

**SAN ANSELMO PLANNING COMMISSION
MINUTES OF DECEMBER 5, 2005**

A. CALL TO ORDER

Commissioners Present: Chair Zwick, Vice-Chair House, Freeman, Harris, Krebs

B. OPEN TIME FOR PUBLIC EXPRESSION

None.

C. CONTINUED PUBLIC HEARING ITEMS

1. **V-0535/DR-0530 – Greg and Kristi Bush, 142 Sequoia Drive, APN 006-114-05**, 1) Setback Variances to add a first story addition within 15' of the front property line and 8'-6" of the street side (Knoll Road) property line, and a second story addition within 19'-6" of the front and 8'-6" of the street side (Knoll Road) property line (Code setbacks: front: 20'; street side: 12'); 2) Hillside Design Review of first and second story additions totaling ± 731 square feet; 3) Parking Variance for two of the three required on-site parking spaces to be substandard in length and partially in the right-of-way (Code: 3: 9'x19' spaces wholly on the property); and 4) FAR Variance to permit a floor area ratio up to 39.5% (Code maximum: 35%), located within the R-1 zoning district. (Staff person: Chambers) **CONTINUED TO 1/3/06**

2. **V-0536/DR-0533 – Eileen and Allen Ashton, 29 Grove Lane, APN 007-162-34**, Lot coverage variance for a second story addition to an existing dwelling, which already exceeds the Code maximum lot coverage at 50% (Code: 35%); and Flatland Design Review to add a ±498 square foot second story addition, located within the R-1 zoning district. (Staff person: Chambers) **CONTINUED TO 1/3/06**

3. **ER-0502/GPA-0501/LS-0502/Z-0501 - William F. and Barbara R. Geisler, 405 Redwood Road, APN 007-141-11**, 1) initial environmental study; 2) General Plan amendment to change the designation of a portion of the property from Single Family Conservation to Single Family Residential; 3) Rezoning of a portion of the property from R-1 C (Single Family Conservation) to R-1 (Single family Residential); and 4) Parcel split to create one additional building site. The proposed new lot would be located in the northeast area of the property, north of the redwood groves and below an existing cabin, with a separate driveway access directly off Redwood Road, located within the R-1C zoning district. (staff person: Wight) **CONTINUED TO 1/3/06**

D. PUBLIC HEARING ITEMS

CONSENT AGENDA

1. **Minutes – November 21, 2005**

2. **V-0539 DR-0534 - Jim and Ana Dengler, 184 Hilldale Drive, APN 006-152-40**, a setback variance to construct a ±595 square foot addition within 5' of the side setback (Code: 8'), and amend the previously approved administrative hillside design review for additions totaling approximately 1,066 square feet and a roof deck of approximately 300 square feet, located within the R-1 zoning district (above 150' msl). (staff person: Chambers)

M/s House/Freeman and unanimously passed (6-0) to approve Items 1 and 2 of the Consent Agenda.

3. **UP-0517 - Curt Simon, 18 San Rafael Avenue, APN 007-162-15**, use permit for a single family residential use in an existing dwelling (currently used as a professional office), located in the P zoning district (staff person: Wight).

Commissioner Krebs recused himself because he lives within 300 feet of the property.

M/s House/Freeman and unanimously passed (5-0) to approve Item 3 of the Consent Agenda.

The audience was advised of the 10-day appeal period to the Town Council on all Consent items.

REGULAR AGENDA

4. **UP-0513/DR-0526 – Alletta and Ted Bayer, 32 Elm Avenue, APN 007-053-01**, Use Permit to demolish an existing 1,860 square foot single family dwelling and Flatland Design Review for the second story of approximately 1,624 square feet (in conjunction with a new single family dwelling of approximately 3,534 square feet and garage of approximately 420 square feet). (For information, project would ultimately require from the Public Works Director a revocable encroachment permit for a portion of the retaining wall to be located in the right-of-way (off pavement) and a permit for the removal of 3 heritage trees), located within the R-1 zoning district. (staff person: Chambers)

Planner Chambers introduced the staff report. Ms. Chambers explained what changes have been made to the project since the last hearing, and she noted that the variances are now unnecessary. Furthermore, a preliminary drainage plan has been provided which the Director of Public Works has approved, although a more formal drainage plan will be submitted at the building permit stage. Ms. Chambers said that staff is able to support the use permit, in addition to design review.

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Ted Bayer, applicant, presented materials to the Planning Commissioners. He explained in more detail the changes that have been made, which include the lowering of the garage and the second story above it, and reducing the size of the retaining walls that have rendered the variances unnecessary. Overall, the size of the project has been reduced, including the massing of the garage, and a landscape plan has been provided that shows how the retaining walls will be screened.

