

**TOWN OF SAN ANSELMO
PLANNING COMMISSION MEETING MONDAY, DECEMBER 1, 2014**

COMMISSIONERS PRESENT: Chair Brasler, Commissioners Cronk, Pipkin, Swaim,
Krebs arrived at 7:05 PM

COMMISSIONERS ABSENT: Sisich, House

CALL TO ORDER

Commissioner Brasler called the meeting to order at 7:00 p.m.

OPEN TIME FOR PUBLIC EXPRESSION

Alexandra Kirk, Bolinas Ave, asked for clarification regarding the Council's action on the Seminary project. Sean Condry responded.

PLANNING DIRECTOR'S REPORT

Interim Planning Director Diane Henderson introduced Carla Kacmar as the minutes taker and announced there would be a big agenda for December 15 and all Commissioners indicated that they would be present.

CONSENT AGENDA

- a) **Minutes of the Planning Commission Meeting of November 3, 2014.**
- b) **GP-1403, Jim Catlin, 43 San Rafael Avenue, APN 007-211-05:** A grading permit to fill an existing swimming pool, excavate for a new in-ground swimming pool, and additional cut and fill to construct new two foot high retaining walls and patios at 43 San Rafael Avenue. The project includes excavation of approximately 235 cubic yards of dirt, stone and landscape material, 86 cubic yards of fill, and the off-site disposal of 149 cubic yards of material. The project site is located in the R-1 Zoning District (Staff person: Blomquist)
- c) **DR-1405, GP-1404, Bonnie Bridges, 166 Prospect Avenue, APN 006-192-36:** Design review for an approximately 693 square foot addition to the main and lower floors at the rear of the existing house, replacement of the existing carport with a garage, new uncovered parking and an associated retaining wall (approximately 36 inches), and a grading permit to excavate (cut) 101.05 cubic yards of dirt, and place 108.04 cubic yards of fill. The project site is located in the R-1 Zoning District. (Staff person: Jonckheer)

Item (b) was pulled.

M/s, Krebs/Swaim, to approve Items (a) and (c).

AYES: Brasler, Cronk, Pipkin, Swaim, Krebs

NOES: None

ABSTAIN: None

ABSENT: Sisich, House

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Krebs recused himself from Item (b) due to residing near project area.

M/s, Cronk/Swaim, to approve Item (b).

AYES: Brasler, Cronk, Pipkin, Swaim

NOES: None

ABSTAIN: Krebs

ABSENT: Sisich, House

Brasler reminded all present that there is a 10-day appeal period.

PUBLIC HEARINGS

- a) **VAR-1404, John and Diana Baker, 337 Butterfield Road, APN 005-022-30:** A side yard setback variance to encroach 4 feet 6 inches into the side yard setback for an approximately 483 square foot, single-story addition. The addition will be 3 feet 6 inches from the south side property line where the Code requires 8 feet. The project site is located in the R-1 Zoning District. (Staff person: Jonckheer)

Interim Senior Planner Elizabeth Jonckheer presented the staff report.

Swaim asked for dimensions of lot.

Cronk wanted to know if a future project would be forbidden if this variance was approved. Henderson stated no.

Brasler asked for clarification regarding the easement ownership. Jonckheer stated it is a public easement.

John and Diane Baker, owners of property, spoke regarding the project intentions.

Swaim asked about the future of the wisteria on the property. The Project Sponsors responded.

Krebs asked about the reasoning for the decisions regarding the additions. Project sponsors responded.

Brasler opened the hearing up to public comment. As there was no comment, he returned it to the Planning Commission.

Cronk asked staff if the fence will be replaced. Jonckheer stated that it was unknown.

Swaim, Krebs, Cronk, Pipkin were in support of approval of the variance.

Brasler stated he was also in support of the variance.

M/s, Swaim/Krebs, to approve a side yard setback variance to encroach 4 feet 6 inches into the side yard setback for an approximately 483 square foot, single-story addition at 337 Butterfield Road.

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AYES: Brasler, Cronk, Pipkin, Krebs, Swaim
NOES: None
ABSTAIN: None
ABSENT: Sisich, House

Brasler reminded all present that there is a 10-day appeal period.

- b) Consideration of **Proposed Amendments to the San Anselmo Municipal Code**, including amendments to Title 10, Zoning. The purpose of said amendments to the San Anselmo Zoning Ordinance (Title 10 of the Municipal Code) is to implement programs of the adopted 2007-2014 San Anselmo Housing Element and to comply with the California Department of Housing and Community Development State laws, including amendments to: bring the Code into compliance with the State density bonus law (Government Code Section 65915 et seq); include transitional and supportive housing as permitted uses in all residential zoning districts; allow emergency shelters within the Limited Commercial, General Commercial and Public Facility zoning districts when the site is located within one-quarter mile of a transit stop; and to provide for reasonable accommodation for persons with disabilities seeking equal access to housing under the Federal Fair Housing Act and the California Fair Employment and Housing Act (the Acts) in the application of zoning laws and other land use regulations, policies and procedures. (Staff person: Henderson)

Interim Planning Director Henderson presented the staff report.

Brasler opened the hearing up to public comment.

Steve Lamb, Laurel Ave, asked about the deadline and schedule for the streamlined Housing Element.

