

TOWN OF SAN ANSELMO PLANNING COMMISSION MEETING
Monday, November 16, 2015

COMMISSIONERS PRESENT: Danny Krebs, Susan Cronk, Pascal Sisich, David Swaim, Kim Pipkin, Matt Brasler
COMMISSIONERS ABSENT: Judy House

1. CALL TO ORDER

2. OPEN TIME FOR PUBLIC EXPRESSION Members of the public may address the Planning Commission regarding items not on the agenda.

Deborah Knuckey, Lincoln Park, spoke about concerns regarding 79 Lincoln Park. She believed the residence received after-the-fact permits that increased the floor area ratio over what is permitted, even if a 325 square foot exception, based on the tax records. The house has been rented for a commercial use with seven bedrooms and 12 or more residents. The size is not compatible with the street and does not have the same scale and intensity of other property on the street and is causing the surrounding property to depreciate, traffic and parking issues.

3. PLANNING DIRECTOR'S REPORT

Planning Director Elise Semonian spoke about upcoming Planning Commission dates. Semonian proposed canceling the regular January meetings, due to holidays, and meeting January 11th, 2016. She also proposed canceling the second February date, due to a holiday.

4. APPROVE MINUTES OF THE PLANNING COMMISSION MEETING NOVEMBER 2, 2015

M/s, Matthew Brasler, Kim Pipkin, to APPROVE MINUTES OF THE PLANNING COMMISSION MEETING NOVEMBER 2, 2015.

AYES: Matthew Brasler, Pascal Sisich, David Swaim, Daniel Krebs, Susan Cronk, Kim Pipkin. NOES: None. ABSENT: Judy House

5. PUBLIC HEARINGS

A. 38 SAVANNAH CONTINUATION

Owner: Kyle and Maria Thayer
Design Professional: Kyle Thayer, Architect
Project Address: 38 Savannah Avenue
Assessor's Parcel No.: 007-121-69
Zoning: R-1, Single Family Residential, Above 150 Mean Sea Level
General Plan: Single Family Conservation, Bald Hill Area Plan
FIRM Flood Zone: Zone X (Minimal Flood Hazard Area)
Use permit and design review for the demolition of the existing structure and construction of a new single family residence with a detached two car garage. A grading permit is requested for 125 cubic yards of cut, 65 cubic yard fill, and 60 cubic yard off

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haul. The proposed materials include stucco siding and a composition shingle roof. The maximum building height would be 28 feet. The existing cottage, a legal second unit, will remain.

Director Semonian presented the staff report.

There were no public comments.

Applicant Kyle Thayer presented changes in the project since the last meeting.

Pete Peterson, the landscape architect, presented the landscaping plan.

M/s, Matthew Brasler, Kim Pipkin, to approve the USE PERMIT AND DESIGN REVIEW FOR 38 SAVANNAH AVE subject to the conditions in the staff report.

AYES: Matthew Brasler, Susan Cronk, David Swaim, Daniel Krebs, Susan Cronk, Kim Pipkin. NOES: None. ABSENT: Judy House

B. 1 LINCOLN INITIAL STUDY DISCUSSION Applicant: Bill Johnson Design Professional: E.E. Weiss Architects, Inc. Project Address: 1 Lincoln Park, vacant parcels between 60 Greenfield Avenue and 5 Lincoln Park Assessor's Parcel Nos.: 006-254-12 and 006-254-46 Zoning: C-3 General Commercial and R-1 Single Family Residential General Plan: General Commercial, identified as potential housing site in Housing Element FIRM Flood Zone: Zone X (outside Flood Hazard Area) Study Session to consider modifications made to project since May 2015 and to allow opportunity for comment on the Initial Environmental Study and Negative Declaration of Environmental Impact. The project requires rezoning a narrow strip of land bisecting the site from R-1 to C-3 and a request for design review, grading permit, and use permit for a new 16-unit apartment building. The 16 one-bedroom apartments total approximately 14,000 square feet of floor area over an 8,000 square foot parking garage. The garage would provide 17 parking spaces, including 5 disabled parking spaces (16 parking spaces required). The applicant proposes to create 7 additional public parking spaces in the Lincoln Park right-of-way. A request for reduction of development standards (2 stories permitted, 3 stories proposed) is made under the State Density Bonus Law (CA Govt. Code Section 65915). The applicant intends the project to be for senior housing. The project includes two units that would be deed restricted for low income housing. Proposed materials include stucco and stone veneer siding, and bronze color windows and doors. All supporting documents linked in staff reports are also available at <http://www.townofsananselmo.org/DocumentCenter/Index/131>