Sandra Tether and Perry Carrubba, 28 Elm Avenue, presented materials to the Commissioners. They appreciate the changes that have been made to the project, but they still believe the house is too large and out-of-character with the neighborhood. Furthermore, they feel that the window height in the room above the garage will impact them. They believe the garage should be located on the south side and that the building will look too tall from the street.

Ken Korn, attorney, speaking on behalf of the owners of 28 Elm Avenue, said that the applicants might own a large lot but they are not building a house in the center of the lot. The vertical mass of the garage is built on the edge of the property in the face of the neighbors at 28 Elm Avenue, which affects their light, air and privacy. His clients have suggested that the garage be moved to the south side of the property, but that would result in the applicants looking at the garage instead of his clients. Mr. Korn said that staff believes the results of the shadow survey show that the position of the garage is not unreasonable, but it is in an unreasonable location for the neighbors if it is not necessary.

Mr. Korn quoted from sections of the General Plan to illustrate his point that the rules needing to be followed are above and beyond the zoning rules. The house is over-sized and not in keeping with the smaller houses in the area. Furthermore, the owners of 28 Elm Avenue will bear the brunt of the project with a vertical wall in front of their windows, and it appears that a retaining wall will interfere with a prescriptive easement.

In response, Ms. Chambers confirmed that the garage has been lowered, not the whole house. The revocable encroachment permit affects an existing wall, and there are no new walls in the public-right-of-way.

In response to Chair Zwick, Ms. Chambers said that the Director of Public Works has stipulated that a sidewalk is necessary at the front of the property.

In further response to Chair Zwick, Ms. Chambers said that the studio windows on the plans are smaller than those originally designed and are not view windows.

In response to Commissioner Freeman, Mr. Bayer said that it would be difficult to place a garage on the south side of the lot because this is the steepest part of the lot and a large retaining wall would be necessary. Such a wall would impact the neighbor on that side of the property and would necessitate a lot of excavation, which might impact drainage.

Commissioner Sisich is in favor of the project, and he noted that it has been downsized. Furthermore, the lot is large and the house is in character with the neighborhood, and he believes that it will not impact the owners of 28 Elm as much as they believe it will. The colors and landscaping will help to reduce the impact of the house.

Commissioner Harris said that a number of changes have been made and the changes made to the room above the garage are not significant. The General Plan requires the house to be in character with the neighborhood, but he is not sure that it takes into account the size of the lot. A right does not exist to build a large house just because the lot is large. This house might be more prominent because it is on an uphill lot and the comparable houses across the street are set back and on a flat lot. The applicants appear to be intent on building an attached garage, and he would like to have seen a design that considered placing the garage on the south side of the property.

Vice-Chair House supports the project. The house will be stepped back from the street, so it should not appear to be prominent. The house should not appear to have a massive or looming presence, and she is comfortable with the garage, particularly since there are no variances. Furthermore, it is possible that if the garage were placed elsewhere on the property, then retaining walls would be necessary, and Chair House does not believe that this project will produce the vertical mass that concerns the owners of 28 Elm Avenue.

Commissioner Krebs said that the applicants have made an effort to comply with the requests to downsize the project. He does not believe that the concerns of the owners of 28 Elm Avenue are sufficient to prevent the house from being built as proposed. The design on the north side will limit the impact on 28 Elm Avenue in a reasonable way; lowering the garage has eliminated a retaining wall variance, and the project is not sufficiently large to be out of scale with the neighborhood.

Commissioner Freeman said that his concerns regarding the drainage system and the size of the project have been addressed. He believes that the project is a more reasonable fit and that it will be an improvement on what is currently there. Furthermore, the project is larger than some and smaller than others in the area, and it fits within the goals and objectives of the General Plan.

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Chair Zwick said that he is undecided. The architect is skilled and the applicants have been willing to modify their plans as requested by the Commission. A number of variances were required that have now been removed, and he does not think that an attached garage could be built on the south side of the property. The garage has been lowered and the studio above has been moved in and the sill heights of the windows have been raised, all of which the applicants have been willing to do. The scale and intensity of the project are hard to decide because the house extends to side setback lines whilst the neighbors' houses extend into the side setbacks. Chair Zwick said that the neighbors' comments are valid.

M/s Sisich/House to approve the project with the findings and conditions as set forth in the staff report.

Freeman: Aye
Chair: Aye
House: Aye
Harris: No
Sisich: Aye
Zwick: No

Motion carried 6-1. Chair Zwick advised the audience of the 10-day appeal period to the Town Council.

