

**SAN ANSELMO PLANNING COMMISSION  
MINUTES OF 18 JULY, 2005**

**A. CALL TO ORDER**

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

**B. OPEN TIME FOR PUBLIC EXPRESSION**

Bill Boyle, 145 De Burgh Dr, spoke about the sign variance regarding 711 Sir Francis Drake Blvd. Mr. Boyle said that staff discussed the reasons why the sign did not meet Town Code and yet some members of the Planning Commission supported the variance. Mr. Boyle said that it sends a message that the Code is meaningless.

John Newell, San Anselmo, also addressed 711 Sir Francis Drake Blvd. Mr Newell said that the Commission did not make the required findings to grant the variance and that the decision is therefore invalid. Furthermore, Mr. Newell said that the decision is unconstitutional because no one else would be allowed to erect a billboard with whatever political message they might wish. That would be illegal and furthermore, Mr. Newell believes that if he requested a variance for a billboard, the Planning Commission would be likely to deny the variance based on its content. Mr. Newell also believes that traffic safety and aesthetics were not addressed at the meeting. He said that the need for drivers to pull off the road to read the sign is not acceptable. Furthermore, a billboard is a distraction that is a danger to drivers. Mr. Newell also said that he finds it amazing that the sign could be considered to meet the aesthetics of the town.

Vice-Chair house noted that the decision could be appealed to the Town Council.

Chris Hunt, 1170 Butterfield Road, said that the sign at 711 Sir Francis Drake Blvd is a blight on the landscape. Mr. Hunt said that ordinances exist to protect a beautiful town and he would not like San Anselmo to become a commercial area.

Richard Townsley, 80 Elm Avenue, believes that if the sign is allowed to exist, then a precedent-setting motion has been created that would allow other billboards to be erected in town. If the sign is not in compliance now, then it is illegal. Furthermore, if there is any reasonable doubt that someone could have an accident on that corner whilst reading the sign, then the Town might be held responsible.

**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 AUGUST 1, 2005**
2. **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) **CONTINUED TO AUGUST 1, 2005**

**D. PUBLIC HEARING ITEMS  
CONSENT AGENDA**

1. **Minutes – June 20, 2005**

John Newell, of San Anselmo, said that the minutes concerning 711 Sir Francis Drake Blvd did not accurately reflect that which was said by a Commissioner. Furthermore, Mr. Newell said that it is unclear as to what findings were made on the project.

Chair Zwick suggested that Mr. Newell request clarification on the findings from staff.

M/s House/Freeman to approve the minutes. AYES: House, Freeman, Zwick. ABSTENTION: Harris

2. **U-0509 - Amanda Madlener, 217 San Anselmo Avenue, APN 007-284-17**, Use Permit to occupy a space greater than 1,200 square feet, located within the C-2 zoning district. (Staff person: Chambers)

M/s House/Harris to approve Item 2 of Consent. Motion passed unanimously.

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Chair Zwick reminded the Hearing of the 10-day appeal period to Town Council.

Commissioner Harris recused himself and Commissioner Krebs took his seat at the dais.

3. **V-0522 – Sean Condry, 212 San Francisco Blvd., APN 006-011-05**, setback variance to construct a 10' tall, 140 square foot shed, within 1' of the side property line (Code: 8') and within 5' of the rear property line (Code: 20') (After-the-fact), located within the R-1 zoning district. (staff person: Chambers)

M/s House/Krebs to approve the staff report. Motion carried unanimously.

Chair Zwick reminded the Hearing of the 10-day appeal period to Town Council.

**REGULAR AGENDA**

4. **V-0521/DR-0523 – Albert and Elizabeth Malka, 52 Durham Road, APN 005-202-21**, hillside design review and setback variance to add a first and second story addition of approximately 1,068 square feet within 4'-6" of the north side property line (Code: 8'); parking variance for two of the three 9'x19' parking spaces to be partially within the right-of-way (off pavement), located within the R-1 zoning district (above 150 msl). (staff person: Chambers)

Planner Chambers introduced the staff report. Ms. Chambers explained in some detail the consequences of a survey of the property.

