

SAN ANSELMO PLANNING COMMISSION
MINUTES OF AUGUST 15, 2005

A. CALL TO ORDER

Commissioners Present: Freeman, House, Krebs, Sisich, Zwick
Commissioners Absent: Harris

B. OPEN TIME FOR PUBLIC EXPRESSION

None.

C. CONTINUED PUBLIC HEARING ITEMS

1. ER-0501/PS-0501/PPD-0501/V-0504 – Carlos and Norine Castro, 444 Redwood Road, APN 007-191-10, Environmental Review (Mitigated Negative Declaration), Parcel Split and Precise Development Plan for a new two-story, 3,562± square foot single family dwelling and 509± square foot attached garage; a parking variance for access to be across 444 Redwood Road; and setback variances for retaining walls up to 7' above grade to be within approximately 18' of the front property line, all in conjunction with widening the road (Code setback: 20') on property located within the R-1H zoning district. (staff person: Wight) **CONTINUED TO SEPTEMBER 19, 2005**

2. ER-0501/PS-0501 - Joseph Maquire, 1535 Sir Francis Drake Boulevard, APN 005-153-01, environmental review and parcel split for: Lot 1: one single family dwelling; Lot 2: one single family dwelling; Lot 3: 4 townhouses, 4 workforce apartments and common parking area. (staff person: Wight) **CONTINUED TO SEPTEMBER 19, 2005**

D. WITHDRAWN ITEMS

1. V-0526- Drew Klausner, 26 Tamalpais Avenue, APN 007-211-23, variance amendment to retain R-11 insulation in the walls (previous Planning Commission variance granted to have R-13), which is a variance from the Condominium Conversion Ordinance regulation that all the dwelling units comply with the current statutes, laws, Codes, rules, and regulations for energy conservation, which apply to new residential construction. (staff person: Wight)

E. PUBLIC HEARING ITEMS

CONSENT AGENDA

Commissioner freeman recused himself from the dais.

1. **Minutes – August 1, 2005**

2. V-0524/DR-0525 – Russell Boehm, 18 Beverly Way, APN 005-224-13, setback variance to permit one of the two required parking spaces to be partially within the right-of-way (off pavement) and setback review for a single story addition of approximately 224 square feet to be within 5' of the north side property line, located within the R-1 zoning district. (staff person: Chambers).

M/s House/Krebs to approve the Consent Agenda. Motion passed unanimously.

REGULAR AGENDA

Commissioner Freeman returned to the dais.

3. V-0517/DR-0518 – Dean Jones – 70 Bennitt Avenue, APN 005-091-20, setback variance for two of the required on-site parking spaces to be located within 8'-1" of the front property line and within 5' of the south side property line, in conjunction with the development of a single family dwelling; setback variance for a new single family dwelling to be constructed within 5' of the rear property line and 5' of the north and south side property lines; and Hillside Design Review for a new dwelling of approximately 587 square feet, located within the R-1 zoning district (above 150' msl). (staff person: Wight)

Planning Director Wight introduced the staff report. Ms. Wight explained why staff is still unable to support the project.

Dean Jones, applicant, explained in detail why he believed the Commission should grant the variance for the rear yard setback. Mr. Jones said that he has no intention of selling the property and he noted the support he has received from his neighbors.

In response to Commissioner House, Mr. Jones said that he had no wish to sign a deed restriction agreeing not to build anything else on his property if this item is approved.

Commissioner Sisich supports the project for the same reasons he stated at the last hearing, which are due to the size, shape and topography of the lot and that the intent of the Ordinance, which to maintain separation between properties, is met.

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Commissioner House does not support the project because she believes that findings do not exist. Commissioner House noted that there is room on the property to maintain a 20' rear yard setback and that staff can support a 15' setback.

Commissioner Freeman believes that the findings might not exist, although the intent has been met. He would like to hear from the remaining Commissioners before deciding whether or not to support the project.

Chair Zwick said that there is an emotional issue in this case and he would not hesitate under other circumstances to ask the owner to build in a different area on the property. Chair Zwick would tell the owner to build in this location if another suitable location on the property did not exist, but there are alternative areas in this instance.

Commissioner Krebs said that he might be able to approve the project if there was a basis for making findings but staff does not think that findings exist. He will probably deny the project in the absence of more findings.

Mr. Jones noted, once more, the support he has received from his neighbors, which he believes should not be disregarded.

M/s Sisich/Krebs to approve the applicant's request for a variance based on the finding that the granting of the rear yard setback would not be a special privilege because the project meets the intent of the code, which is to maintain space between properties, and that the space that is being utilized will not impact neighboring properties, and nor is the project detrimental to the neighborhood due to the project's small size, nature and location. Furthermore, due to the unique topography and location, the granting of the variance will, in fact, preserve the enjoyment of the surrounding property owners by maintaining space between properties.

A condition was added that the applicant must agree to a deed restriction prohibiting further additions to the new unit in terms of footprint or height.