5. **ER-0503/DR-0535 - Red Hill Park, 100 Shaw Drive, APN 006-061-14** - review of initial study and draft negative declaration for redevelopment of approximately 5.7 acres of the former Red Hill Middle School athletic/recreation fields into a multi-purpose community athletic sports and dog park facility, including a fenced dog park, a sports court and soccer/baseball field, a restroom/concession/storage building and a separate storage building for use by Town maintenance and sports leagues, new storm drainage, landscaping and irrigation improvements, and design review of project. Access to the site would be from Sunny Hills Drive and also from Shaw Drive with expanded parking off Shaw Drive. Planning Commission public hearings scheduled to consider initial study and draft negative declaration on both December 5 and December 19, 2005, and to include consideration of design review of the project on December 19, 2005. (staff person: Consultant Newman)

Planning Director Wight explained the purpose of this evening's hearing and she introduced the consultants on the project.

In response to Commissioner Krebs, Ms. Wight said that the Town Council will review the project and make the decision as to whether or not it will be approved.

Peter Arnold, Abbey Arnold Associates, Project Architect, provided background information on the project, and he explained the design in further detail. He noted that the area of the dog park has been doubled since the original design of the project.

In response to Chair Zwick, Mr. Arnold said that an easement that runs through the dog park belongs to Marin Municipal Water District and that he believes a pipe runs below the ground.

In response to Commissioner Sisich, Mr. Arnold said that Sunnyschools School is in favor of the project and parking plan.

Mr. Arnold and Commissioner Harris discussed the use of the path and the buildings on site. Mr. Arnold said that the School District is currently leasing out the buildings, and Ms. Wight said that a pre-school and the School District occupy those buildings.

In response to Commissioner Harris, Mr. Arnold said that the soccer field will be used by Drake High School and soccer leagues, which he discussed in more detail. A basketball court will replace the tennis courts, and the tennis courts at Memorial Park will be rehabilitated. A swimming pool was never considered.

Commissioner Sisich and Mr. Arnold discussed the dog park. Mr. Arnold said that the dog park is located in a space that is not wide enough for a soccer field or baseball court. Mr. Arnold also explained the location of retaining walls.

Lisa Newman, Planning Consultant, spoke on environmental issues concerning the project, and she referred to materials in the Commissioners' packets. Ms. Newman spoke about the environmental process in more detail. She said that a determination has been made that mitigation measures are unnecessary because there are no significant environmental impacts. Thus, a negative declaration has been recommended. Ms. Newman also discussed the traffic and noise studies in further detail, and she noted that the increase in noise level has been deemed fairly insignificant. Furthermore, Marin Municipal Water District and the Department of Fish and Game have no concerns about the project. Ms. Newman said that she had received an e-mail from Alan Spencer who believes that the project would have a significant adverse impact on traffic.

In response to Chair Zwick, Ms. Newman said that CEQA requires the analysis for a negative declaration to be reasonable and based on factual information. The Commission, and ultimately the Town Council,

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must decide if this information fulfills the requirements to determine whether or not the Negative Declaration can be approved, and Staff recommends that it is approved.

Ms. Newman responded to Chair Zwick's inquiry about traffic signals.

In response to Vice-Chair House, Michael Thill, of Illingworth & Rodkin, explained how noise levels are calculated. Mr. Thill also explained in more detail, at Commissioner Krebs' request, how the noise survey was conducted.

In response to Commissioner Harris, Ms. Newman said that the Redhill Shopping Center has not expressed an opinion on the project. Ms. Wight said that staff are not aware of any official comment.

In further response to Commissioner Harris, Mr. Arnold said that the project is expected to be completed in 6 months. Furthermore, he does not have an official construction management plan to confirm where the ingress and egress will be located.

In response to Commissioner Sisich, Ms. Newman said that various Town departments have studied the plans and that she has received no comments. She thus infers that they are comfortable with the environmental analysis.

Commissioner Freeman expressed concern about traffic problems that might be caused at Redhill Shopping Center.

In response to Commissioner Krebs, Ms. Wight said that the Consultant was asked to study the traffic signals in relation to the Environmental Review.

The meeting was opened to the public at 8.30pm.

Gilbert Dean, 25 Carlson Court, is concerned that members of the community will have limited use of the track. Furthermore, he believes that the Environmental document is biased towards approving the project and he disapproves of the way it is written. Mr. Dean objects to there being just one acre for the dog park.

Rick Holderness, 5 Alto Avenue, does not believe that the general public has been adequately informed. He would like more information on noise levels and how they were calculated, and he is particularly concerned about the peak noise level during the sports season.

Richard Lucas, 506 Sequoia Drive, said that noise seems to be amplified in the area where he lives. He is therefore not convinced that the noise study is correct and that the level is much higher. In response to Commissioner Harris, Mr. Lucas said that the noise level is unacceptable on the exterior of his house and that no-one has considered the residents' noise issues.

Alan Spencer, 70 Monterey Avenue, is concerned about traffic impact, particularly where cars will merge on to Sir Francis Drake Blvd.

David Hamilton, 415 Sequoia Drive, said that traffic seems to increase each year and he believes that there will be chaos if traffic is not managed properly, particularly with regard to Sir Francis Drake Blvd. Furthermore, the noise will be amplified in his neighborhood and he believes that adequate consideration has not been given to the residents in his neighborhood.

Alan Bowker, 16 Grove Hill South, is also concerned about noise levels, which he thinks has been simplified in the report. The sports park is an improvement but the noise level will have a substantial impact.

Brad Rollin, 411 Greenfield Avenue, likes the current use of space. He said that the process has not been fair, so far, and he is concerned about the methodology of the noise report. He believes that the traffic will also be worse than the traffic report suggests and he, too, is concerned that the residents of Sequoia have not been adequately represented.

In response to Chair Zwick, Mr. Rollin said that a compromise is needed but that the Humane Society recommends a dog park should be a minimum of 2 acres.

In response to Commissioner Harris, Ms. Newman said that the school closed in the mid 1980s.

Heather Mitchell, 225 Third Street, San Rafael, said that an acre is insufficient for a dog park. Furthermore, artificial turf, which is being used for the soccer field, might be toxic, and she is further concerned by water quality and by the use of magnetic and flammatory materials.

Elaine Singer, 411 Greenfield Ave, said that traffic problems will increase. Furthermore, the parking lot at Shaw Drive is sometimes packed and there will not be enough parking to support a dog park and sporting events, in addition to the school.

Jan Sundstrom, Redwood Road, also believes that traffic will be a problem, in addition to noise. Furthermore, she said that artificial turf is noisier than natural turf, which should be used instead. Ms. Sundstrom would like the dog park to be larger.

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Louise Matthews, Foothill Road, is against the removal of the tennis courts, and she believes that the impact on traffic will be worse than the traffic report suggests. Furthermore, Ms. Matthews believes that parking will be inadequate and she referred to water useage and a letter from the Marin Municipal Water District.

Chair Zwick noted that traffic and noise are the main issues that have been heard this evening, and he suggested that Mr. Thill return at the next meeting to discuss the methodology of measuring noise levels in more detail. He would also like further information on how the 6 second delay was derived when teams arrive and leave at the same time.

Chair Zwick noted that a school yard once existed in this location and that the Consultant might wish to establish the level of noise in that period. He would also like more information presented on parking, and to know whether or not artificial turf creates more noise than natural turf, in addition to the suggestion that a 2-acre dog park should be the minimum size.

Commissioner Sisich said that traffic counts always seem to be low in studies, and he would like more information on how this traffic study was undertaken. He would also like information on the effect the new facilities will have on Redhill Shopping Center.

Commissioner Freeman said he would like further information on the toxicity of artificial turf.

Commissioner Krebs would like a better understanding of the process for traffic studies and signals, such as how peak traffic and noise levels are determined. He would like information on why certain locations are chosen for the investigation of noise levels, whilst others are ignored.

Commissioner Harris and Mr. Arnold discussed a consession stand and park opening times.

Commissioner Harris believes that a park provides an opportunity to add something to the community, which he supports. He is not concerned by noise levels, which according to the traffic consultant will be moderately increased, and which are part of daily life in a community. Furthermore, a school once existed on the property, which perhaps produced comparable noise levels. Commissioner Harris noted that there is a dog park in Sorich Park which should be sufficient to ameliorate the potential low acreage of the dog park at Redhill Park. He noted that there is nothing more persuasive in the Negative Declaration than there is in any other that has been presented to the Planning Commission. He would like traffic signals to be explored in more detail because Sir Francis Drake Blvd is a main road and traffic signals might be necessary. Commissioner Harris said that the traffic consultant should address the type of car trips this project will generate.

E. ITEMS FROM PLANNING COMMISSION

F. ITEMS FROM STAFF

G. ADJOURNMENT TO THE NEXT MEETING OF DECEMBER 19, 2005.

The meeting was adjourned at 10.20pm.

**Joanne O'Hehir
SR. ADMIN. SERVICES ASST.**