asked how the community can be educated and encouraged to allow second units.

Ms. Chaney noted that since 1988 seventeen second units have been built.

Public Discussion

Bob Anderson discussed a 14 unit proposal for the developmentally disabled at 27 Mariposa. He stated that we cannot apply the same zoning standards for regular multi-family development as you would for this type of housing standard should be flexible on size, parking, etc.

Hal Shirley stated that these units would qualify as "very low". He also discussed a project that North Bay Rehabilitation has done in Mill Valley.

Commissioner Israel agreed with lowering the parking standards and encouraging the use of public transportation. He also expressed concerns about the longevity of the project and what assurances would be offered to retain it in this particular use.

Commissioner Kroot asked what the penalties would be if the Town did not update the Housing Element.

Chairman Mihaly stated that the Town could be sued for non-compliance and housing projects could be held up; or the Department of Housing and Community Development (HCD) pursues legal action to force the Town to comply. However, due to second units, San Anselmo is not a Town which is extremely out of compliance.

Commissioner Hayes thought that "Very Low" might be provided via the North Bay Rehabilitation. "Low" might be accommodated via second units. But he wondered how the Town would accommodate "Moderate".

Possible ways he thought would be to:

- Encourage 2nd units
- Rezone commercial areas
- relax standards for affordable housing.

Chairman Mihaly stated that he prefers using time to suggest Zoning Ordinance Amendment showing how affordable housing can be provided.

Commissioner Julin agreed with Chairman Mihaly.

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2. **Z-9302/TM-9301/ER (Environmental Review), James and Elizabeth Freeman, 25 Rancho**, A/P 5-062-93, 1) a request to rezone a portion of an existing 1.48 acre parcel from R-1-C to R-1; and 2) a request to subdivide the 1.48 acre parcel and create a new 10,100 square foot lot on the portion of land to be zoned R-1. The property is currently located within the R-1-C Zoning District.

The applicants were present.

Commissioner Israel stated prior to the sale of this property he was the architect on the project and is therefore familiar with this project. He consulted the Town Attorney and was advised that it would not be a conflict to participate in this hearing.

Ms. Chaney presented the staff report. She stated that at the last meeting she erroneously gave information that the Planning Commission could override the Public Works Director's recommendation. Taking a closer look at the Municipal Code, the Planning Commission does not have the authority to waive those items of public health and safety that the Public Works Director would be involved in. Therefore, staff is proposing a revised resolution which recommends approval of the project with three conditions. What staff was attempting to do was to let the applicants know what they might be confronted with during the development of the parcel. Staff has attached a statement in the staff report.

Chairman Mihaly wondered if under the subdivision map act, doesn't the Commission have the authority to discuss and make recommendations regarding paving and drainage.

Ms. Chaney affirmed but added that with regard to the technical issues, the Public Works Director has the final say.

Commissioner Israel asked if the turnaround would be required if a third unit is required. Ms. Chaney responded that the request is for two units and if a third is added, it would be reviewed by the Fire Department.

Commissioner Israel wondered if the hydrology improvement was necessary to accommodate the water flow or did the Town feel this was an opportunity to improve the situation.

Mr. Bush stated that the 15 inch drain is too small to accommodate the water flow. The flood of 1982 proved that. He has spoken with the engineer on the project and they have discussed an alternative route that may be feasible.

James Freeman stated that they want to subdivide the existing unit for his sister-in-law. He was taken aback by the requirement of having to pave. He was quoted that it would cost approximately \$70,000 and did not think he would have the funding for this. He agreed that drainage be work was necessary but since this is a subdivision but not intended for profit, they could not afford to make the drainage requirements either. He summarized that he will have to appeal the conditions to the Council.

Deitrich Stroeh, Engineer for the project, explained that the drainage solution is difficult and the current solution will not work. He will work with the Public Works Director on a solution.

Commissioner Israel asked if they have considered the possibility of developing the third lot to finance the improvements.

Mr. Freeman stated that they were not want interested in developing the third lot.

Commissioner Kroot asked if there was a problem with drainage not having enough drop from Rancho to Carlson.

Mr. Stroeh explained that the current drainage solution and some possible alternatives.

Commissioner Israel asked why some of the improvements are recommended. He stated that the Kintetsu Study previously done on this property did not address all these issues.

Mr. Bush stated that the primary concern is the drainage be issues and this is a private system. The property owners stand to gain, not the Town in making improvements to the system. He is working with the project engineer that will solve several problems at one time. The calculated cost of paving is approximately \$7,000, an additional drainage pipe is \$7,300, with \$20,000 in drainage improvements, and the over all cost of paving and drainage would be approximately \$40,000 to \$45,000. Some of these items can be modified to reduce the costs. His main concern is the drainage issue, more so than the turn around and the paving.

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Commissioner Israel questioned why the Town Engineer is requesting additional paving and drainage work for this applicant. Why the applicant must relieve the burden of property owners for a pre existing condition.

Mr. Bush stated that added development might cause increased activity affecting property. He believed that there is a strong connection to the development and its impacts on the highway system might be. He stated that the paving would be ideal but he has not made that a requirement at this point. It was his understanding that there has always been a consensus that the developer at 25 Rancho and the Kintetsu property would have the obligation to made amends for this drainage problem. In fact, that is why the 24" line on Carlson was installed with a stub out to connect from higher up and to by pass the line that goes underneath the houses.

