

TOWN OF SAN ANSELMO
TOWN COUNCIL MINUTES OF JANUARY 10, 2012

Present: Coleman, Greene, Kroot, Lopin, McInerney

7: 10 pm

CALL TO ORDER AND PLEDGE OF ALLEGIANCE.

Mayor McInerney called the meeting to order at 7:10 pm

ANNOUNCE ACTION TAKEN, IF ANY, IN CLOSED SESSION.

There was no closed session

OPEN TIME FOR PUBLIC EXPRESSION.

Sita Khufu, San Anselmo Quality of Life member, invited Council to join the County of Marin in banning plastic bags in groceries and pharmacy outlets. Khufu urged Council to encourage all retail stores in San Anselmo to do their best to stop adding single use plastic and paper bags to the Redwood Landfill stating the landfill will be full in 13 years.

Eric Warner, 220 Crescent Road, presented a **petition signed by 55 residents** which requests the Town Council review the circumstances surrounding the addition at 222 Crescent Road, require notification of neighbors in the future for any second-story addition and direct town staff to make recommendations for modifying the code to prevent future abuses. Warner is upset because his neighbor, Councilmember Jeff Kroot, constructed a second story expansion to his house without notifying the neighbors first. Warner feels the addition is not reasonable and has concerns regarding privacy, scale and visual impact.

Mayor McInerney stated staff is working on an agenda item for sometime likely in February that will address some of the planning issues noted in the petition.

Farnum Alston, 228 Crescent Road, acknowledged Warner's summary of the neighbors' concerns and spoke in support of the petition.

COUNCIL REQUESTS FOR FUTURE AGENDA ITEM.

Kroot supports having the Council take a look at the rules governing the Town's planning code.

Lopin announced the Children of Uganda Dancers will be performing Friday, January 13, 2012 at 6:00 pm at the Sleepy Hollow Presbyterian Church.

McInerney asked if the flashing bright sign across the street from Red Hill Shopping Center is in compliance with the Town's sign ordinance.

TOWN OF SAN ANSELMO

Minutes of the Town Council Meeting of February 28, 2012

Present: Coleman, Greene, Kroot, McInerney

Absent: Lopin

7:20 p.m.

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

ANNOUNCE ACTION TAKEN, IF ANY, IN CLOSED SESSION

Town Attorney, Rob Epstein, announced there was no reportable action taken in closed session.

OPEN TIME FOR PUBLIC EXPRESSION

There was no comment from the public.

COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS

Council agreed to move Council reports and Council requests for future agenda items to the next scheduled regular Council meeting the interest of time.

1. CONSENT AGENDA: ITEMS ON THE CONSENT AGENDA MAY BE REMOVED AND DISCUSSED SEPARATELY. DISCUSSION MAY TAKE PLACE AT THE END OF THE AGENDA. OTHERWISE, ALL ITEMS MAY BE APPROVED WITH ONE ACTION.

(a) Approve Minutes of February 14, 2012.

(b) Proclaim April, 2012 Fair Housing Month.

There was no comment from the public regarding the consent agenda.

M/s, Greene/Coleman, to approve the consent agenda. AYES: Coleman, Kroot, Greene, McInerney. NOES: None. ABSENT: Lopin.

2. APPOINT APPLICANTS TO THE LIBRARY ADVISORY BOARD AND THE ARTS COMMISSION.

Town Manager, Debra Stutsman, presented the staff report.

There was no comment from the public.

Greene supports the appointment of Joe Hamilton to the Library Advisory Board.

McInerney supports the appointment of Doug Holm to the Library Advisory Board.

Coleman & Kroot support the appointment of Joyce Cole to the Library Advisory Board.

M/s, Coleman/Kroot, to appoint Joyce Cole to the Library Advisory Board. AYES: Coleman, Kroot. NOES: Greene, McInerney. ABSENT: Lopin.

M/s, McInerney/Greene, to appoint Doug Holm to the Library Advisory Board. AYES: Greene, McInerney. NOES: Coleman, Kroot. ABSENT: Lopin.

M/s, Greene/Coleman, to move the appointment to the Library Advisory Board to the next scheduled Council meeting. AYES: Coleman, Greene, Kroot, McInerney. NOES: None. ABSENT: Lopin.