Planning Director Elise Semonian presented the project. Changes included: additional story poles were installed to better represent the building footprint, but tape connecting the poles has not been installed, additional reports were submitted for wildlife and soil testing, and the applicant provided a hydrology study and traffic study. Semonian explained that Town Council has to rezone the site before any actions can be taken (a portion of lot is zoned single family residential). Semonian asked for feedback on the

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project or for suggestions for potential modifications. The public comment period for the environmental review will begin Tuesday.

Commissioner Swaim asked for clarification of upcoming dates. Staff indicated the Planning Commission is scheduled to make a recommendation on the application on December 7, 2015.

Commissioner Krebs asked for clarification on what Town Council will vote on. Staff indicated the Town Council will take action on the environmental review and the project after receiving the Planning Commission recommendation, similar to the action for 790 Sir Francis Drake.

Commissioners Krebs and Sisich asked questions about the density bonus law. Staff agreed to provide additional information on the law at the next meeting. Applicant Bill Johnson presented the project and discussed the actions taken since the last meeting.

Earl Weiss, project architect discussed the project and the screening and parking issues.

Commissioners Sisich, Cronk, and Swaim discussed the parking issues and the public right of way area, including Hazel Construction truck parking. Public Works Director Sean Condry discussed parking challenges in the right of way.

Vice Chair David Swaim opened the floor for public expression.

Mark Cooper, HL Commercial, discussed parking and access needs for the adjacent warehouse. Any tenant in the space will need clear access to the doors and warehouse.

Randy Heubach, Lincoln Park, expressed concern with parking, which has been getting worse and worse. He was concerned with congestion and providing overnight parking permits to the multifamily use at 79 Lincoln Park. He suggested limiting the occupancy and number of vehicles per resident.

Jana Daglio, Lincoln Park, expressed concerns with the scale of the project and wanted the Planning Commission to limit the height and number of stories. She felt 16 units was too many units and would prefer 8 units for the neighborhood.

Bill Murray, Lincoln Park, spoke about parking and traffic issues. There is employee and commercial parking in the neighborhood. He questioned how long it would remain for senior housing. Why consider a project of this scope in a congested neighborhood?

Matilda Herbst, Lincoln Park, indicated that people have to turn around on her site at the end of Lincoln Park and she worries about damage. People have guests and family that visit and it is not practical to have apartments. She wants a gate for her property.

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Deborah Knuckey, Lincoln Park, raised concerns about the residential development following commercial setbacks. She thought the project should meet residential setbacks. She was concerned about the proposed fire pit and fire safety issues. She is concerned with noise from the balconies. The topography creates an amphitheater up the hill. She is concerned with the size of the building and location so close to the side setbacks.

The applicants responded that the barbecue will be gas.

Director Semonian asked for feedback on the project from the Commissioners. Commissioner Cronk asked about parking and public right of way issues.

Condry explained that the location being discussed was in the public right of way; and that there is room for off street parking and access to the garage.

Commissioner Cronk asked if there can be a deed restriction that precludes issuance of overnight parking permits for residents and limiting the number of vehicles per unit and asked about setback requirements. Staff agreed to provide additional information on parking and permit restrictions at the next meeting. Staff indicated the building is 7' 11" from the side yard setback where an 8 foot setback is required, so the project does not comply with the residential zoning district setback.

Commissioner Sisich asked for clarification of what feedback is being asked of commissioners.

Commissioner Krebs spoke about the importance of increasing the number of units in San Anselmo. Krebs recognized it has impacts on the neighborhood but didn't feel that there are grounds to deny a third story.

