

TOWN OF SAN ANSELMO PLANNING COMMISSION MINUTES
MAY 5, 2008

A. CALL TO ORDER

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

B. OPEN TIME FOR PUBLIC EXPRESSION

No one spoke during this time.

C. CONTINUED ITEMS

D. PUBLIC HEARING ITEMS

CONSENT AGENDA

1. Minutes – April 7 and 21, 2008

M/s Harris/Overberger and passed (5-0) to accept the minutes as amended.

REGULAR AGENDA

2. Town of San Anselmo, at end of Creek Road – Recommend to the Town Council that they declare as surplus a small portion of Town owned property at the end of Creek Road, east of Glen Road with the limited scope of determining whether disposal would conform with the General Plan, with the condition that it be conveyed to the owners of No. 4 Glen Road, for payment to be determined, to enlarge their property and shall not become a separate building parcel.

Building and Planning Director Lisa Wight presented the staff report noting that Commissioner Zwick was concerned about the proximity of the proposed parking to the creek and the leakage of oil into the creek. He was also concerned that the location of the parking on non-vegetated impervious surfaces so close to the creek bank interferes with the natural flood control provided by underdeveloped flood plains and the natural filtering provided by pervious surfaces. Wight also noted that Public Works Director Rabi Elias does not feel there is any impact from pollution.

Commissioner Krebs asked for clarification on conformance and/or conflict with the General Plan and Wight explained that this application is not in conflict with the General Plan.

Commissioner Overberger noted that the real issue was related to the creek and that she didn't realize that there was a conservation issue. Overberger stated that when she thinks about access or proximity to the creek, 15 feet is not a lot of distance, and she is more concerned about giving away land so close to the edge of the creek. In response to Overberger, Wight stated that the property was a distance away from the creek, and that the final call was that of the Public Works Director.

Chair Schinner asked if the unauthorized pavement would be staying and Wight noted that the pavement is Town property, and would remain such.

Commissioner Harris asked about Zwick's letter stating this is in conflict with the General Plan. Wight responded that staff does not believe this is in conflict and that the Public Works Director can support the proposal.

Schinner asked about the paved area that heads down to the creek noting that one of the issues raised was the blocked access to the ramp. Schinner asked the applicant if he had given consideration to the neighbors who have complained about access to the ramp. Mr. Sousa responded that only one neighbor complained. Schinner stated that the applicant is

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already parking in a public space that he had paved without a permit, and that the applicant should not park in the public right of way.

In response to Overberger's question of there being only space for one vehicle to park, Mr. Sousa responded that he will remove a section of the stairs and deck to provide additional parking.

Kathryn Gant Bradley, Durham Road, said the Town should not sell any surplus property. Ms. Bradley also asked for a clarification on what constitutes surplus property.

Janet, Town Resident, asked the Commission how many cars the Town would accommodate. Ms. Janet also asked the Commission if there was another site on his property that could have a parking ramp and what would happen if the applicant were to acquire another car.

Louise Matthews, Foothill Road, asked if the Fire Department reviewed the potential sale of the roadway easement and also asked what the width of the roadway was and the location of the nearest fire truck turnout.

Marcia Bargmann, Glen Road, distributed a site plan of her lot, indicating that she has been able to provide three parking spaces and stated that parking for the Sousa's has always been an issue. Bargmann also stated that she is concerned about the ramp and having access to the creek bed area. Bargmann also noted that the applicant has an extended family living in his home and has at least four vehicles he needs to park that he has never created parking for. Finally, Bargmann asked for a Deed Restriction stating that available space be used for parking.

In response to Sisich's question of whether she would be in favor of the applicant purchasing the property if it were to be used solely for parking, Bargmann said that she would be in favor of the purchase, however she is not in favor of the Town giving away property without any restrictions.

Sisich stated that there may be conflicts with the General Plan and although the purpose of the sale of the land is to provide the applicant parking, the Town can't make the applicant park there.

Harris stated that his largest concern is what the impact on the creek would be. Harris stated that he hopes the applicant will use the area for parking and that it doesn't seem as if the project would exacerbate any existing condition. Harris also stated that the conservation issue would be the only reason for not recommending the project.

Overberger stated that she agrees that the General Plan supports as much conservation as possible and maybe the Town could sell the property with contingencies.