Kathryn Bradley, 24 Durham Road, said that the survey benefited the property. Ms. Bradley is also concerned that parking variances might be granted to other residents on Durham Road that infringe on the public right-of-way.

In response to Chair Zwick, Ms. Chambers said that the Public Works Director typically requires a sidewalk to be constructed at the building permit stage. Furthermore, the building resale report on 48 Durham Road notes that the fence line appears to infringe upon 52 Durham Road.

Elizabeth Malka, owner, said that they wanted to extend the back of the property to gain more room. They do not intend to create a very large house and they have tried to consider other people's privacy.

David Rising, 62 Durham Road, supports the project.

M/s House/Krebs to approve the staff report. Motion carried unanimously.

Chair Zwick reminded the audience of the 10-day appeal period to the Town Council and Commissioner Harris returned to the dais.

5. **V-0520/DR-0522 – Henry and Gail Van Dyke, 16 Foothill Road, APN 007-033-05**, 1) setback variance for a 212 square foot garage to be within 0' of the side yard property line (Code: 8') and within 0' of the rear property line (fronting Humboldt) and partially within the right-of-way (Code: 20'); 2) setback variance for a 512.5 square foot third story addition to be within 1'-3" of the north and 6" of the south side property lines (Code: 8'); 3) variance for the new parking space and the existing parking spaces to be within 0' of the rear property line and partially in the right-of-way; 4) lot coverage variance for the existing FAR of 43.7% be increased to 58.1% (Code: 35%); and 5) design review of the 212 square foot garage and 512.5 square foot third story addition, located within the R-1 zoning district (above 150' msl). (Staff person: Chambers)

Planner Chambers introduced the staff report and she discussed the reasons for recommending denial.

In response to Commissioner Freeman, Ms. Chambers explained the meaning of a revocable encroachment permit.

Henry Van Dyke, applicant, believes there are extenuating circumstances, which he explained in detail, as to why the variances should be granted, including that the lot is very small. Mr. Van Dyke said that they want a garage for reasons of security and he noted that the project meets hillside design review. Furthermore, he objects to the need for the colors of his house deed-restricted. Mr. Van Dyke would like clarification on the parking space, which Ms. Chambers then explained.

Michael Sands, architect, explained the design in more detail and what other designs had been considered. Mr. Sands said that the lot size is substandard and the footprint is not changing. Furthermore, the need for additional parking, which his clients would not have chosen to undertake, has been generated by the Code for additions.

Vice-Chair House said she understood the owner's logic and that the house will not impact any neighbors. However, Vice-Chair House said that the FAR requested exceeds the limit to such a great extent that she cannot support the project.

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Commissioner Harris sympathizes with the desires of the applicant but he is in agreement with Vice-Chair House. The house is already in excess of the FAR limit through incremental additions, although he acknowledges that it is an attractive addition.

Commissioner Krebs is also in agreement with the previous commissioners. He said that it is incumbent upon the Commissioners to enforce the Code.

Commissioner Freeman is unable to support the variance for the same reason already stipulated by the previous Commissioners.

Chair Zwick likes the design but he does not want to see large houses on small lots. Chair Zwick cannot support this amount of FAR.

The applicant spoke further in support of his project.

M/s House/Harris and unanimously passed to support the staff report and deny the project.

Chair Zwick reminded the Hearing of the 10-day appeal period.

6. U-0510/DR-0523 - Joseph Maguire, 1535 Sir Francis Drake Boulevard, APN 005-153-01. use permit/design review of a Residential Development: 2 Single Family Dwellings, 4 "Workforce" Apartments, and 4 Townhouses on property located in an SPD zoning district (staff person: Wight).

The Planning Director introduced the staff report. Ms. Wight discussed the changes to the project imposed by the Town Council.

Jim MacDonald, architect, said that the height of the buildings has been reduced, which he discussed in further detail. Mr. MacDonald said that the landscape architect has done a good job in selecting plant materials for the site.

Henry Cole, landscape architect, used the plans to explain the landscaping in greater detail.

In response to Vice-Chair House, Mr. Cole said he would investigate the existence of a variety of strawberry tree that does not drop fruit.

Rupert Hansen, 1180 Butterfield Road, represents some of the neighbors near the site. Mr. Hansen presented photographs of excavation on the site and discussed the opposition to the project.

In response to Vice-Chair House, Ms. Wight said that Mr. Hansen's objections to the project were not relevant to the design review and use-permit discussions. However, Ms. Wight said she would pass on Mr. Hansen's comments to the Building Department.

Larry Martinez, 128 Oak Knoll Ave, is concerned that a stake has been put on his side of the property and that his hedge will be removed.

In response to Commissioner Harris, Mr. Martinez said that he has always believed that the hedge belonged on his side of the property although he was not sure.

Ms. Wight quoted from the Tree Ordinance and explained which trees would be protected.

Charlie Burlew, 93 Medway Road, asked for more information about water drainage from the back roofs.

Jennifer Olesen, 82 Medway Road, is concerned about privacy. The balconies on some of the new homes will allow the occupants a direct view into her backyard. Ms. Olesen also objected to the choice of slow-growing trees that will be planted.

Vice-Chair House reminded the audience that design-specifics, only, are under discussion tonight.

Olsen said she had been led to believe that this was the time to address these issues.

In response, Ms. Wight said that balcony details were provided for the Town Council Meeting when a decision was made at that meeting.

David Tucker, 65 Medway Road, is shocked that discussion is limited tonight. Mr. Tucker wants assurance that the buildings will be built according to the plans.

Ms. Wight said that it could be made a condition of approval that a licensed surveyor be directed to verify the location of the buildings and elevations at the building permit stage.

In response to Commissioner Harris, Mr. MacDonald used the plans to explain the direction of water-run off from the roofs.

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Joe Maquire, owner, said that he had listened to the public's comments and he has planned the development accordingly. Mr. Maquire noted that it would be difficult to gain consensus on how tall the trees should be that are planted.

In response to Commissioner Krebs, Mr. Cole discussed further the trees he has chosen for the landscape plan.

Commissioner Freeman supports the staff report, with the added condition that a surveyor be employed to verify the elevations and location of the buildings.

Commissioner Krebs encouraged the public to take their issues on the project to the Town Council or the Building Department.

Commissioner Harris expressed surprise that the Commission's discretion is limited tonight and he echoed Commissioner Krebs' suggestion that the public use other channels that are set up to voice their complaints. However, Commissioner Harris said that the buildings are attractive and that workforce housing is good for the community.

M/s Harris/Krebs to support the staff report with the a further condition of approval that at the building plan check stage, at the applicant's expense, an engineer will be hired in the field during construction to verify that the building corners and building heights are being constructed according to the plans. Motion passed unanimously.

Vice-Chair House reminded the hearing of a 10-day appeal period.

Chair Zwick returned to the dais.

**E. ITEMS FROM PLANNING COMMISSION**

In response to Commissioner Freeman, Ms. Wight said that the Public Works Department requires sidewalks to be built for major additions and new houses. Ms. Wight brought to the Commission's attention the sidewalk projects on Butterfield Road and Brookside Drive.

Vice-Chair House suggested that solar power could be encouraged. Ms. Wight aid she would forward that suggestion to the Quality of Life Commission.

A request was made for staff to ensure the Planning Commissioners receive copies of the comments from the public on the sign at 711 Sir Francis Drake Blvd.

**F. ITEMS FROM STAFF**

Appeals to Council: 790 Sir Francis Drake Blvd, 186 Scenic Avenue, 711 Sir Francis Drake Blvd, 147 Allyn Avenue, 130 Madrone Avenue. The Council will hear 2,4,6, & 8 Loma Robles and the Sign Ordinance at future meetings.

**G. ADJOURNMENT TO THE NEXT MEETING OF AUGUST 1, 2005.**

The meeting was adjourned at 9.25pm.



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