M/s, Kroot/Greene to appoint Joan Stone to the Arts Commission. AYES: Coleman, Kroot, Greene, McInerney. NOES: None. ABSENT: Lopin.

3. REVIEW OF DESIGN REVIEW REGULATIONS AND CONSIDERATION OF POSSIBLE CHANGES TO ORDINANCE; PROVIDE DIRECTION TO STAFF.

Diane Henderson, Interim Planning Director, presented the staff report. Henderson noted that Council gave her direction to craft a solution to the lack of public noticing for certain second story additions.

Henderson believes it is appropriate to amend the code so any second story addition, regardless of size or location, is required to go through the design review process which would trigger public noticing.

Coleman asked what the Town charges for a Design Review. Henderson replied an Administrative Design Review costs \$600 and a Design Review that goes to the Planning Commission is \$1,200. Coleman thinks these costs can be punitive to some people.

Greene asked Henderson to explain how she would exercise her discretion of when she would send it to the Planning Commission distinct from retaining the authority herself. Henderson replied she would send it to the Planning Commission when she felt that staff could not handle it themselves. Henderson noted staff works hard with applicants to get their projects approved with the policies Council has established.

Greene asked Henderson in her review of other local jurisdictions which ones allow for second stories to be approved administratively. Henderson stated Belvedere allows second stories of up to 100 square feet; it is a judgment call on staff for Mill Valley and also Sausalito; non-controversial projects in Tiburon can be done at a staff level; projects in Ross most always go to Town Council.

Public Comment

Eric Warner, 220 Crescent Drive, supports changes to the Towns design review process suggesting it will help neighbor discussions. Warner stated neighbors have expressed concern that the location of a second story addition could impact neighbors and they should have the opportunity to review the plans and express concern prior to issuance of a building permit.

Barbara Stewart, Foss Avenue, acknowledged property values drop when views are changed and that should not be allowed.

Steve Wilrich, 121 Sunnyside Drive, supports noticing as an effective way to enhance neighbor communications and a very effective way of engaging the community.

Kristen Halstead, 218 Crescent Drive, supports the recommended changes to the Town's design review regulations.

Camden Hicks, 131Crescent Road, supports changes similar to Larkspurs design review regulations in that the intent and values give guidance to the functioning appearance and location of improvements so as to maintain and enhance a balance between private prerogatives and preferences and the public safety and welfare. Hicks believes there should be a way for the planners and the neighbors to evaluate projects.

Maria Kallmeyer, 68 Hawthorne Drive, has conflict of interest concerns regarding Kroot's participation in the discussion. Kallmeyer opposes Kroot voting on the issue.

Regarding Kroot's participation on the issue Town Attorney, Rob Epstein finds no statutory conflict. Epstein noted it is up to the individual Councilmember to determine if he/she can make an independent decision judgment regarding the matter before the Council free from any pre-existing bias.

Kroot stated he is interested in strong planning codes that protect the community and he hopes that the code is not rewritten because of one second story addition that meets the Town code requirements. Kroot noted as a Councilmember twenty years ago he created the Design Review process and later as a Planning Commissioner he encouraged Floor Area Ratio for the hillsides.

Greene has previously advocated for view corridors stating there are values of privacy and values of scale. Greene objected to construction on the Kroot property stating a 27-foot wall without any notice is inappropriate.

McInerney supports facilitating neighbor communication and encourages neighbors to work with one another. McInerney supports staff recommendation regarding the Design Review Ordinance and is open to further discussion regarding the ordinance details.

Greene believes second stories can impact views and should be subject to a Design Review. He supports changes to the Design Review regulations and also supports a Design Review process that includes public hearing.

Coleman does not support the ordinance as written and would like the Planning Commissions to review the issue.

Greene supports the idea that staff bring back ideas and recommendations to Council so that Council can make the policy determination.

Kroot is in support of the Planning Commission reviewing the issue and then make recommendations to Council.

Coleman is agreeable to further discussions coming back to Council rather than sending it to the Planning Commission.