Krebs stated that the issues seem to be General Plan parking issues as well as enforcement issues that have yet to be addressed. In regard to conditions and contingencies on the sale, Krebs stated that while the Commission can impose some conditions, it would be best to let the Town Council recommend whether or not to sell the land. In relation to the conservation issue, Krebs noted that the Commission would rely on the expertise of Building and Planning Director Lisa Wight and Public Works Director Rabi Elias. Krebs also stated that it seems like the property is far enough away that it would not be central to flooding and that it would be helpful for the Town to get even limited revenue, as well as beneficial to the Town not to have to maintain the property.

Schinner noted that all seems to be in favor of increasing parking on the applicant's property and that the application is consistent with the General Plan, but that there are other issues including the increased threat of flooding that could result from the sale of the property.

Schinner also stated that he would not support the sale of the property without conditions. Schinner further stated that the applicant has paved without approval, has blocked the right of way without approval, and that the town would like to see some compliance after

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having heard related discussions at previous meetings. Schinner noted that he wouldn't be inclined to recommend approval until a 6-month probation period has passed in which there are no complaints from the neighbors.

Harris noted that a probation period would require the Commission to assume a lot of additional responsibility, but suggested a motion to include that the project is consistent with the General Plan elements set forth in the staff report but only if the property acquired is improved with a permeable parking pad subject to Public Works approval. To require the applicant to have to park there when no one else has to park in their driveway is unfair.

Sisich recommended approval of the sale with a permeable parking area.

M/s and passed (3-2) to move the staff report as submitted. Ayes: Harris, Krebs, Sisich, Nos: Overberger, Schinner

3. **ER-0801/U-0809/DR-0810 – Red Hill Community Park, 100 Shaw Drive, APN 006-161-14 and 006-061-33**, Environmental Review (Negative Declaration), Use Permit and Design Review of the proposed redevelopment of the former Red Hill Middle School athletic/recreation fields into a multi-purpose community athletic sports and dog park facility and a small portion of the Sunny Hills property for parking for the Park. *The Planning Commission-approved Use Permit and Design Review have expired as the project was not commenced by February 21, 2008 (Code: 2 years after the approval date), although the property remains zoned Specific Planned Development for the existing Ross Valley School District facilities and educational uses, the existing Sunny Hills facilities and uses, and the Red Hill Community Park Project.*

Building and Planning Director Lisa Wight presented the staff report noting that she received comments from Nancy Okada addressing the environmental document regarding traffic, noise, geology, habitat, and slope of accessibility ramp, field pole lights, and the cost to the Town for increased police services. Wight noted there was no intention to light the field. Wight also reported that she received documents from Louise Matthews regarding noise, lighting, and increased traffic. Wight said staff is able to make findings for approval with the noted conditions in the staff report.

Overberger asked if the project was the same, aside from a few changes, and Wight affirmed.

Commissioner Harris asked Wight if she had any information regarding the funding and Wight responded no.

Commissioner Sisich asked Wight if she still supported the Negative Declaration and Wight affirmed.

David Hamilton, Sequoia Drive, stated that his biggest concern is the noise that carries up the hill and field lighting.

Rock Reed, Morningside Drive, thanked the Commission and stated that the park would be in the best interest of the public.

Steve Murch, Golf Lane, stated that he is concerned about the environmental, noise, lighting, and habitat issues. He stated that he doesn't think it is proper justification for reusing environmental reports that are 2 or 3 years old. He also stated that he is not opposed to the park, but is in favor of implementing some hours of use for the park.

Harris noted that there is no lighting and the park hours are daylight hours.

Kathryn Gant Bradley, Durham Road, asked for defined park hours and also asked about the Town selling the park to Tamalpais High School District for \$1.00. Bradley stated that there is a need for more public hearings and more clarification.

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Bruce Lacey, Grove Hill, expressed concern about the noise and park hours during the summertime. Lacey also expressed concern about traffic and stated that he feels the project is unnecessary.

A Kentfield resident was concerned about the funding, drainage, water, and traffic impacts.

Louise Matthews, Foothill Road, referenced various documents relating to the application. Matthews cited various changes in the community that she feels warrants a new study. She expressed concern that if the property were turned over to the Tamalpais School District, the Planning Commission's decisions would be moot.

Nancy Okada, expressed concern about field turf and irrigation.

Ken Conroy, Drake High School Coach, stated that the funding is in place, and that there are several upcoming meetings to comment on the process.

Rienhart Lucky, Town Resident, stated that there was a lot of community support for the project and that overall the community would benefit from the park. Lucky stated that he was head of the Design Committee in 2004 and there was extensive community input. Lucky stated that metered water would be detained in a detention system.

Doug Kelly, Park and Recreation Commission, stated that the plans have not changed significantly and the legal ramifications of the sale will be addressed at the Ross Valley School District meetings. Kelly stated that drainage is not an issue and the material used would not be Astro Turf.