Mr. Gambardella, 4 Rancho Drive, stated he has lived on Rancho since 1960 and that in the past the open ditch behind 25 Rancho Drive accumulated all the water which clogged up the drain and caused the flooding. Therefore, he felt they have an obligation to upgrade the drainage. The previous owner of 25 Rancho was required to pave the road when the property was subdivided. He stated that he inquired about this property when it was up for sale and was told by the Town that any development would be required to upgrade the drainage.

Ed Croce, 11 Rancho Drive, stated that he gets the brunt of the flooding; the pipe is inadequate and the Town is partially to blame because at the top of the hill on Oak Springs Road is a 24" pipe coming off the street which carries water down the hill. . Also, the Kintetsu Property the Town allowed them to build homes with drainage that drains onto Rancho. He suggested that a gutter be installed up on Carlson to take pressure off the existing drain line. He did not think the residents at 25 Rancho should be burdened with paving the road, he felt the Town should pave it.

Ted Wight, 24 Carlson, supported the request of the applicants however he was lead to believe when development occurred on Rancho proper drainage would be required.

Barbara Jereb, 3 Rancho Drive, would like to see the application approved but is concerned with flooding and felt some solution should be worked out. She did not feel the applicants should be made responsible for all the paving.

James Freeman stated that he did not intend to do any major development. If they can come up with a reasonable cost to do the drainage improvements he would be willing to assume the burden.

Chairman Mihaly stated that if the applicant was unable to finance the improvements they will get a rezoned property but no final map which will expire at some point.

Commissioner Sias supported the lot split and staff's recommendations. He felt is was unfair that the applicants should be burdened with problems caused by past development and was hopeful that a solution could be worked out, perhaps an assessment district that would allow the neighborhood and the Town to work together to achieve the goal.

Commissioner Israel supported the application but felt it was monumentally unfair to ask that the applicants assume the task of repaving the street and repairing the drainage system when there was no improvement in site potential. He was not quite sure what the necessity was for the removal of the current drainage pipes under the three houses. He suggested that the local drainage be taken care of and another inlet to take care of the primary drainage, which might help reduce the size of the pipe required. Therefore he did not want to see the applicant burdened with replacing those three pipes. However, if an assessment district was approved, he would love to see the whole system upgraded.

Commissioner Harle supported the Resolution and was sympathetic with the Public Works Department concerns, but felt it would be unethical to place an undue burden on the applicant to require improvements that are not their responsibility. If conditions are placed on the applicant, he was hopeful that they would be minimal.

Commissioner Julin supported staff's recommendation to adopt the negative declaration and resolution.

Commissioner Kroot agreed that the negative declaration and resolution should be adopted and that drainage should be further studied.

Commissioner Hayes supported the application but wanted to see some type of drainage system worked out, but he did not think the entire burden should be placed on the applicant. He believed that staff will come up with alternative that would be equatable for all residents in the neighborhood.

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Chairman Mihaly agreed with staff's recommendations and recommended that a statement be sent to the Town Council

that and paving be waived and the Town Council that if the costs contained within the confines that are acceptable to the applicant that an assessment district approach be taken. His reasoning is that he did not think the Town had a legal right to require this of the applicants.

M/S Sias, Harle to approve Resolution Number 9304, for Z-9302/TM-9301/ER (Environmental Review), James and Elizabeth Freeman, 25 Rancho, A/P 5-062-93, 1) a request to rezone a portion of an existing 1.48 acre parcel from R-1-C to R-1; and 2) a request to subdivide the 1.48 acre parcel and create a new 10,100 square foot lot on the portion of land to be zoned R-1. The property is currently located within the R-1-C Zoning District. **Approval is based on the following conditions: 1. Demolish the structure that was formerly 27 Rancho Drive, and the carport serving 19 Rancho Drive. 2. Install two new non-tandem parking stalls using all-weather surface material on the new parcel at 19 Rancho Drive that conform with all of the required setbacks for the R-1 district, prior to recordation of the Final Parcel Map. 3. Submit improvement plans subject to the approval by the Town Engineer following approval of this Tentative Parcel Map and prior to recordation of the Final Parcel Map. Improvement plans shall be prepared in accordance with Article 3, Improvements, of Chapter 2, Subdivisions of the Municipal Code.**

Motion unanimously approved. Audience advised of the ten day appeal period.

M/S Sias/Harle, to further recommend to the Council that: 1) the cost be kept to a minimum; 2) the paving be waived; and 2) if negotiations are not able to keep costs at a minimum that the issue of an assessment district, particularly focusing on land in the watershed be evaluated by staff.

Commissioner Kroot would rather see the assessment district looked at as an alternative, not a requirement.

Commissioner Sias stated that his motion was just a statement that the Town Council consider the possibility of an assessment district.

Mr. Bush felt that there is a strong need for this to be done and the only access to this subdivision and did not think this should be considered a hardship on the owners to require \$7,000 to \$8,000 in improvements. It is very doubtful that Rancho will be repaved by the Town while he is Public Works Director because of the massive priorities in Town. The Town has limited opportunities to fund this type of public improvements and applications such as this should be required to make improvements. He stated that the applicants have already expressed a willingness to spend approximately \$20,000 in drainage improvements and he felt that was far more important than to require repaving.

Ayes: Hayes, Harle, Sias, Kroot, Israel, Mihaly

Noes: Julin

Motion carried. Audience advised of the ten day appeal period.

E. GENERAL DISCUSSION

F. REPORT OF UPCOMING APPEALS TO TOWN COUNCIL

G. ADJOURNMENT TO THE MEETING OF OCTOBER 18, 1993

The regular Planning Commission meeting was adjourned at 11.15 p.m. to the next meeting of November 1, 1993.

BARBARA CHAMBERS