

TOWN OF SAN ANSELMO PLANNING COMMISSION
MINUTES, NOVEMBER 5, 2007

A. CALL TO ORDER

Commissioners present: Krebs, Overberger, Schinner,
Commissioners absent: Sisich, Harris

B. OPEN TIME FOR PUBLIC EXPRESSION

C. CONTINUED ITEMS

1. **V-0727 – Susan Hoy, 90 Melville Avenue, APN 007-263-31**, Setback and parking Variance to construct a 398± square foot garage with a 398± square foot studio on top of the garage within 4' of the north side yard property line and 9'-6" of the rear property line (Code: 8'and 20'); and a Lot Coverage Variance to allow the proposed two story structure on property with an existing lot coverage of 39.8% (Code maximum: 35%), located in the R-1 zoning district. (staff person: Chambers) **CONTINUED TO 11/19/07**
2. **DR-0734/V-0738 – Larry and Debbie Stadtner, 10 Foss Avenue, APN 007-232-50**, Flatland Design Review of a ± 1,617 second story addition, 126 square foot 2nd story deck and 180 square foot roof deck over the 1st floor, in conjunction with a new ± 3,974 square foot dwelling; on property located in the R-1 zoning district (staff person: consultant Henderson) **CONTINUED TO 11/19/07**

D. PUBLIC HEARING ITEMS

CONSENT AGENDA

1. **Minutes – October 15, 2007 CONTINUED TO 11/19/07**

REGULAR AGENDA

2. **DR-0735 – Tom Mayes, 20 Vineyard Avenue, APN 007-265-09**, Flatland Design Review of at 167 square foot second story addition and 200± square foot deck and a 367 square foot third story addition ad 79± square foot deck on property in the R-1 zoning district. (staff person: Wight)

Planning and Building Director Lisa Wight presented the staff report.

Commissioner Overberger asked about the timing issues relating to the new work being done and the application for more changes and why there weren't packaged together. Wight responded the other items were not under planning review and only necessitated a building permit.

Chair Krebs asked what the lot coverage was based on and Wight responded that the lot coverage was based on the footprint. Krebs also asked if 35 feet was permissible, and Wight responded yes.

Scott Couture, Architect noted that construction on the project began in April 2006 and that phase three entails remodeling the structure of the house and replacing all windows and shingles as well as reinventing or replacing the old covered porch.

Couture also noted that no sunlight or shadow issues would be created as the sun does not cast far enough to reach the property. Couture also submitted photos to show that there would not be a decrease in privacy. Couture told the Commission that the goal of the project was to reinvigorate the old home and turn it into one the applicants would be comfortable in and proud of and submitted current "before and after" photos of the property. Couture also said that the impact to the neighbors during construction has been handled very well.

Applicant Tom Mayes noted that he grew up in San Anselmo and found the home two years ago. Applicant also stated that he knew from the beginning that foundation work would have to be done and noted that he plans to do the remodel work in a green fashion.

M/S Schinner/Zwick and passed (4-0) to move the staff report.

Audience was advised of the 10-day appeal period.

TOWN OF SAN ANSELMO PLANNING COMMISSION
MINUTES, NOVEMBER 5, 2007

3. **U-0720/DR-0736 – Red Hill Shopping Center, 850, 876 and 880 Sir Francis Drake Boulevard, APN 006-061-23**, use permit/design review of a new sign at No. 880 (Longs), an awning with lettered signage at No. 876 (Chocolate Delights), and a sign at No. 850 (Melissa Bradley Real Estate), on property located in the SPD (shopping center) zoning district. (staff person: Wight)

Planning and Building Director Lisa Wight presented the staff report.

Commissioner Overberger asked if the lighting on the signage at Longs would be the same as Safeway and Wight responded yes.

Wight noted that the awning at Chocolate Delights would protect the merchandise from the direct sunlight.

Regarding the signage for Melissa Bradley Real Estate, Wight stated that the Planning Commission noted when reviewing amendments to the Master Sign program "The Planning Commission may approve alternate unique designs of exceptional quality".

Overberger asked if individual stores were allowed individual banners in the Master Banner Plan and Wight responded no. Overberger then asked if there was a way to enforce the Master Sign Plan and Wight stated yes, by sending a letter to the place of business and if no response, by forwarding the matter to the Town Attorney.

Krebs asked what the original intent of the Master Sign program and Wight responded that uniformity was the intent.

Applicant Marianne Spinozzi noted that the shops would like changes in signage and that when Longs remodeled there was a moratorium on signs.

The applicant also stated that Chocolate Delight is a new tenant and that the afternoon sun beats down on the merchandise. Applicant stated that if the awning is done well it will be very nice and accommodate the tenant. Regarding the banners on individual businesses, the applicant said it was her understanding that a banner could be erected for 21 days for new tenants and special events. Wight noted that there was no record of that allowance.