Commissioner Cronk shared similar concerns as Commissioner Krebs and expressed concerns about overnight parking.

Commissioner Sisich would like to see better landscape plan. Sisich expressed concerns about the one parking spot per unit, and wanted to know how many spots can be created.

Commissioners Pipkin and Brasler liked the plan. Brasler spoke about ensuring the project is permanently senior housing.

Commissioner Swaim appreciated everyone's feedback.

C. DISCUSSION OF SHORT TERM RENTALS Public hearing to consider if the Town should modify or create regulations for short term (less than 30 day) housing rentals and, if so, what standards should apply.

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Planning Director Semonian explained that Town Council requested feedback on short term rentals and a potential ordinance on the subject. Semonian presented the staff report on short term rentals.

Commissioner Cronk asked for information on why bed and breakfasts were banned. Staff indicated that she believed one or two residences were being used like hotels.

Commissioner Swaim opened floor to public expression.

Nancy Grover, Grove Lane, explained that she utilizes Airbnb for extra income and to keep talking to people. She has rented to 88 people in 3 years. Often the guests are visiting relatives of town residents.

Liz Levoy, Scenic Avenue, explained that she utilizes Airbnb for three years to rent two houses. She explained that the majority of the guests are relatives of residents. Levoy explained that she uses it as supplemental income and that it brings tourists to Marin.

Jean Langer, Arroyo Avenue, explained that she is a neighbor to rentals and also is a host. Langer explained that she is always present, has experienced no problems, and the use brings strangers but also diversity to the neighborhood. She uses the rental to help make ends meet. Langer doesn't believe the town should regulate short term rentals.

Darren Overby, Madrone, explained that he rents a quest quarters on Airbnb. Overby explained that guests are respectful, and that he has received no complaints from neighbors. His guests would not stay in San Anselmo without AirBNB. It is a more intimate local experience and he believes the Town should embrace it.

Katherine Overby, Madrone, explained that she loves having people share her home and to share San Anselmo with the guests. In addition, she has opportunities to babysit.

Nicholas Riley, Ash Avenue, explained that he also uses Airbnb as a host for three years. Riley explained that a tremendous amount of economic activity comes from Airbnb. He was pleased the company chose to locate in the Bay Area.

Larry Nelson, Meadowcroft, expressed concern that people are running business from residential neighborhoods. His experience is with a garage that has been illegally converted to living space. Nelson explained that it is concerning to have unknown people in residential neighborhoods overnight, parking on the street, late arrivals for check in. Nelson expressed that the Town needs to regulate short term rentals to ensure they are legal and safe.

Steve Lamb, Laurel Avenue, expressed curiosity about building code differences between hotels and residences, especially in regards to health and safety code. There is competition and unfair advantage because different codes may be applicable. He

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cautioned that the Survey Monkey chart results should be read with the actual survey results below the chart.

Isabel King, Waverly Road, expressed she was glad to hear a majority of residents at the meeting are present on site while renters are visiting to police issues and parking. King questioned whether guidelines are needed to regulate and expressed that short term rentals should pay fair share of taxes.

Warren Dodge, Tamalpais, explained that he uses Airbnb and has had 28 guests in three months that were pleasant and patronized Town businesses. It helps supplement income and introduces him to interesting guests. Dodge explained that he can monitor guests since it is on his property where he lives and it is easier to get rid of loud or unruly guest, versus getting rid of a long term tenant. The hosts and guests are both reviewed on the web site. Dodge doesn't think Town Council should change anything.

Cece Van Voorhees, Rutherford Hills, shared her bad experience with long term tenants and explained that she shares her home through Airbnb and has had wonderful experiences and believes that it has a positive impact on community and economy.

Andrew Poster, Broadmoor Avenue, explained that he shares his home and is opposed to regulating. He believed there is just a perceived parking problem. He noted there are more trips associated with home businesses.

Robert Cabrera, Woodruff Road, explained that he owns of rental properties in San Anselmo and Fairfax. Cabrera described his good experience with short term rentals. He provides below market rate housing. His guests shop and dine in Town. The housecleaning provides a job for a Novato resident.