John Martin, (Ross) Bolinas Ave, was concerned about the change from metropolitan to suburban that was mandated by the state {AB 1537}. Also, he is concerned with the three properties sold by Seminary that could turn into big projects if the proposed changes to the Housing Element go through.

Alexandra Kirk, concerned about building heights, setbacks and easements.

Chris Anbaum, Belle Ave, concerned with building heights.

Deborah Knuckey, Lincoln Park, concerned about the density bonus being automatic and is in favor of supplementary units with kitchens.

Andrew Gibney, Belle Ave, is concerned with height and densification.

Donna Monahan, San Anselmo resident, is concerned about high density housing and building heights.

Jill Baker, (Ross) Bolinas Ave, concerned about changing code around San Francisco Theological Seminary development and the effect on CEQA requirements.

Marissa Daniels, San Anselmo Ave, was opposed to the proposed amendments to the Housing Element.

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Nancy Okata, Laurel Ave, concerned with the effects on CEQA requirements and about high density housing.

Mark Lee, Greenfield Ave, concerned with undisclosed financial projections and asked the Commission to consider costs to the Town of higher density development before making a decision.

As there was no further comment, Brasler brought the discussion back to the Planning Commission.

Brasler asked about the Housing Element consultant costs. Henderson responded.

Brasler asked with regard to reasonable accommodation, is it money related or code related. Christine O'Rourke, Housing Element Consultant clarified it is code related.

Brasler asked for clarification regarding height limits for building. Henderson responded 30 feet in commercial zones and 35 feet in residential zones.

Brasler asked if any of amendments before the Commission would result in an automatic free pass to exceed those height limits. Henderson stated no, it would have to come to Planning Commission for approval.

Brasler asked if any of amendments before the Commission would result in an automatic free pass to allow density bonus. Henderson stated density bonus is already state law and approving would be a formality to bring the Town up to code with the State.

Brasler asked about the deadlines for the streamlined Housing Element. O'Rourke stated the amendments need to be adopted before January 31st and the Housing Element must be approved by the State before May 31st or penalties will kick in; which include reviewing a new Housing Element every 4 years instead of every 8 years.

Swaim asked for clarification regarding what the streamlined Housing Element process is. O'Rourke stated it is a red-line and strike through Housing Element process which will save time and money.

Brasler asked for clarification regarding the penalties for not adopting the Housing Element by the deadline. O'Rourke stated the Town could be sued and would potentially lose transportation funding and grants which are only available to cities and towns that have an adopted Housing Element. Megan Acevedo, Town Attorney, stated the State Attorney General and private nonprofits have sued other cities and towns. Acevedo stated that the State has adopted these mandates because affordable housing is important.

Swaim clarified that all the items before the Commission are already state law and the Town would be mirroring state law and nothing more. Acevedo responded yes and this is just putting local provisions in place.

Brasler asked for clarification regarding second units or supplementary units and stated the members of the Commission have found in the past that they would like to amend the code regarding second units.

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O'Rourke provided clarification regarding the Levine Bill {AB 1537}. She stated that a population of 25,000 or more is considered metropolitan. San Anselmo is designated as suburban and is not affected.

Swaim asked about flood zoning. Henderson stated projects would not be exempt from CEQA and they would still be subject to requirements regarding flooding.

Swaim asked if supportive housing would affect all residential construction. Henderson confirmed it would apply to all.

Cronk clarified that adoption of the ordinances is exempt from CEQA, but projects are not.

Pipkin asked if there was a way to know the valuation of the ordinances. Henderson stated with regard to potential cost a project may have on the Town that would be considered as part of the project review.

M/s, Cronk/Swaim, to adopt a resolution recommending the Council adopt the four ordinances amending the San Anselmo Zoning Ordinance (Title 10 of the Municipal Code) to implement programs of the adopted 2007-2014 San Anselmo Housing Element and to comply with the California Department of Housing and Community Development State laws, including amendments to: bring the Code into compliance with the State density bonus law (Government Code Section 65915 et seq); include transitional and supportive housing as permitted uses in all residential zoning districts; allow emergency shelters within the Limited Commercial, General Commercial and Public Facility zoning districts when the site is located within one-quarter mile of a transit stop; and to provide for reasonable accommodation for persons with disabilities seeking equal access to housing under the Federal Fair Housing Act and the California Fair Employment and Housing Act (the Acts) in the application of zoning laws and other land use regulations, policies and procedures.

AYES: Brasler, Cronk, Pipkin, Krebs, Swaim

NOES: None

ABSTAIN: None

ABSENT: Sisich, House

Brasler reminded all present that this is a recommendation to the Town Council, who will hold a public hearing on this matter on Tuesday, December 9, 2014.

ITEMS FROM THE PLANNING COMMISSION

Henderson noted 19 Knoll came before the Town Council with an appeal of the Planning Commission decision. Town Council denied the appeal.

At the next meeting, the Grove Lane and Calumet Avenue projects might be conflicts for Brasler. Krebs stated Grove Lane may be a conflict for him. Staff was asked to research the potential conflicts.

ADJOURN TO THE MEETING OF DECEMBER 15, 2014

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Brasler adjourned the meeting at 8:37 p.m.

Respectfully submitted,

Carla Kacmar