George Cazzoli, San Francisco Blvd., noted that the field would be a prime location for Drake High School as it is only a mile off of campus.

Chair Schinner asked about the hours of the park and landscape architect Mr. Arnold noted that he believed the park hours are 8:00 a.m. – 9:00 p.m. during summer 8:00 a.m. until sunset at other times of the year.

Arnold noted that the plans have not changed and that the noise and traffic issues have been handled by outside consultants.

Commissioner Krebs asked about the safety of the proposed turf, and Arnold responded that the current turf doesn't require lead, and that there have been studies that deemed the turf safe.

In response to Krebs's inquiry regarding the wells being closed on the site and what assessment had been done, Arnold noted the turf in the dog park would be the single biggest water use. Arnold also explained that a water main would be installed around the perimeter of the field for hot days. Krebs asked about the need for 17-foot light poles and Anderson stated that the lighting is solely for security purposes and the 60-foot poles are needed for sports lighting. In response to the question of why the field is being considered for sale to the Tamalpais School District, and how the possible sale would impact use of the field, Arnold noted that he couldn't explain the terms of the sale, but that he believed the sale was mostly for maintenance purposes and would have no effect on the use of the field.

Harris asked how much the public would get to use the athletic field, and Arnold stated that he did not know. Harris asked if there was currently funding for Phase II of the project and Arnold stated that there was currently no funding.

Overberger asked if the project had initially been approved without funding for Phase I, and Arnold replied yes.

Sisich stated that he doesn't see any significant changes to the original project, and while he understands the questions, they are questions that have been handled before. Sisich also noted that the field would be a community benefit and in terms of water quality

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would have to comply with the Regional Water Quality Board. Sisich also stated that the project is still being reviewed for environmental issues and that he supports the project and staff report.

Overberger stated that she supported the project.

Krebs stated that he supports the project and doesn't see a material difference from what was reviewed two years ago. Krebs stated that drainage issues have been addressed in a responsible manner and it has been noted that there will be more reviews. In regard to funding, Krebs noted that while the Town wants to ensure that the park is completed, there is no guarantee. Krebs noted that he doesn't view it as an important habitat or open space area as it is relatively small and discreet.

Harris stated that traffic would probably be the number one issue, and that he was concerned about how much access there would be to the field.

M/s Krebs/Overberger and passed (4-1) to move the staff report and resolution as drafted. Ayes: Krebs, Schinner, Overberger, Sisich, Nos: Harris

4. **DR-0806/U-0808 - Catherine and Guy Sene, 53 Indian Rock Road, APN-177-250-24**, Hillside Design Review of a new 4,298± square foot two story dwelling with a 202± square foot garage, a 500± square foot garage, and Use Permit to construct a new, detached, 500± square foot, two story second unit to be up to 29.5' above average grade and on a second floor (Code: 18' height, one story) located within the R-1 zoning district. (staff person: Consultant Henderson)

Chair Schinner recused himself.

Consultant Diane Henderson presented the staff report.

Commissioner Harris asked about the proposed 2-car garage, and if it were counted toward the second unit, would a variance be needed. Henderson responded no. Harris asked about the second unit being 2nd story and Henderson noted that it can be allowed if a use permit is granted. Henderson also noted that a deed restriction would be recorded that one of the units has to be occupied by the owner.

Sisich asked if windows in the second unit were moved so they're not facing the neighbor. Henderson noted that the whole unit has been rotated and moved on the site.

Tommy Kennedy, 2 Tomahawk Lane, stated that he was concerned that he hasn't had a chance to review the plans or meet with the architect. Kennedy stated that he would like the house moved away from his property and that he is concerned about lighting.

Kathryn Gant Bradley, Durham Road, asked if the cedar tree had been removed, and also asked that the proposed removal of the tree be denied. Sisich noted that the tree is highly flammable, but that it is not proposed for removal.

Applicant Guy Sene introduced himself to the Commission and noted that he has a good relationship with his neighbors.

Architect Fani Hansen stated that the design has minimal impact and that she worked with the neighbors to ensure everyone is happy. Hansen also noted that the design has exceeded all setback requirements substantially and that the existing woodlands are completely preserved.

Harris asked about the distance from the proposed main residence and the entrance to 2 Tomahawk Lane, and Hansen noted 78 feet diagonally. Harris also asked about alternative designs and the solar panel system being integrated into the roofing system.

Overberger asked about the need for the 2-car garage on the second unit, and the architect noted that it is better for the cars not to be seen, as in Europe.

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Harris noted that he is most concerned with why the second unit is over a 2-car garage when the main house only has a 1-car garage. Harris noted that the design would fit in well in the neighborhood.

Krebs stated that he could support the project in general, as the applicant made a good effort to reduce the impact of the house on the neighborhood. Krebs noted that trees are not being removed but added and that he would like to give the applicant an incentive to use solar panels. Krebs also noted that he is sensitive to neighbors' lighting issues.

Sisich stated that he doesn't support the elevated second unit, but spoke to the neighbor at 47 Indian Rock Road who is okay with the project. Sisich stated that there is plenty of lot to use for parking and doesn't see any reason to grant a use permit and will not support the project. Sisich also stated that he would like to hear Marty Zwick's comments and that he would like to visit 2 Tomahawk Lane.

Overberger stated that she loves the house and the way it is tucked into the hillside. Overberger also stated that while she appreciates Mr. Kennedy's concerns, 32 feet away is substantial and she noted that she hopes the applicant will plant good sized trees with a canopy between the houses. Overberger stated that she doesn't understand the 2 story second unit and that she is struggling with the way staff calculated the garages. Overberger noted that she would support the idea of continuing the project for discussion at the next meeting.

Krebs stated that he would support continuing the project until the next meeting.

M/s Sisich/Krebs and passed (3-0) to continue the item to the May 19, 2008 Planning Commission meeting to allow the applicant to explore options to the second story second unit and to allow planning commissioners to view the proposed project from 2 Tomahawk Lane. Ayes: Krebs, Overberger, Sisich. Nos: Harris

5. **V-0807/DR-0810 – Allan Rappaport and Laura Snelling, 1315 San Anselmo Avenue, Apt 007-052-20**, Lot Coverage Variance to allow a first story addition of ± 15 square feet and a second story addition of ± 15 square feet and a second story addition of \pm square feet that would further exceed the non-conforming lot coverage increasing it from 40.5% to 41.7% (Code maximum: 35%), and Flatland Design Review for the ± 613 square foot second story addition, located within the R-1 zoning district (staff person: Chambers)

Assistant Planner Barbara Chambers presented the staff report noting that staff can support flatland design review with conditions but that staff was not able to support a lot coverage variance.

Architect Jeff Kroot, representing the owners, said that he feels the lot qualifies as a special circumstance due to the small size.

Commissioner Sisich asked if there was a design option that would not increase lot coverage. Kroot responded that the only increase in lot coverage is the small overhang on the second story that that does not project out from the eave and the very small addition to the lower floor. Even with the small lot they are not asking for setback variances.

Applicant Allan Rappoport read a letter from his wife, and stated that he purchased the home two years ago, and thought it reasonable that a modest 2nd story could be added. He noted that he has tried to be extraordinarily conservative and asked the Commission to view the application as an extremely difficult lot because it is very small.

Kathryn Gant Bradley, Durham Road, stated that it was very important to support the staff report.

Sisich stated that he could make the finding based on the size and that he would support a variance for lot coverage.

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Overberger stated that she doesn't see any benefit in tearing down the garage, and no need to increasing lot coverage.

Krebs noted that he would rather not see an increase in lot coverage.

Harris stated that he could make the finding on the basis of lot size. Harris also stated that he finds the plan to be an intensification of the use rather than greening the house.

Chair Schinner stated that he was first inclined to vote no but after hearing Commissioner Sisich and the applicant speak, he thinks a variance is warranted based on the lot size.

There was discussion about the use of obscure glass in the window and raising the sill heights of the windows. Kroot stated they would be willing to reduce the closet window by half and add obscure glass to the bottom half of the bathroom window in order to accommodate staff's concerns about privacy.

M/s Schinner/Sisich and passed (3-2) to approve the staff report findings with respect to the flatland design review with the additional condition that the closet window be reduced by half and that the lower half of the bathroom window have obscure glass. Special circumstance findings to support the lot coverage variance are due to the small lot size that would deny the owner privileges enjoyed by other property owners in the neighborhood. Ayes: Harris, Schinner, Sisich Nos: Krebs, Overberger

E. ITEMS FROM PLANNING COMMISSION

Commissioner Sisich noted that he has a problem with administrative flat land design review.

F. ITEMS FROM STAFF

Wight stated that the applicants from 10 Foss sued the Town and came to an agreement that the application would be heard before the Town Council on May 13, 2008.

G. ADJOURNMENT

The meeting was adjourned at 10:30 pm to the next meeting of Monday, May 19, 2008.

Respectfully submitted,

La Shaun Williams