Henderson noted if Council agrees that the Municipal Code should be amended to require that all additions proposed at a second floor or above be subject to Design Review, staff will prepare the Code amendment for consideration by the Planning Commission and ultimately, Town Council.

Henderson stated staff will come back to Council at the March 27 meeting for discussion and recommendations regarding Design Review modifications to the Municipal Code.

Barbara Tracy, Crescent Road, questioned if the frequencies are of significant importance.

McInerney asked that staff's March 27 report include information regarding the frequencies of these issues.

4. INTRODUCTION AND FIRST READING OF AN ORDINANCE OF THE TOWN OF SAN ANSELMO AMENDING THE MUNICIPAL CODE BY ADDING A NEW CHAPTER 20 TO TITLE 9- BUILDING REGULATIONS, CONCERNING THE COLLECTION, RECYCLING AND DISPOSAL OF WASTE GENERATED FROM CONSTRUCTION, DEMOLITION AND RENOVATION PROJECTS.

Diane Henderson, Interim Planning Director, presented the staff report.

There was no comment from the public.

McInerney asked if all the agencies, cities/towns in Marin being asked to adopt the identical ordinance.

Henderson stated the model ordinance required residential projects over \$2,000 and commercial projects over \$5,000 would be subject to the ordinance. Henderson believes it is an unfair burden on small residential projects as well as small commercial projects therefore raised the amounts on both the residential and commercial projects to \$10,000 for San Anselmo's ordinance.

There was no comment for the public.

M/s, Greene/Kroot, to approve the introduction and waive the first reading of an ordinance of the Town of San Anselmo amending the Municipal Code by adding a new Chapter 20 to Title 9 – Building Regulations, concerning the collection, recycling and disposal of waste generated from construction, demolition and renovation projects. AYES: Coleman, Kroot, Greene, McInerney. NOES: None. ABSENT: Lopin.

Town Manager Stutsman read the ordinance by Title only.

5. TOWN COUNCIL APPOINTMENTS TO THE MARIN TELECOMMUNICATIONS AGENCY (MTA), ONE SEAT AND THE ASSOCIATION OF BAY AREA GOVERNMENTS (ABAG), MEMBER AND ALTERNATE.

Town Manager Stutsman presented the staff report.

There was no comment from the public.

M/s, Coleman/Kroot, to appoint Lori Lopin as representative to the Marin Telecommunications Agency (MTA). AYES: Coleman, Kroot, McInerney. NOES: Greene. ABSENT: Lopin.

M/s, Coleman/Kroot, to appoint Kay Coleman as representative and Jeff Kroot as alternate to the Association of Bay Area Governments. AYES: Coleman, Greene, Kroot, McInerney. NOES: None. ABSENT: Lopin.

Police Chief, Charles Maynard reported on the Towns Police dispatch office. Maynard stated the dispatch office re-located today to the Twin Cities Police Station in Larkspur and will be ready for business tomorrow.

Coleman requested confirmation that the San Anselmo Police Department's front counter will be staffed daily.

Bill Geisler, Redwood Road, expressed concern to the prediction of job growth for the next 30 years in Marin County with relation to people commuting to work. Geisler stated he and his wife both work from their home as do most of their neighbors and asked how can we begin to anticipate the technological improvements that will reduce the necessity for people to travel away from home to work in 2040. Geisler thinks the idea is absurd and he believes the work patterns are beyond anyone's comprehension. Geisler agrees the Town needs more senior citizens housing.

Kroot wonders how the numbers for San Anselmo were derived. Kroot feels the Town's population has not changed much in the past forty years and he finds the figures very disturbing.

Lopin also finds the figures extremely disturbing beside the fact that the Town has no place to put the homes and it doesn't make any sense. Lopin senses more people are working from home and hopes Council will challenge ABAGs numbers.

Greene acknowledged ABAG's deadlines approaching very quickly and stated ABAG's methodology concerns him as well as the blind acceptance. Greene feels ABAG's figures are not realistic and wonders where in San Anselmo the housing is to be built. Greene believes there are financial consequences that will be adverse to the Towns infrastructure which will be attached to the Town's noncompliance.

