

**TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES OF FEBRUARY 23, 2009**

A. CALL TO ORDER

Commissioners present: Brown, Harris, Krebs, Overberger, Schinner, Sisich, Zwick
Commissioners absent: None

B. OPEN TIME FOR PUBLIC EXPRESSION

Louise Mathews, Foothill Road, expressed that no Planning Commissioners have attended the San Anselmo Visioning Committee meetings. Mathews stated that the next meeting would be held on March 2, 2009 at 7pm at Robson House.

C. CONTINUED ITEMS

D. PUBLIC HEARING ITEMS

CONSENT AGENDA

1. Minutes – January 5, 2009
M/s, Harris/Zwick and passed unanimously to accept the minutes as submitted.

REGULAR AGENDA

1. **GPA-0901/Z-0901/ER-0901 – Town of San Anselmo**, Environmental Review (Negative Declaration) and Amendments to the General Plan Land Use Element and Zoning Ordinance for the Public Facilities (PF) Zoning district (Staff person: Wight)

Planning and Building Director Lisa Wight introduced Deputy Town Riley Hurd and presented the staff report.

Hurd suggested holding a public meeting and take public comment and then give direction to staff and allow Wight and Hurd to craft the mechanics of the direction. Hurd stated that his thought was instead of placing Robson House and Isabel Cook into the public facility zoning designation, to consider the possibility of creating another designation such as “community facilities” so that use permits could be issued.

Hurd also suggested reviewing the list of uses that would be permitted in the facilities.

Chair Overberger asked about renting the park for a wedding would be allowed, and Hurd responded not as the way things were currently written, but that staff could address renting out Town property.

Commissioner Harris if non-profit organizations would pay a different rental rate than the market rate paid by private companies.

Hurd responded that Isabel Cook has a deed restriction, which is met by Marin Housing Authority’s presence at the facility. Hurd further said that market rate rent would be appropriate for private companies.

Harris asked if there should be priority for non-profit organizations due to the history of renting to non-profits and Hurd responded that it would not be a problem and that part of the purpose or preamble to the amendment could specify such.

Harris asked if the Town would be able to use Isabel Cook facility and Hurd answered yes, and further stated that the Town owns the property and could choose whom to enter into a lease with as long as the Town was non-discriminatory.

Harris said that churches were proposed to be a permitted use for public property and Hurd responded that he would research the subject. Harris also said that a faith-based non-profit was different than an actual church.

Commissioner Zwick asked about the history of the deed restriction with Marin County and the low-income requirement.

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Overberger stated that she would like to consider some balance between reasonableness, but that the building needs to be maintained, and that whenever non-profits can't afford to maintain the building the Town has to maintain the building.

Harris asked if more public housing was a possibility, Hurd responded yes.

Louise Mathews, Foothill Road, stated that Robeson House was being rented out by architect Scott Couture and that parks are really rented through the Recreation Department. Mathews stated that she was concerned that the responses of the Town might be exacerbated by the economy and asked the Town return back to creating sites for non-profit organizations.

Zwick stated that it would be great to lease to non-profits, but that he would not like to see a Bennetton's or McDonalds in the space.

Commissioner Schinner suggested reviewing the ordinance that deals with signage as a starting point to the crafting language for the amendment and create a neutral based policy.

Harris asked for a brief description of the lease process and who makes decision regarding the tenant and such. Harris asked if the process was brought before the Town Council. Hurd responded that the Town Council was not involved in the decision-making process, and that the Building and Planning Director and Town Manager would work out the decision. Hurd also said that if the space was conditionally permitted, that the Planning Commission would review the lease or permit.

Hurd informed the Commission that on his survey of public towns, if a property is publicly owned, it requires a Conditional Use Permit and also stated that there was a lot of uniformity on the issue in Marin County. Hurd also said that the new step should be to review and list the use for Robson House and Isabel Cook properties.

Zwick suggested listing everything as Conditional Use, and Wight responded that if a Use is not designated, it allows for administrative approval.

Wight also stated that whenever a commercial application is received, staff tries to get it on the first available approval. Overberger cautioned that if a process isn't relatively immediate, that it wouldn't be very good for business.

Harris stated that he would not support places of worship as a permitted use of Town property.

M/s, Schinner/Zwick to continue the item to the March 2, 2009 Planning Commission meeting.
Ayes: All

E. WORKSHOP

Consideration of Design Review Requirement for all exterior structures, including fences, on properties located in the R-1 H (Single Family Residential Hillside Density) zoning district (oral report). Staff person: Wight

Wight stated that the Old Quarry subdivision was one of the most sensitive developments in Town and upon approval one condition was that all fences would need design review. Wight noted that the condition has been enforced for years, but it was written in the CC&Rs, rather than the subdivision agreement and it was confirmed that CC&Rs cannot be enforced by the Town. Wight wanted to bring it to the Commission's attention that a fence is only considered a "structure" by Code if it is taller than 6 feet and that the questions was if the Commission wanted to included all fences in Design Review. Wight stated that she sent a letter to all the property owners in the subdivision and received no response.

Zwick also said that there was a lot of objection against fence control recently at the Town Council, and Wight responded that the most visible properties are in the Old Quarry subdivision.

Louise Mathews, Foothill Road, asked about the varying heights of fences in the different neighborhoods.

Schinner stated that he did not want to get into design review issues for fences by the Planning Commission and if someone wanted to install a permitted 6-foot fence, it becomes somewhat of a subjective issue.

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Harris responded that if it is a very visible sight that will impact the community at large, and it would be nice to have a filter around what is going to be constructed, and that he would want to have some sort of say in what that is.

Brown said that he does not want to legislate and dictate design on fences and that there should be some consistency with flatlands.

Krebs said that he had no strong opinion.

Overberger stated that she felt less design review was more and that she was more interested in elemental things, like the size of the house.

F. ITEMS FROM THE PLANNING COMMISSION

Harris asked if the discussion about fences was a follow up to the work of two summers ago and Wight responded yes.

Zwick said that the General Plan's section 11.1 about Town Character would be the trump card as the zoning ordinance, and stated that the Town adopted a zoning ordinance with findings that met that policy but only addressed light, air and privacy.

Overberger asked for guidance and direction, and the ability to have more tools when faced with an ugly home. Overberger said she would like more options.

Hurd said that the tools available are extraordinary in the amount of leeway given and that in terms of the Zoning Ordinance versus the General Plan, the zoning ordinance is supposed to be in compliance with the General Plan.

Hurd also noted that every application must be consistent with the general plan or it cannot be approved.

G. ITEMS FROM STAFF

Wight stated that the Planning Commission and Town Council held a joint workshop on green building that went very well.

Brown asked about the housing element, and Wight responded that the subcommittee hadn't yet met.

H. ADJOURNMENT TO THE MEETING OF MONDAY, MARCH 16, 2009

The meeting was adjourned at 8:15pm.

Respectfully submitted,

La Shaun Williams
Minutes Secretary