AYES: Freeman/Krebs/Sisich
NOES: House/Zwick

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

4. V-0529 – Michelle Dunsing, 2 Broadmoor Avenue, APN 005-183-14, parking variance to permit one of the two required 9'x19' parking spaces to be relocated from an existing garage to within 1' of the north side property line (Code: 8'), in conjunction with a conversion of the one-car garage to living area, located in the R-2 zoning district. (staff person: Chambers)

Commissioner Freeman recused himself because he resides within 500 feet of the property.

Planner Chambers introduced the staff report. Ms. Chambers explained that staff does not support this project because there are other places on the property on which an addition can be placed without requiring a variance.

Maureen Jochum, Architect, explained the project in further detail. Ms. Jochum said that it would be better to use that which is already in existence for living space rather than building a second story. She noted that other houses in the area have one conforming parking space, with the second space in the driveway that does not meet setbacks.

Michelle Dunsing, owner, explained that they would like to create a larger home by converting a garage to livable space. Furthermore, her neighbors are pleased that they are not adding a second story.

In response to Commission Krebs, Ms. Chambers explained the Code relating to garage conversions. Ms. Chambers said that such conversions should not be encouraged because it will result in pushing cars towards the street and there are other locations for the addition without the need for a variance.

In response to Commissioner Sisich and Vice-Chair House, Ms. Chambers discussed the number of spaces required, the reason that a variance is needed and setbacks in general.

Vice-Chair House said that she is inclined to support the variance because the applicants have plenty of parking on their property and they should be allowed the same privilege enjoyed by others in the neighborhood.

Commissioner Sisich is in agreement with Vice-Chair House. Furthermore, the conversion of an existing area to habitable space is more favorable than a 2-story house.

Commissioner Krebs said that the decision to grant the variance would not prohibit a request for a second story at a later date. However, given that there is no change to the structure, he will support the project.

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Chair Zwick said that he has seen many similar projects before and that parking problems exist throughout town. The Ordinance was instigated for projects such as this one and he would find it hard to approve the variance.

M/s House/Sisich to approve the request for the variance based on the small size of the lot, in addition to it being deemed that a special privilege is not being granted because other homes in the neighborhood enjoy similar parking situations. Furthermore, the granting of the variance under the circumstances of the particular case will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the property, and will not be materially detrimental to the public welfare or injurious to property or improvements in such neighborhood.

AYES: House/Krebs/Sisich
NOE: Zwick

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

Commissioner Freeman returned to the dais.

5. V-0528 – Geoffrey Koblick, 747-751 Sir Francis Drake Blvd., APN 006-083-03, Parking variance to reduce the number of on-site parking spaces as a result of installation of a fence by adjacent property owner (Code: 8 spaces), located within the C-L zoning district. (staff person: Wight)

Planning Director Wight introduced the staff report. Ms. Wight explained why the commercial uses for the building are limited and she noted that staff recommends approval.

Ms. Wight clarified the project in response to Vice-Chair House. The applicant is requesting a variance to allow the space to be utilized without the need to meet parking requirements.

In response to Chair Zwick, Ms. Wight said that the type of use that could occupy the space would be limited and will generate a low amount of traffic. However, the Code dictates that if a property has more parking spaces than is deemed necessary, then other uses can occupy the property. Thus, the neighboring property might offer parking for the use of this property because they have excess parking spaces.

Robin Mayer, owner, explained the parking situation in more detail. They have not been able to negotiate parking from the new owner of the neighboring property and thus, with no parking of their own, they are unable to rent out their own property without a variance. In the meantime, they are seeking a prescriptive easement.

In response to Commissioner Sisich, Ms. Mayer said that there is street parking and employees will park wherever it is possible. Ms. Mayer said that their attorney has advised them that the prescriptive easement should be granted.

Louise Matthews, Foothill Road, is concerned that the Town might be implicated in the legal outcome of the applicants.

Ford Greene, 711 Sir Francis Drake Blvd, said that all the businesses that exist in the area have a quick flow of traffic so he believes that the lack of parking will not have an impact on traffic. Mr. Greene supports the variance.

Commissioners Sisich, Freeman and House support the project. Commissioner House suggested adding a condition such that if the easement were granted at a future date, then parking restrictions must conform to the prior arrangement.

Commissioner Krebs agrees with the previous commissioners. Furthermore, he does not believe that the Town will be exposed to legal problems because approval of the application does not indicate a position on one side or the other. Approval merely grants a variance based on what has been submitted.

M/s House/Sisich to move the staff report, with the added condition that if the prescriptive easement is granted, the owners must revert to the prior parking arrangements. Motion carried unanimously. Chair Zwick reminded the audience of the 10-day appeal period to the Town Council.

6. V-0530 – William and Jessica Crabtree, 56 Butterfield Road, APN 005-072-12, parking variance to permit two required 9' x 19' parking spaces to be relocated from an existing garage to within 3' of the north side property line (Code: 12'), and one of the two required parking spaces to also be within 18' of the front property line (Code: 20'), in conjunction with a conversion of the two-car garage to living area, located in the R-1 zoning district (staff person: Wight).

Ms. Wight introduced the staff report. Ms. Wight noted that staff is typically reluctant to support garage conversions for the reason that if parking exists, then a special circumstance does not exist to convert it. However, in this instance, special circumstances exist to enable staff to support the variance due to the

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elevation difference between the garage and street and proximity of the driveway to the Butterfield intersection.