Commissioner Schinner asked if the lease between the shopping center and individual shop owners states that the lessees have to conform to signage and Applicant responded that any exception to signage has to come before the Commission for approval.

Jason Litz, Bradley Real Estate, stated the proposal was for a nice sign and that the only real change was the color. Litz stated that the banner would be immediately removed if necessary.

Overberger stated that she likes the standardization of the signs and likes for clients to be able to use banners, but that she does not like for clients to put up signs prior to getting approval from the Commission. Overberger also said that she likes the Longs sign and the fact that the lights can be dimmed.

Commissioner Zwick stated that he can support the project.

Krebs said that he agreed with Overberger's comments and that clients need to apply and be approved before making changes.

M/s Zwick/Schinner and passed (3-0 Overberger) to move the staff report.

4. **V-0735 – Travis and Kira Duro, 241 Sequoia Drive, APN 006-117-01**, Setback Variances to: 1) construct a \pm 439 square foot addition within 6'-1" of the rear property line (Code: 20'); and 2) construct a retaining wall up to 5' in height with a 4' wood fence on top within 0' of the front and street side property lines (Code 20' and 12'); and 3) to permit an existing 11' tall, 80 square foot shed to remain within \pm 0' of the rear and \pm 4' of the street side property line (Code: 20' and 12'); Parking Variance to allow two parking spaces when three are required, and Lot Coverage Variance to permit \pm 37.4% FAR (Code maximum: 35%) located within the R-1 zoning district (above 150' msl) located within the R-1 zoning district (above 150' msl). (staff person: Chambers)

Assistant Planner Barbara Chambers presented the staff report and noted that there was an attachment to the staff report from the architect which is a modification to the back wall redesigned to push the stairway back and proposing a five foot setback in the rear.

TOWN OF SAN ANSELMO PLANNING COMMISSION
MINUTES, NOVEMBER 5, 2007

Commissioner Overberger asked if the illegal shed was included in the lot coverage and Chambers responded yes.

Architect Laura Kehrlein reviewed the project and noted that in working with staff that it wasn't made clear that the shed counts toward the allowed FAR as the Town code allows a garage which allows for storage. Kehrlein also stated that it is a hardship to provide an additional parking space due to an Oak tree and the proximity of the existing garage. Kehrlein also noted that in regards to the stairway, the back wall has been moved to meet code minimum.

Applicant Travis Duro stated that he bought the house in 1995, and didn't realize that that he was getting into a situation with not a lot of room for development. Applicant noted that all of the neighbors cooperate with each other and that some neighbors were at the meeting to show support, while others submitted letters of support. Applicant also stated that his was a substandard lot with no structures on any sides except the very back and that every house in the area is bigger. Applicant also noted that two parking spaces would significantly reduce the already small yard and impact the Oak trees as well as expose the house and allow for a lot less privacy for the neighbors. Applicant also said that he did not know the shed was illegal and that there is no power or plumbing as it is just used for storage. Applicant informed the Commission that the addition will not impact anyone's privacy or view and that he passed out thirteen letters to all neighbors within 300 feet of his property and that he received nine supportive responses and that the opposition was concerned about the parking issue.

Commissioner Schinner asked why the retaining wall needed to be so high and Kehrlein noted because the grade of the road varies.

Schinner also asked if the shed was on the property when purchased and the applicant responded that he'd had the shed built.

Krebs asked where the third parking spot would be located, and Chambers showed possible options on the site plan. Applicant noted as the parking space exists, when he parks there his care sticks out into the road a little bit.

Krebs asked for the general rationale for increasing parking spaces and Chambers responded that if an applicant is requesting to add a bedroom on a hillside lot, the applicant has to meet minimum requirements for parking which is three parking spaces, as there is very little street parking. Chambers further noted that in many cases people can park in the driveway, but in this case with the driveway being so close to the street, there is no room for an additional car in the driveway.

Commissioner Zwick if Public Works Director Rabi Elias would be willing to let the applicant park partially on the right of way, and Chambers responded yes.

Zwick asked if the storage shed could be made into a garage, under FAR and be expanded and attached to the garage, and Kehrlein noted that it would be difficult to access.

Jim Seymour, Grove Hill North, noted that he thinks the applicant has done a good job of putting together a modest addition and likes that the applicants are preserving trees. Seymour noted that the proposal of adding a space will actually facilitate thru fare and said that he really supports the project. Seymour finally noted that he thinks two parking spaces would take a lot of yard space and are not conducive to a family.

Steve Carlson, Grove Hill, encouraged the Commission to maintain shed as a storage unit as it looks good, and if chopped down would look like a wood box and out of place. Finally, Carlson encouraged the Commission to approve the project with one off street parking and stated that the architectural design conforms to neighborhood.

Overberger stated that she likes the project in general, but thinks it needs a little bit more work. Overberger also said that she understands the difficulty with smaller properties as well as the parking issue, but there are choices. Overberger continued to say that she is not fond of two cars being parked down below and thinks that there are things to do to try to get a third parking space, like possible moving the entrance.

Schinner stated that the applicant is not being penalized, but that the project has to be proportion between lot size and structure and suggested going back and implanting some of the suggestions on the setback variance for example stepping back the rear structure to meet the rear property line. Schinner noted that he is inclined to grant the variance for

TOWN OF SAN ANSELMO PLANNING COMMISSION
MINUTES, NOVEMBER 5, 2007

shed and the parking variance on the basis that adding a third space would be detrimental to the mature trees.

Schinner stated that unless the shed can be combined with the garage, the shed is included in FAR and that he is inclined to grant the variance on FAR subject to the recommendations in the staff report and if just over FAR, would support the FAR variance.

Krebs stated that he appreciated the fact that the applicant did a good job of providing a modest proposal, as well of the unique circumstances of the lot and that the tress restrict the ability to build in certain areas.

Regarding the setback variance, Krebs stated that the applicant should try to move and that he understands that the applicant is trying to be consistent with the design of the house and the shed, but that he thinks an 8 foot shed with a pitched roof would not be an undue burden.

Krebs further stated that it does seem very difficult to get a third parking space on the property, but that it is really important to explore all options and if not feasible, explain the impact. Krebs also stated that he would like to have every effort made to see if another space can fit. Krebs said that he is willing to entertain variances, but thinks the applicant should try and work around design issues, come back with a redesign or with reasons why they were unable to redesign. Finally, Krebs noted that support of the neighbors is very important and that changes could be made.

M/s Overberger/Zwick and passed (4-0) to continue the application to the November 19, 2007 Planning Commission meeting.

E. WORKSHOP

Discussion of Residential Hours of Construction

Commissioner Overberger stated that she didn't understand the different set of rules with Bald Hill Work Hours and Wight noted that construction noise echoes more on the hillside.

Overberger suggested notifications that would give residents a chance to get away from the noise.

Chair Krebs asked if there was any restriction on the size of equipment, and Wight answered the restriction was just on the decibel level.

Commissioner Zwick stated that the simpler the construction hours the better.

Overberger suggested no jack hammering on weekends.

Schinner stated that jack hammering is a legitimate part of a construction project, while weeds can be moved quietly with a rake.

Zwick suggested starting construction at 8 instead of 7, and no machines or radios until 8 am.

Overberger suggested keeping the neighbors in mind.

Krebs asked for one more hour for heavy equipment and tools, beginning at 9 am.

Overberger stated that there should be an effort to find a balance between families with children and retirees who aren't up at 6am, and that a starting time of one hour later is easier than two hours.

Overberger also stated that there needs to be some period of the time on the weekend free of construction noise.

Schinner stated that later starting times hurt smaller outfits and that the employees will still arrive at 7 am due to an easier commute and then will stand around until they can begin work, and Overberger disagreed saying that would not happen if they were aware of the limited hours.

Krebs asked Wight to inquire with Fairfax to see if there have been complaints about the later starting time.

TOWN OF SAN ANSELMO PLANNING COMMISSION
MINUTES, NOVEMBER 5, 2007

Wight asked Overberger if there was some noise that was not as bad as other construction noise, and Overberger stated anything involving power tools is bothersome.

In response to Krebs inquiry of whether there were any other issues, Zwick noted the issue of parking and blocking of the streets during construction, which are issues that are normally handled in the Construction Management Plan.

Wight suggested possibly holding a workshop to discuss types of noise, Construction Management Plans, parking, debris boxes and very loud noise.

Overberger also noted that construction projects pose the risk of illness from the particulate matter in the air.

Zwick suggested emailing Wight separately with more ideas.

F. ITEMS FROM PLANNING COMMISSION

Chair Krebs asked for the opinion of the other Commissioners if they felt constituents were allowed to speak long enough.

Commissioner Overberger stated that she had a problem with applicants responding to the Commissioners once the item has been closed for discussion.

Commissioner Zwick stated that he thinks the constituents should be allowed to talk.

Commissioner Schinner suggested limiting constituent comments only if they become redundant.

G. ITEMS FROM STAFF

Wight reported that Rex Thompson and Mary and Kevin Davis appealed the Planning Commission's approval of the project at 48 Raymond Avenue to the Town Council.

Wight reported that the Town Council would discuss the FAR and Lot Coverage issues in relation to the Planning Commission recommended Zoning Ordinance amendments at the November 6, 2007 meeting.

Wight stated that Wednesday, November 14 is Workshop #3 for the Downtown Visioning, the meeting to begin at 7 p.m. at Wade Thomas School at Ross and Kensington Avenues.

ADJOURNMENT

The meeting was adjourned at 9:45 pm to the next meeting of Monday, November 19, 2007.

Respectfully submitted,

La Shaun Williams