Coleman agrees with Greene and believes if San Anselmo's housing numbers do not add up to what ABAG wants them to be their will be financial repercussions to the Town. Coleman has objections to ABAG's demographers and the people responsible for forecasting the Town's housing numbers stating the figures are being decided by people who do not know who we are. Coleman supports the Town taking a stand on the issue though she feels no one may be listening.

McInerney acknowledges ABAG's April 20 deadline and asked staff if there will be more time to have a substantive discussion on the issue.

Henderson assumes there will be further opportunity for discussion as other cities/town are discussing the same issue as we are discussing tonight. Henderson will put together a letter to ABAG objecting to their housing numbers for San Anselmo.

Coleman asked if the San Francisco Theological Seminary Master Plan Amendment Project will be counted as part of our housing.

Henderson assumes that the Seminary's housing will count.

McInerney asked Henderson of her overall view on the issue. Henderson feels the 78% increase is a huge amount, there could be a more fair distribution, and the figure should be reviewed.

McInerney shares the concerns regarding the projected numbers for San Anselmo. He suggests the Town work through the process; see if we can get an adjustment; then review the issue. McInerney asked Henderson if she has enough direction from Council to proceed. Henderson replied yes and that she will forward it to the Town Manager for review.

Lopin noted that she did not imply the Town pulls out of ABAG. Lopin encourages the letter to ABAG be forceful.

5. CONSIDERATION OF POSSIBLE CHANGES TO THE SAN ANSELMO MUNICIPAL CODE WITH REGARD TO DESIGN REVIEW AND PROVIDE DIRECTION TO STAFF.

Interim Planning Director Henderson presented the staff report.

Kroot requested confirmation that other than this one incidence there been no other problem with the Town's design review. Henderson replied that is correct.

Public Comment

Bill Shideler, Melville Avenue, stated he has lived in San Anselmo for over twenty years and he is a construction professional. During his tenure in San Anselmo he has seen the requirements get more restrictive and the residents are becoming additionally displeased.

Tina Kroot, 222 Crescent Road, presented photographs of her property at 222 Crescent Road and the Warner's property at 220 Crescent Road. Kroot stated her addition of 621 square feet is well below the Floor Area Ratio (FAR) allowance for her lot. She feels the Warner's, 220 Crescent Road, stated misinformation in their petition and that it is a vendetta. Kroot describe Warner throwing rocks;

repeatedly driving into the Koots driveway where he almost hit her with his car. Kroot would appreciate Warner rethinking his behavior and stop bullying them.

Jennifer Kroot, expressed disappointment and concern of how the Warner's have bullied and harassed her parents, Jeff and Tina Kroot. She is deeply concerned about her parent's well being after witnessing Eric Warner spying on her family. Kroot urges Council to not change the Town's Design Review Code. She thinks there should be a truce in the neighborhood so that both parties can move on and live their lives.

Christopher Lee, 46 Magnolia, is amazed that this has become an issue stating the reality of the addition at 222 Crescent Road is that the addition is about the only location on the property where an addition could be built. Regarding 220 Crescent Road, Lee feels the Planning Commission should never have approved the addition that connects the garage to the house stating monolithic houses as such should not be allowed in San Anselmo.

Matt Brasler, Agatha Court, suggests Council be productive and stay on track with the agenda item; keep the discussion limited to consideration of possible changes to the Town's Design Review Code.

Lindsay McLorg, Crescent Road, spoke on behalf of her family and read a letter by Bob and Heidi Burke, who were for 13 years, prior residents of 220 Crescent Road, stating they were most fortunate to have Jeff and Tina Kroot as neighbors.

Gus D'Angelo stated the Warner's have lost a sort of self control and he senses the Town Council has enabled the harassment of Kroot suggesting the Town apologize to the Kroots. D'Angelo feels the harassment is unacceptable and should not go any further. He encouraged Council to stop enabling the harassment of the Kroot's and to work quickly to put an end to this harassment.

Bill Geisler, 405 Redwood Road, spoke on Kroot's credibility. Giesler stated he cannot imagine a more dysfunctional basis to change the planning process and the Town's Municipal Code and to not use this incident as reason to change the Town's code. Giesler senses the Town's planning process works pretty well.

Eileen Burke, Monterey Avenue, said she was surprised when she found out the Warner's had hired an attorney regarding the issue; she was offended and disgusted. Burke asked if the Town really needs to change the Design Review Ordinance and acknowledged the democratic process associated with the Town's Floor Area Ratio Ordinance. She stated Council should not change the law because of one case; it sets a bad precedent that says essentially someone with the largest house in Town, the willingness and resources to hire a lawyer, can bully the Town into changing the law. Regarding the views from 220 Crescent Road there is a small impact from the rear of the garage; Burke believes a 5000 square foot house is not entitled to a view from every square inch of the property as compared to the adjacent property where the house is less than half the size. Burke noted if Council approves the proposed changes to the design review code costs will be increased through the design review process but more importantly costs will be significantly increased to the property owner through architectural design. She commends Kroot and urges Council to oppose changes to design review.

Barbara Thornton, Scenic Road, suggests Council focus on the issue of whether it is necessary to make changes to the planning guidelines and associated ordinances. Thornton, former San Anselmo Mayor and Councilmember, noted they never had an issue like this come before Council for a planning decision. Previously the San Anselmo Town Council has very carefully considered ordinances for the Town and in the past Council has supported the community in keeping the Town quaint where someone can purchase a house and comfortably raise a family within the Towns current planning guidelines. She believes it is important that this not be changed in regards to the second story rules and it is important to not add administrative or other guidelines that will increase the costs for residents in the community that want to make changes to their homes that are within the personality of the neighborhood. Thornton encourages Council not to do anything with the current rules stating the current rules have worked fine over a number of years and they benefit the community and the residents.

Doug Kelly, Floribel Ave, suggests possible changes to the Town's Design Review Code be put on a ballot measure.

Larry Haines, Tamalpais Avenue, encourages Council to not add more layers to the planning process.

Coleman asked Henderson if the process working. Henderson replied yes.

Coleman believes the current process is working. She has concerns if costs were added to the process.

Kroot stated three reasons the code should not be changed: the design of larger second story additions can be reviewed; the code has worked well for 15 years; revising the code will not solve any planning problems but will make it more expensive and bureaucratic for people in Town to make improvements to their property. The existing design review ordinance encourages smaller second story additions.

Kroot urges Council to reject the proposal to change the design review and to vote no on the issue. Kroot noted the result of a one person constant campaign of harassment should not be rewarded.

McInerney noted he did not tell Warner's to stop throwing rocks at the Kroot house. McInerney favors not all second story additions going through administrative review or general design review but to take suggestions from staff regarding very small second story additions; ones that do not have an impact on neighbors should be exempt and to refer sizable second story additions to the Planning Commission. McInerney supports having design review with some limitations and discretion by staff.

Lopin asked Henderson if when she wrote the staff report she felt that noticing would make the process better.

Henderson thinks noticing the neighbors could make the process better; however, they do a lot of administrative approvals. Henderson thinks it would be a mistake to add another layer of bureaucracy stating other cities are backing off of their processes, doing more at a staff level. Noticing would add time and money to the process.

Lopin asked Greene and McInerney their opinion regarding noticing adding time to the process.

Greene believes public noticing is very important stating blocked views or privacy issues are a reasonable objective for people to have the opportunity to be heard. Greene feels there is a need to protect views and privacy in San Anselmo as well as civilized behavior between neighbors. Greene supports second stories having a noticing and public hearing requirement.

McInerney thinks it would depend on the size of the addition, especially if the addition is less obtrusive. McInerney has no problem if noticing delayed the process for a month. He suggests deferring it to the planning commission for their opinion.

Coleman noted staff is capable of Administrative Design Review, has held the responsibility in the past and have done it well.

Kroot feels Council should deep six the consideration of changes to the Town's Design Review Code.

Lopin apologized for not being able to attend the meeting when this issue was most recently discussed. Lopin acknowledged the current issue with the Design Review Code has been the only issue that has come up in the last 15 years and she senses the current code is working as it should. Lopin feels this particular situation needs to end and that Council does not need to deal with it any longer.

The consensus of the Council was to lay the issue to rest.

6. CONSIDER REQUEST TO EXTEND THE EXPIRATION DATE OF DISCRETIONARY PERMITS APPROVED IN 2008 FOR 1315 SAN ANSELMO AVENUE.

Kroot disqualified himself as he was the architect for the applicant.

Interim Planning Director Diane Henderson presented the staff report.

Jeff Rappaport, spoke on behalf the property owner, Alan Rappaport. Rappaport stated he has contacted five of the immediate neighbors regarding the request for Council's approval of the one year extension. All five neighbors are in support of the extension and have no controversy with the plans. Rappaport noted it is a modest house and the plans exceed the Town's Floor Area Ratio regulations by only 22 square feet. The property owner is fully leveraged so there is no possibility of getting a construction loan or second mortgage and the reason he is asking for an extension is due to economic reasons which includes a decrease in the property value.

Town Attorney, Rob Epstein, explained that a number of jurisdictions during the economic recession extended the time frame for discretionary building permits because people were unable to build or refinance. Epstein referenced the Town's Municipal Code Section 10-3.16.08 code which provides for Mr. Rappaport's one year extension of the expiration of his original approval. In reviewing the property file and considering Council's action over the last several years Epstein stated the one year extension has already occurred. The extension that he has received has been extended by new law that the Council adopted to extend the time frame. Epstein does not see a statutory request to support what is being brought to Council tonight.

Greene commends Rappaport for his neighborly conduct by explaining the situation and reviewing the plans with the neighbors. Greene supports the one year extension.

McInerney sees no basis for the extension of another year.

M/s, Coleman/Lopin, to deny the request to extend the expiration date of discretionary permits approved in 2008 for 1315 San Anselmo Avenue. AYES: Coleman, Lopin, McInerney. NOES: Greene. ABSTAIN: Kroot.

TOWN OF SAN ANSELMO

Minutes of the Town Council Meeting of February 27, 2018

Note: These are summary action minutes only. The video item can be accessed by clicking the item.

- 1. 6:30 p.m. Interviews with applicants to the Open Space Committee, Economic Development Committee and Board of Review.**

[Interviews - Item 1](#)

- 2. 7:00 p.m. Call to order and Pledge of Allegiance. Announce action taken in closed session, if any.**

[February 27, 2018 Town Council Agenda](#)

Present: John Wright, Matt Brown, Brian Colbert, Kay Coleman

Absent: Ford Greene

- 3. Open time for public expression. The public is welcome to address the Council at this time on matters not on the agenda that are within the jurisdiction of the Council. Please be advised that pursuant to Government Code Section 54954.2, Council is not permitted to discuss or take action on any matter not on the agenda unless it determines that an emergency exists, or that there is a need to take immediate action which arose following posting of the agenda. Comments may be no longer than three minutes and should be respectful to the community. Please silence your cell phones during the meeting.**

A resident asked that Council consider prohibiting styrofoam and single use plastic. Town Manager Donery stated the Sustainability Commission will be taking this up at their next meeting.

Tom Rohr, Rutherford Avenue, asked for Council to look into the building code, because of a 2nd addition built by a neighbor that did not require design review. His view was taken away, but the floor area ratio allowed for the addition without notifying the neighbors. He wondered if the code could be amended to require immediate neighbors be notified of building permits, even when design review is not triggered. Planning Director Semonian stated it would be a cost to applicants and the Town would need more staff to do this. Public Works Director Condry stated it would be all that the Town would do, if this rule was put in to place. There was Council consensus to bring it back for discussion.

- 4. Council requests for future agenda items, Council committee liaison reports, questions and comments to staff; staff miscellaneous items.**

Vice Mayor Brown spoke of the Legislative Committee meeting which went over affordable housing, homelessness, and transportation issues. Brown also attended an Ad Hoc Committee for Other Post-Employment Benefits (OPEB) liabilities.

Councilmember Colbert went to a Chamber of Commerce meeting which discussed merchant communication, opening of the third lane on the Richmond Bridge, and cannabis retail. Colbert also went to the Ross Valley School District meeting where they discussed issues related to school buses and crossing guards. Colbert also stated a parcel tax for the school district is coming to the community in June.

Councilmember Coleman stated the Ad Hoc Committee for homelessness will meet on March 29 and will discuss showers and the end of the REST program.

Mayor Wright spoke of the Fire Board meeting which went over disaster preparedness. Wright mentioned the upcoming Flood Zone 9 and Capital Programs Monitoring Committee meetings. Wright also thanked staff for placing more information about projects on the Town's website.

Commissioner Krebs wondered if there are other modifications that could be made. He asked about reducing the angle of the roof. The consensus of the commission was that reducing the angle would not look good, since it would not match the other roof angles. They discussed dropping the plate heights to seven feet. The designer explained the plates on the kitchen side are on the lowest side of the roof and are 8 feet and some thought that was as low as it could go.

M/s, David Swaim, Pete Pedersen, to approve 14 FOSS AVENUE - DESIGN REVIEW subject to the findings and conditions in the staff report AYES: Daniel Krebs, Tim Heiman, David Swaim, Pete Pedersen, Matthew Brasler. NOES: None. ABSENT: Bill Engelhardt, Susan Cronk.

6. BUILDING PERMIT NOTIFICATION POLICY AND DESIGN REVIEW THRESHOLD Discussion of resident request for Town to provide neighbor notification for building permits, including discussion regarding design review threshold. The Planning Commission will make a recommendation to the Town Council.

Semonian presented the staff reported. She explained that the neighbors of 26 Rutherford were concerned about receiving no notification of an upper level addition to a neighboring residence. She explained that for non-discretionary building permits no notifications are required. Discretionary approval triggers notifications. This came up before in 2012 when other residents were upset over not receiving notifications. Semonian thought it might be good to have design review for new second or third stories. Semonian explained that most additions trigger design review. If design review gets recommended for new 2nd and 3rd stories Semonian does not think it would create much more design review applications. Semonian recommends that thresholds for design review should be modified to include all 2nd and 3rd story additions. Condry expressed concerns over having notifications for all building projects.

Swaim asked if dormers would be considered if they were designed in an existing roof line. Semonian said no, it would be just for new additions.

Tom Rohrer, 28 Rutherford, explained the situation with 26 Rutherford and how his concerns stemmed from that. Rohrer wanted neighbor notification for projects that could significantly impact one's privacy and or views. Rohrer explained that originally they wanted all building permits to require notification to initiate a discussion, but now agrees that perhaps only major projects that would cause loss of view or privacy should trigger notifications. Rohrer was in support of the staff report.

Jeff Kroot, Crescent, explained that you can be a target once your project goes through design review. There are reasons for why a notification might be an unwanted process.

Pedersen said he had a chance to see the impact on 28 Rutherford's view and he thought that there won't be too much extra work for the Planning Commission. Pedersen supported design review for new 2nd and 3rd story additions.

Heiman said he agrees with the concept that an addition should not necessarily go through review, but if it is a new story it should go through design review.

Brasler said he's supports neighbor communication and that any new 2nd or 3rd story should be up for notification. Brasler did not want to make projects harder for sponsors, but new vertical additions should be noticed.

Swaim said that if it is a single level home and someone is adding a 2nd story it should go through design review. Swaim suggested coming up with a process where maybe if there is no neighborhood concern it could go on consent agenda or some other mechanism.

Krebs said he generally agreed and it would be good to have design review for additional floor additions. Krebs said it does not seem like it would create too many additional projects and thought it is a reasonable improvement to the process.

Swaim asked about additions for the same floor. Semonian explained that right now a one-story addition is not required to go through design review unless the project is doubling the square footage of the house.

Krebs went through the options in the staff report and the different ways the notifications can be handled. Brasler said that all building permits should not be required to be notified.

Brasler asked about what is needed for a view protection. Semonian said that it come through guidance from the town council and then come to the Planning Commission.

There was Planning Commission consensus to change the design review trigger to capture all new second and third stories.

M/s, Tim Heiman, David Swaim, to recommend the Town Council change the BUILDING PERMIT NOTIFICATION POLICY AND DESIGN REVIEW THRESHOLD as per staff recommendations to include all 2nd and 3rd story additions regardless of size AYES: Daniel Krebs, Tim Heiman, David Swaim, Pete Pedersen, