

**SAN ANSELMO PLANNING COMMISSION
MINUTES OF APRIL 19, 2004**

A. CALL TO ORDER

Commissioners Present: Chair Sisich, Vice Chair Fernandez, House, Jochum
Commissioners Absent: Wittenkeller, Zwick

B. OPEN TIME FOR PUBLIC EXPRESSION

C. CONTINUED PUBLIC HEARINGS

1. **Z-0302 – TOWN OF SAN ANSELMO**, Zoning Ordinance Amendments to the Temporary Signs Ordinance, Title 10, Chapter 9, Article 3. (staff person: Wight) **CONTINUED TO 05/03/04**

D. PUBLIC HEARING ITEMS

CONSENT AGENDA

1. **MINUTES – March 15**

2. **U-0402/DR-0408– Max Crome for Peet's Coffee & Tea, 896 Sir Francis Drake Boulevard, APN 006-061-23**, conditional use permit to operate a retail coffee shop in a 1,676 square foot space currently occupied by Red Hill Pet Center within the Red Hill Shopping Center in a space currently used by Red Hill Pets, on property zoned SPD. (staff person: Chambers).

3. **U-0403 - Safeway.com, 838 Sir Francis Drake Boulevard, APN 006-061-23**, conditional use permit for Safeway to operate a delivery service on property zoned SPD (staff person: Wight).

4. **U-0404/DR-0410 - Al and Suzanne Jones, 115 Tamalpais Avenue, APN 007-172-09**, use permit to demolish more than 50 percent of an existing dwelling; flatland design review to consider construction of an 1,188 square foot upper level in conjunction with a new dwelling of approximately 2,650 square feet total, located on property within the R-1 zoning district (staff person: Bell).

At the request of a member of the audience, Items 2 and 3 were removed from Consent Agenda for further discussion.

M/s House/Jochum and unanimously passed (5-0) to approve Items 1 and 4 of the Consent Agenda.

Chair Sisich advised all parties of interest of the 10-day appeal period to the Town Council.

REGULAR AGENDA

2. **U-0402/DR-0408– Max Crome for Peet's Coffee & Tea, 896 Sir Francis Drake Boulevard, APN 006-061-23**, conditional use permit to operate a retail coffee shop in a 1,676 square foot space currently occupied by Red Hill Pet Center within the Red Hill Shopping Center in a space currently used by Red Hill Pets, on property zoned SPD. (staff person: Chambers).

In response to Commissioner Harris, Planning Director Bell said that signage was not part of the Hearing.

Louise Matthews, Foothill Road, is opposed to the project.

M/s House/Jochum and unanimously passed (5-0) to approve the project based on the findings and conditions as set forth in the staff report.

Chair Sisich advised all parties of interest of the 10-day appeal period to the Town Council.

3. **U-0403 - Safeway.com, 838 Sir Francis Drake Boulevard, APN 006-061-23**, conditional use permit for Safeway to operate a delivery service on property zoned SPD (staff person: Wight).

Louise Matthews, Foothill Road, is opposed to the project.

Vice-Chair Fernandez praised the project, which he believes will be of great service to disabled persons.

In response to Chair Harris, Ms. Wight said that there would be 2 delivery trucks.

M/s Harris/Jochum and unanimously passed (5-0) to approve the project based on the findings and conditions as set forth in the staff report.

Chair Sisich advised all parties of interest of the 10-day appeal period to the Town Council.

5. **ER-0401/DR-0402 - TOWN OF SAN ANSELMO, 1000 Sir Francis Drake Boulevard, APN 6-032-19 and 6-032-21**, Negative Declaration and Design Review of Memorial Park Entry Plaza and Skatepark near Baseball Field One, including design changes to park entrance, walking and

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seating areas, including ADA accessibility, restroom, landscaping, fencing, bleacher platforms, walls, signage, sculpture, and future canopy over bleachers; on and near the basketball courts, including construction of a 7,885 square foot skatepark including:skateboard area, landscaping, fencing, and viewing platform (staff person: Wight).

Ms. Wight presented the staff report. Ms. Wight noted that the purpose of the Hearing is not to approve the project but to make a recommendation to the council, which Planning Director Bell confirmed.

In response to Commissioner Harris, Ms. Wight said that the color of the shotcrete used for the park will be gray and not brown as depicted on the drawing.

Dwight Merriman of 101 Sunnyhills Drive, representing the Parkside Apartments, is concerned that the park will produce too much noise. Heidi Jaegar, 1029 Sir Francis Drake Blvd, shares this concern.

In response to Louise Matthews, Foothill Road, Chair Sisich confirmed that the purpose of the meeting is to make a recommendation to the Council with possible amendments.

The following citizens voiced their support for the skateboard park: John Pedersen of 43 Merced Avenue, Valerie Hersey of 121 Brookside Drive, Quinn Peterson, Will Madison of 45 Valley Road, Jeff Scott of 167 Crescent Road, Karl Lindsay of 950 Butterfield Road.

Ron Little, Recreation Director, noted that shotcrete absorbs more sound than regular concrete. In response to Commissioner Jochum, Mr. Little outlined the pattern of use of the existing park on an average afternoon.

Commissioner Jochum will support the project since the Recreation Department believes it is a good use for the site and favors a skateboard park.

Vice-Chair Fernandez said that it would be remiss of the Commission not to recommend this use to the Council.

Commissioner Harris is in favor of a skateboard park for kids but he is not convinced that this is the right place, although he acknowledged that there are few suitable places in town. The density of the use concerns him. Commissioner Harris is not convinced that there is sufficient demand for a skateboard park, although he noted that more people are present this evening. Commissioner Harris liked the enhancements to the area, which include the entryway, terracing and picnic tables. He believes that the noise level will not be so significant as to recommend denial of the negative declaration.

Commissioner House supports the project and suggested that a sprinkler system for the plants should be made part of the recommendations to the Council.

Chair Sisich believes that kids will use the park because he hears them using their skateboards on the streets. He would like a visual screen between the skateboard park and baseball area.

M/s House/Fernandez and passed (4-1 Noe: Harris) to recommend that the Council approve the negative declaration and skateboard park with the following added conditions:

1. Approval is based on the plans date stamped October 8, 2002;
 2. Rework the handicapped space next to the Recreation building to meet the ADA requirements and reduce entry area in Recreation Building parking lot such that: a) the number of parking spaces would not be decreased; and b) the planter proposed at the end of the parking aisle would be omitted.
 3. Specific species and sizes of the evergreen and deciduous trees shall be selected by the Parks Director with the goal being to provide screening of the skate park as viewed from the Isabel Cook housing development.
 4. Implementation of the measures in the noise study to reduce construction noise.
 5. All plantings shall have automatic irrigation.
 6. There shall be a visual barrier on the fence between the skatepark and baseball field No. 1.
 7. All conditions of approval shall be printed on Sheet 1 of the Building permit drawings.
 8. Should construction not begin within one year from the date of this approval, the approval shall be considered null and void. A one-time-only, one-year extension can be requested in writing to the Planning Director prior to the expiration date.
6. **V-0412 – Thomas Hildebrand, 1320 San Anselmo Avenue, APN 007-051-13**, variance to add a 400 square foot garage within 1'-0" of the northwest side property line (Code: 8') located within the R-1 zoning district (staff person: Chambers).

Planning Director Bell presented the staff report, advising the Commission that staff was unable to make the findings of special circumstances because the garage could be constructed elsewhere on the lot to meet all required setbacks.

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Commissioner Harris questioned if there would be additional off street parking in addition to the proposed garage location. Planning Director Bell affirmed.

Thomas Hildebrand, applicant, said the property is 40' wide and he wants to build a 20' garage in the location of the existing parking pad. If they are not able to build the garage in this location, the existing mature wisteria, fruit trees and arbor may be lost. He stated that the space between the proposed garage and the adjacent garage, although very narrow, could be easily maintained. He understands that this is a great concern of his neighbor. He recently built a garage on Yolanda that had a similar setback and there was adequate room between the structures. He is interested in gaining two additional parking spaces and garage and wants to preserve the park-like area in the front of the property by placing the new garage in the most appealing and functional place.

In response to Commissioner Harris, Mr. Hildebrand stated he spoke to the neighbor at No. 1324 regarding his concern about the close proximity of the two garages. He had a few telephone conversations with him, and the last conversation was that he would abide by the Commission's decision on the location of the garage. His concern was about the proximity of the two structures. He noted that there is approximately 2' between the garages.

Mr. Hildebrand stated that the neighbor was not present in the audience.

Commissioner Jochum said he has no problem with this proposal as a planning commissioner. However, as a homeowner and architect he would want to have a little bit of space between the structures to maintain the buildings. He stated he would vote for the project as proposed however he recommends they give themselves another foot or two for maintenance. The proposed 20' width looks like outside framing to outside framing. There would still be adequate room if the east wall was moved over six inches and the west wall moved in one foot, which would reduce the overall garage by six inches. He was not sure how this would impact the wisteria. He noted that his comments were just a recommendation but he could make the findings for approval as proposed because of the narrowness of the lot at 40' and there is no detriment to health or safety because it is next to an identical use.

Commissioner Fernandez stated it would be a shame to cut down the wisteria and could support the location of the garage as proposed.

Commissioner Harris said he could make the findings however to add a 20' wide structure would make it crowded with the two structures so close together. He does not know where else it could go and it provides a benefit for off street parking and provides storage for residents. Also, there is an eclectic range of structures on the portion of the street as well and will not have too much of a negative impact. Even though he does support the project he noted that maintenance is a concern, as well as potential fire safety issues. Commissioner Harris would rather see it moved over a foot or so and be reduced in size to the minimum required for two vehicles so there could be proper maintenance of the structure.

Commissioner House stated that she also was in favor of the project and would be able to make findings of special circumstances. However, she shared Commissioners Harris' and Jochum's concern about maintenance issues.

Chair Sisich stated that he supports the project as proposed. If there were no fence between the garages it would be easier for maintenance. Special circumstances are that parking is moved back from the street and more off street parking will be created. Also, special circumstances are the small size of the frontage and removing the mature wisteria would impact the character of the neighborhood and the neighborhood would actually benefit from the garage.

M/s House/ Jochum, and passed (4-1: No: Harris), based on the narrowness of the lot, the location of the mature wisteria, that the proposed garage location would to allow additional off-street parking and would be a benefit to the neighborhood. The approval is also based on the conditions 1-4 outlined in the staff report.

Chair Sisich advised all parties of interest of the ten-day appeal period to the Town Council.

7. **DR-0407 – Jim and Ana Dengler, 184 Hilldale Avenue, APN 006-152-40**, hillside design review of a 446 square foot 1st story addition and a 449 square foot second story addition, located within the R-1 zoning district (above 150' mls) (staff person: Wight).

Senior Planner Wight introduced the staff report, noting that two legal parking spaces need to be made or else a variance will be required.

Jim Dengler, Applicant, noted that the house has been designed so that it meets setback requirements. The bulk of the building will not easily be seen and his neighbors do not object to the project. Mr. Dengler said that he has a large driveway for off-street parking and would prefer to maintain the garage in its present state. However, he will clear space in his garage if it is deemed necessary.

Commissioner Harris told the applicant that he must abide by the report or else request a variance.

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M/s Harris/Jochum and unanimously passed (5-0) to approve the project based on the findings and conditions as set forth in the staff report.

Chair Sisich advised all parties of interest of the 10-day appeal period to the Town Council. .

8. **V-0413 – Don and Pam Vita, 62 Madrone Avenue, APN 006-052-20**, 1) Variance to exceed the maximum allowable lot coverage of 35%. The existing is 38.5%; proposed is 39.6%; 2) setback variance to add a second story interior stairway within 11 and 5/8 inches of the side (west) property line (Code: 8'); 3) setback variance to add a second story deck within 5'-8" of the side (west) property line (Code: 6'); 4) setback variance for an in-ground spa to be within 3' of the side (west) property line (Code: 8'); 5) setback variance for the spa equipment to be within 6' of the side west) property line (Code: 8'); and 6) Setback variance to enclose a portion of the porch within 7' of the side (east) property line (Code: 12'), located within the R-1 zoning district (staff person: Chambers).

Planning Director Bell introduced the Staff Report.

Don Vita, Applicant, noted that the extra space is required for the stairway, only. Mr. Vita noted that their corner lot is narrower than many of the neighboring properties and that little of the addition will be seen by his neighbors. Furthermore, Mr. Vita said that his neighbors support his project.

In response to Commissioner Harris, Mr. Vita identified the location of the stairwell on the plans and noted that their neighbor did not have windows on this side that could be overlooked.

Chair Sisich expressed concern about the number of variances requested, to which Mr. Vita explained his need for those variances.

Commissioner Harris noted that the property is already non-conforming in terms of lot coverage and that the variances will exacerbate that problem. Mr. Vita said that a garage (which was removed) brought the lot coverage up to 40% and he is thus requesting the same lot coverage with his variances.

Commissioner House referred to the project description: She supports the items with the exception of the two points that refer to the spa.

Commissioner Harris likes the house and understands the reason why the applicant is requesting the variances. However, Commissioner Harris would like the lot coverage to be brought down. He supports the interior staircase but said that a reduction in coverage could perhaps be achieved by reducing the size of the deck or removing the spa. Since the lot is constrained by its width and it being a corner lot, he would be willing to be more flexible than he would otherwise consider.

Commissioner Jochum noted that lot coverage requirements are necessary to prevent structures from becoming out of scale with the neighborhood. However, in this instance, the amount of extra footage requested is small, and he does not see that it will make much difference by insisting the applicant reduce lot coverage. In fact, the visual aspect might be worse. Commissioner Jochum does not typically approve of projects that exceed lot coverage but he does not believe there is a downside to approving this application, particularly as it will only be visible to the adjacent neighbor. Commissioner Jochum makes findings on lot width and size. He said that he judges each case individually and not by precedent.

Vice-Chair Fernandez will support the project.

Chair Sisich can make findings based on location and size of lot and the restricted space.

M/s House/Jochum and passed (4-1: Noe: Harris) to approve the project based on special circumstances being the narrowness of the lot, corner location, and undersized lot; The non-detriment finding is that the improvement is similar to other properties; and two conditions:

1. Approval is based on the plans date stamped received by the San Anselmo Planning Department on February 26, 2004.
2. Should construction not begin within 1 year from date of this approval, the approval shall be null and void. A one time, one year extension can be provided if requested in writing to the Planning Director prior to the expiration date.

Chair Sisich advised all parties of interest of the 10-day appeal period to the Town Council. .

E. GENERAL DISCUSSION

Commissioner Harris suggested that the title of General Discussion be changed to reflect a more accurate description of discussion. Planning Director Bell suggested 'Items from Planning Commission', which was agreed upon.

Commissioner House said that the color of the ATM machine at Tamalpais Bank is jarring. Commissioner Jochum said that more information on the design elements of a project needs to be presented in future.

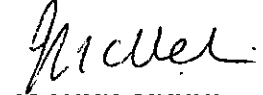
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F. REPORT OF UPCOMING APPEALS TO TOWN COUNCIL

The Council approved the Housing Element.

G. ADJOURNMENT TO THE MEETING ON MONDAY MAY 3, 2004

The meeting was adjourned at 8.45pm.



**JOANNE O'HEHIR
SR. ADMIN. SERVICES ASST.**