William Crabtree, applicant, described the parking situation further, noting the difficulty in exiting their driveway. They would like to back out of the driveway safely and, furthermore, magnolia tree roots are breaking up the concrete.

M/s House/ Freeman to move the staff report. Motion carried unanimously. Chair Zwick reminded the audience of the 10-day appeal period to the Town Council

Hadden Roth, Town Attorney, joined the meeting.

7. Town of San Anselmo, Amendments to the Current Sign Provisions of the Zoning Ordinance, Title 10, Chapter 9 of the Municipal Code (returned from Town Council at the July 12, 2005 public hearing for consideration of further revisions). (staff person: Wight)

The Planning Director introduced the staff report. Mr. Newell, a member of the audience, distributed additional material relating to the Ordinance.

In response to Commissioner Sisich, Vice-Chair House said that it is her understanding that the Commission is not recommending anything in the document given to them by Mr. Newell tonight. Chair Zwick offered a brief explanation on what was discussed at the Council Meeting.

In response to Vice-Chair House, Mr. Roth and Ms. Wight will address changes to language governing temporary Holiday decorations. Vice-Chair House believes that the language is too restrictive where it concerns Holiday lights.

Vice-Chair House is concerned that too many temporary non-commercial signs are permitted. Mr. Roth noted the difficulty in fixing the number of signs permitted, given that an election and ballot measure are approaching, in addition to tenants-in-common. Furthermore, the Court has indicated that the present number is too restrictive. However, Mr. Roth suggested that an overall limit could be based on the amount of square footage.

In response to Vice-Chair House regarding 'Changeable Copy', Mr. Roth explained that common sense would determine whether or not a sign is deemed commercial or non-commercial in the case of 10-9.405(3).

Commissioner Freeman would like language added that to ensure that flags are flown in a courteous manner and are properly displayed and lit. Mr. Roth and Commissioner Freeman discussed several other aspects of the Amendments.

Commissioner Sisich is concerned about what constitutes 'kept in good condition' under 10-9.305 - Murals.

Commissioner Krebs said that an exception to Holiday lights should not necessarily be made and that, although he appreciates respect towards flags, he would not want to require too much from people who display flags. Lights might be too burdensome.

John Newell, PO Box 38, presented his recommendations on the proposed Amendments.

In response, Mr. Roth discussed the Substitution Clause and the effect it has on temporary and permanent signs, in addition to the difficulty in limiting the number of signs. Mr. Roth also discussed off-site signs.

Ms. Wight discussed the changes in signage for primary building faces, following which both Mr. Roth and Ms. Wight discussed mural language. The intent of the Ordinance is to insure that a mural does not advertise a business.

Mr. Roth explained why he would be hesitant to use Mr. Newell's recommended changes to unprotected speech. Mr. Roth also spoke on the removal of signs.

Louise Matthews, Foothill Road, expressed her concerns about various aspects of the proposed Ordinance.

Ford Greene, 711 Sir Francis Drake Blvd, discussed the aspects of Mr. Newell's suggestions with which he disagreed, and also those parts of the proposed Ordinance with which he did not agree.

Vince Marcela, Woodside Drive, San Anselmo, agrees with Mr. Newell's comments in the main, and he referred to one aspect of the Ordinance which he believes is ambiguous. Mr. Marcela is concerned that the Town will be filled with billboard and signs.

Kathryn Gant Bradley, 24 Durham Road, would like to know if anyone is able to rent the space on the sign on the Tamalpais Theatre. Ms. Bradley believes that signage should be limited in Town.

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George Bennett supports free speech but he said that huge signs are inappropriate and that the beautification of San Anselmo should be maintained.

In response to Bill Boyle, 145 De Burgh, Mr. Roth said that Mr. Greene has a stay of 30 days in which to remove his sign.

In response to Chair Zwick, Mr. Roth explained the reason for the single support issue for temporary and regular signs that had been suggested by a Council Member. Mr. Roth said that it is of concern to him and that the issue needs re-addressing.

Chair Zwick made general comments on various aspects of the proposed Ordinance. Chair Zwick and Mr. Roth discussed footnotes, building signage and the status of the sign at 711 Sir Francis Drake Blvd.

Vice-Chair House expressed concern that the mural language might be too limiting. She could favor, for example, a fruit mural on a grocery store but that could perhaps be construed as advertising and might not be allowed.

In response to Vice-Chair House, Ms. Wight said that the Tamalpais Theatre is allowed to advertise non-profit events and organizations. The Code does not dictate how that space can be rented out.

M/s House/Freeman to continue this item to the meeting of 19 September, 2005. Motion passed unanimously.

E. ITEMS FROM PLANNING COMMISSION

In response to Vice-Chair House, Ms. Wight reported that 26 Tamalpais Avenue has been withdrawn. More insulation is being added to the ceiling.

F. ITEMS FROM STAFF

Ms. Wight noted that there are a number of new house applications.

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

The meeting was adjourned at 10pm.


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