Deborah Knuckey, Lincoln Park, expressed concerned about short term rentals taking away from affordable housing, creating parking and trash issues, and taking away from the residential character of neighborhoods. Knuckey explained that the number of rental days should be limited, business licenses should be required, as well as occupancy taxes since they are using the amenities of the Town.

Benedetto Cico, owner of San Anselmo Inn, explained that he has a neutral position about Airbnb. People have come from all over the world to stay at his inn since 1926. Cico explained that he thinks the town should wait to regulate because the market will regulate itself. He liked that the units bring in business for his restaurant. He would not object to deregulating his hotel.

Colleen Shaw, Hillside Avenue, explained that she believes that it is the Town's job to regulate, not residents. The renters are disrespectful and parking is an issue on Hillside.

Lisa Wight, Carlson Avenue, explained that she believed that short term rentals can change the character of neighborhood by turnover and parking issues. Wight explained

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that home occupations are regulated by number of visitors. Wight recommended that the Town regulate short term rentals with use permits with reasonable conditions, which could be administrative. She noted the Petaluma ordinance had good conditions to deal with parking, complaints and violations.

Anthony Campodonico, Kentfield, explained that his daughter lives in San Anselmo. He expressed concern that short term rentals don't support the town by paying taxes and need regulations to protect neighborhoods. The more there are, the worse it will be. Address it before it is a problem.

Pat Johnstone, Redwood Road, expressed mixed feelings about Airbnb, but didn't believe it sounds like an urgent issue in San Anselmo yet. She suggested the Town keep an eye on affordable housing. But, they could be good for the economy.

Commissioner Brasler expressed mixed opinions, and stated if short term rentals are taxed, he does not want the income in the general fund and wants to know exactly where the money will be spent.

Commissioner Pipkin commented on potential security issues for short term rentals and encouraging communication.

Commissioner Sisich explained that he doesn't think the Commission should do anything right now about short term rentals, as it doesn't sound like a big issue at the moment. Sisich stated that it makes homes affordable for residents and keeps people in their homes. He thought some controls for off street parking could be appropriate. Whole houses being rented out without owner occupancy could be an issue.

Commissioner Cronk explained that she uses and enjoys Airbnb. She would like to listen to the "silent majority" who have issues with the use and it is harder to speak up if you have issues. Commissioner Cronk explained that she is split on the issue and concerned with ensuring adequate off street/onsite parking and considering no overnight parking.

Commissioner Krebs explained that he is not concerned about losing housing; Krebs doesn't believe taxes are needed and is not in favor of regulation right now. Noise, disruption and parking can be an issue with absentee owners and there could be a complaint mechanism.

Commissioner Swaim explained that he was nervous to over regulate or ban. They provide a place to stay in San Anselmo. Swaim asked if we have capabilities/staff to enforce regulations or bans. Swaim expressed that he didn't think the Town has enough information right now and this may not be the right time to regulate.

Commissioner Brasler warned against establishing regulations that won't be enforced, noting that overnight parking permits are not enforced and citations are only rarely issued.

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Commissioner Sisich suggested keeping close track of complaints.

The Commissioners discussed what the goals of this hearing were and agreed that they didn't recommend banning short term rentals.

The Commission discussed home occupation requirements and complaint procedures.

M/s, Matthew Brasler, Kim Pipkin, to recommend Town Council not ban short term rentals and keep investigating the issue.

AYES: Matthew Brasler, Susan Cronk, Pascal Sisich, Kim Pipkin. NOES: Daniel Krebs, David Swaim ABSENT: Judy House

6. **ITEMS FROM PLANNING COMMISSION** Planning Commissioners may make announcements or inquiries of staff and may recommend items that may be placed on future meetings of the Planning Commission.

There were no further items.

7. **ADJOURN** The next Planning Commission Meeting is scheduled for 7:00 P.M. December 7, 2015.

David Swaim adjourned the meeting.

Respectfully submitted,
Megan Lockett