

**SAN ANSELMO PLANNING COMMISSION
MINUTES OF DECEMBER 6, 2004**

A. CALL TO ORDER

Commissioners Present: Chair Sisich, Commissioners Freeman, Harris, House, Pipkin Zwick

B. OPEN TIME FOR PUBLIC EXPRESSION

None

C. CONTINUED PUBLIC HEARING ITEMS

None

D. PUBLIC HEARING ITEMS

CONSENT AGENDA

1. Minutes – November 15, 2004

- 2. UP-0421/V-0435/DR-0432 – Kip Pearson, 1525 San Anselmo Avenue, APN 007-014-21, Conditional use permit to convert a commercial building into habitable space, parking variance for 2:9'x19' tandem spaces (code: 2:9'x19' spaces side-by-side), and design review for exterior modification to the building, located within the C-1 zoning district. (staff person: Chambers)**

Planner Chambers satisfied a parking query from Commissioner Harris and Commissioners Zwick and Pipkin recused themselves from voting.

M/s House/Freeman and unanimously passed (4-0) to approve Item 2 on Consent.

- 3. V-0436/DR-0436 – Nancy and Jeff Alonzo, 83 The Alameda, APN 05-112-16, setback variance for an addition to be within approximately 5' of the west side property line; and setback design review for an addition to be within approximately 5'-10" of the east side property line, located within the R-1 zoning district. (staff person: Chambers)**

M/s House/Freeman and passed (5-1 Noe: Harris) to approve Item 3 on Consent.

- 4. V-0437/DR-0437 - Peter Knuth, 78 Holstein Road, APN 177-160-10, setback variances to construct first and second story additions within 8' of the front and rear property lines; and hillside design review of additions totaling approximately 745 square feet on property located in the R-1 zoning district above 150 msl (staff person: Wight).**

- 5. U-0423 Melody Conwell, 217 San Anselmo Avenue, APN 007-284-48, use permit for a change in occupancy to permit retail candle sales and candle-making classes on property located in the C-2 zoning district (staff person: Wight).**

M/s House/Freeman and unanimously passed (6-0) to approve items 4 and 5 on Consent.

Chair Sisich advised all parties of interest of a 10-day appeal period for all items on Consent.

REGULAR AGENDA

Commissioners Zwick and Pipkin recused themselves

- 6. ER-0403/Z-0403/DR-0434 - Joseph Maguire, 1535 Sir Francis Drake Boulevard, APN 005-153-01, environmental review, rezoning from Specific Planned Development (SPD) for an automobile detailing/repair operation to Specific Planned Development (SPD) for a Residential Development: 3 Single Family Dwellings, 4 "Workforce" Apartments (low to moderate income), and 4 Townhouses. (staff person: Wight).**

Ms. Wight introduced the staff report, which included an update on the items requested by the Commission at the last meeting.

In response to Chair Sisich, Ms. Wight confirmed that the provision of Town signage, indicating right-hand only turns on to Oak Knoll Road and Sir Francis Drake Blvd, could be made part of the conditions.

In response to Commissioner Freeman, Ms. Wight said that the applicant can discuss the direction of surface water.

In response to Commissioner Harris, Ms. Wight said that the Police Department confirmed that the Town must provide signage in order for the right turn-only signs to be enforced.

Ms. Wight suggested that Commissioner Harris direct his queries on storm water drainage to the architect.

In further response to Commissioner Harris, Ms. Wight clarified those items that should be discussed this evening and those that will be discussed at a future meeting.

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Jim McDonald, architect for the project discussed drainage issues. Mr. McDonald said that it might be necessary to raise the buildings in order to channel roof water fall on Building E towards Sir Francis Drake Blvd.

Mr. McDonald responded to Commissioner Harris' query on the means by which surface water will be drained from the parking lot.

Charlie Burlew, 93 Medway Road, is dissatisfied with the drainage plan, which Chair Sisich confirmed had not changed since the last meeting.

David Tucker, 65 Medway Road, believes that drivers will disregard the right turn-only signs. Mr. Tucker would like the project to be accessed by Sir Francis Drake Blvd and he believes that the utilities should be directed to Sir Francis Drake Blvd. In response to Commissioner Harris, Mr. Tucker discussed his suggestions on access. He believes that Medway Road is being unfairly burdened with extra traffic.

Robert Hansen, Butterfield Road, said that health and safety issues are most important and that he does not believe the project is environmentally safe. Mr. Hansen believes that a health risk assessment is needed and soil sampling. He said that a closure letter is not sufficient for a residential development.

Larry Martinez, 128 Oak Knoll Avenue, believes that the area might be toxic because two large trees died suddenly in the late 1990s and his wife had six cats that developed cancer.

Marty Zwick, 44 Medway Road, said that drainage is inadequate and that the drainage plans might contravene the Civil Code. Mr. Zwick suggested how drainage improvements could be made, which he believes should be explored.

Cheryl Bublitz, 75 Medway Road, is concerned that the project is too dense and the traffic produced will have a great impact on the area. Ms. Bublitz supports Mr. Tucker's position on traffic.

Nick Fell, 129 Oak Knoll Ave, said that the right-turn only sign will be ineffective and that access should be on Sir Francis Drake Blvd. He said that the site has a history of contamination and that there has been inadequate soils testing. Furthermore, there is already insufficient drainage on Oak Knoll Road.

Jeff Hopkins, 73 Medway Road, believes that the project is too dense and that access should be via Sir Francis Drake Bld. However, if access is to remain on Oak Knoll Road, then it must be enforced. Mr. Hopkins believes that further soils testing is necessary.

Mr. McDonald drew attention to a closure letter from San Francisco Bay Regional Water Quality Control Board, dated August 1997, that confirmed completion of a site investigation and stated that no further action was required.

Mr. McDonald explained the drainage plan further and the problems with there being a lack of storm drains in the area.

Mr. McDonald satisfied Chair Sisich's inquiry on the direction of water and he said that over half the site is paved. Mr. McDonald discussed water run-off further.

In response to Commissioner Harris, Mr. McDonald explained that the roofs of the townhouses and workforce units would drain from the north side into Sir Francis Drake Blvd. Commissioner Harris and Mr. McDonald discussed driveway drainage.

Commissioner Harris and Mr. McDonald, with the aid of Ms. Wight, discussed the position of windows on a neighboring property and the issue of privacy. Mr. McDonald said that the owner had approved the plans.

Joseph Maguire, owner, explained the tests and procedures that were undertaken before the closure letter was issued.

In response to Commissioner House, Mr. Maguire said that the garden lies behind the area of the tanks and was not subject to testing.

Mr. Maguire satisfied questions from Commissioner Harris and the Chair with regard to a well. Mr. Maguire then responded to various comments that were raised by the public with regard to drainage and access.

In response to Commissioner Harris, Mr Maguire discussed the processes and costs that would be involved in performing further tests on the soil and/or ground water.

In response to Chair Sisich, Ms. Wight said that an expert had confirmed that the letter of closure was adequate for this particular use.

Commissioner House would like measures explored that would decrease the amount of water draining from the new development on to Oak Knoll Avenue and she is satisfied that the letter of closure addresses the environmental concerns. Commissioner House suggested that the driveway on Oak Knoll

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Avenue could perhaps be constructed in a way that would ensure drivers could not turn left. She further suggested that egress should be on to Sir Francis Drake Blvd. Commissioner House believes that a successful auto repair shop would most likely produce more trips. Commissioner House said that the location is suitable for workforce housing and that she supports the project.

Commissioner Harris is mainly in agreement with Commissioner House but he does not believe that the right turn egress on to Oak Knoll Avenue should be eliminated, which he believes will mitigate potential traffic problems. Commissioner Harris said that more people will be affected if ingress and egress is made on to Sir Francis Drake Blvd. He would make it a condition of approval that egress from the project be right-turn only out of Oak Knoll Avenue and ingress to the property being via Oak Knoll Avenue only; that there be a right-turn only lane on to Sir Francis Drake Blvd from the project. It should also be made a condition of approval that the Town install signs that can be enforced by the Police Department. On the drainage issue, Commissioner Harris does not believe that the project will have a significant effect on the current problems. He also believes that the applicant should investigate other methods of reducing water flow to Oak Knoll Avenue. Commissioner Harris remains disappointed that the applicant will not consider building 2 single-family homes. He would like to recommend to the Council that further soils testing becomes a condition of approval and that the trees on Oak Knoll Avenue be preserved. Discussion took place to identify those trees.

Commissioner Freeman believes that water run-off will be less of a problem to Medway Road and Oak Knoll Avenue now that much of it will drain on to Sir Francis Drake Blvd. Commissioner Freeman believes that the closure letter satisfies the environmental issues. Furthermore, Commissioner Freeman believes that the increase in traffic will not greatly impact the problems that already exist since car trips will be spread out. He is satisfied that the current plan addresses the traffic problems as much as it is possible to do so. Commissioner Freeman believes that the drainage problems of Oak Knoll Avenue and Medway Road need to be dealt with separately.

Chair Sisich continues to support the project, which he believes is not too dense and has been well-designed. He supports the addition of City street signs to be funded by the applicant and he supports the right turn-only egress to Oak Knoll Avenue and Sir Francis Drake Blvd. Chair Sisich believes that the project will not exacerbate the drainage problems and suggested that all the roofs of the properties could be raised to drain more water into Sir Francis Drake Blvd. Chair Sisich said the closure letter should suffice for environmental clearance and that opponents should take up the issue with the Town Council. He believes that further soils testing would be appropriate if an agency had deemed it necessary, which is not the case in this instance.

Discussion took place between Ms. Wight and various Commissioners with regard to the contents of the resolution.

M/s House/Freeman and passed (3:1 no: Harris) to recommend approval of the project to the Town Council with the following added conditions/amendments:

1. A recommendation to the Town Engineer that permeable materials be used for driveway surfaces.
2. Roof drainage from buildings D and E shall be directed to Sir Francis Drake Blvd.
3. Staff to check trees on the property line with 128 Oak Knoll Avenue prior to permit issue.
7. **V-0435/DR-0435 – Jim and Aileen Donohue, 16 Ramona Way, APN 005-151-09,** 1) Setback variances to add a landing and railing over the existing accessory structure within 4'-1" of the west side property line (Code: 8'); 2) setback design review to add a \pm 224 square foot first story and \pm 205 square foot second story addition within 5.13' of the west side property line; and 3) lot coverage variance to increase lot coverage from 35.4% to 37% (Code: 35%), located within the R-1 zoning district. (staff person: Chambers)

Planner Chambers introduced the staff report.

Curtis Hollenbeck, architect for the project, described the project in more detail. He said that the design will produce more useable space without adding a lot of footage. A new drain will be added at the foundation stage to ameliorate a neighbor's concerns.

In response to Chair Sisich, Mr. Hollenbeck used the plans to identify the neighboring property at 14 Ramona way.

In further response to Chair Sisich, Mr. Hollenbeck said that the roof deck is a good means of providing outdoor space. Mr. Hollenbeck said that it was not a point of contention with the neighbors since various concessions to the design had been made.

In response to Commissioner Harris, Mr. Hollenbeck suggested that the subdivision, which resulted in a small lot, might constitute a finding. Mr. Hollenbeck did not know when the division took place or whether other homes in the area exceeded their lot coverage.

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In response to Chair Sisich, Mr. Hollenbeck used the plans to explain how he is unable to change his design to reduce lot coverage.

In response to Commissioner House, Mr. Hollenbeck said that the step up could be removed but that the owner prefers that design to a level floor. There is no change to the plate height; only a change in the roof pitch. Commissioner House suggested that the road-facing side of the house could be made more attractive. Mr. Hollenbeck suggested that the trim be replaced around the garage door.

Ms. Chambers said that the Public Works Director would address any drainage issues and that the Fire Department would review the plans to determine if a sprinkler system is necessary.

In response to Commissioner House, Ms. Chambers explained that a trellis, or something of that nature, would add to the lot coverage. Ms. Chambers noted that the deck and roof extension meet setbacks.

Commissioner Freeman noted that the Commission could deny the variance unless there is a legal reason to support the application.

Commissioner House noted that a finding could be made for a variance based on the lot being small and irregularly-shaped.

In response to Commissioner Harris, Mr. Hollenbeck used photographs to show the view of the deck and roof from the neighboring property at 14 Ramona Way.

Commissioner Harris said that privacy might be an issue. However, Ms. Chambers noted that light, air and privacy are not issues in the flatland.

Chair Sisich will support the project with the exception of the roof deck, basing his findings on the size and shape of the lot. He believes that the deck is unnecessary and will affect the neighbors' privacy. However, he is disturbed that the latter is not part of the findings.

Commissioner Harris said that the lot is not suitable for this size of house and thus would not make a finding that the size and shape of the lot justifies the variance. However, justification could be made if other properties in the neighborhood enjoy the privilege of lot coverage that exceeds the Code.

The following motion was proposed:

M/s Harris/Freeman and failed (2:2 Noes: Sisich/House) to approve the variance that will allow a roof deck to be constructed with a condition of approval that there be some kind of screening, or other suitable structure, to be determined by the applicant and the neighbors at 14 Ramona Way.

Discussion ensued between staff and Commissioners, resulting in the motion being withdrawn by the maker of the motion.

M/ Harris to continue the project to enable the applicant and neighbors at 14 Ramona Way to discuss the plans further. No second.

Mr. Donohue proposed removing the roof deck so the Commission could take action on the project. He would apply for the roof deck at a future time.

Planning Director Wight stated that staff could not support the lot coverage variance with the roof deck however with the deck removed there would be no privacy issues.

M/s House/Freeman (no: Harris) to approve the project with with a 2' reduction of the roof deck (so that it meets the 8' setback) on the basis that the deck now meets required setbacks.

Planning Director Wight stated that even if the deck were pulled back to meet the setbacks, privacy is an issue and it is over the addition that requires a design review approval. Therefore, if the addition was not approved, the deck would not exist.

Motion withdrawn.

M/s House/ Freeman, and passed (3-1 noes: Harris), to approve the plans as submitted and amended at the meeting with the roof deck and stairway leading to the deck removed, based on the findings of special circumstances of substandard lot size and shape and the addition, as proposed with the removal of the roof deck will not impair the light, air or privacy of the neighboring properties..

The audience was advised of the ten day appeal period to the Town Council.

Commissioner Zwick resumed his seat at the podium.

E. ITEMS FROM PLANNING COMMISSION

In response to Commissioner House, Planning Director Wight stated the Council has not selected the Planning Commissioner position vacated by Richard Fernandez.

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F. ITEMS FROM STAFF

Commissioner Fernandez has resigned from the Planning Commission.

The projects at 790/800 Sir Francis Drake Blvd and 2, 4, 6, 8 Loma Robles have been continued to the next Council Meeting.

G. ADJOURNMENT TO THE MEETING ON MONDAY DECEMBER 20, 2004

The meeting was adjourned at 10.15pm.



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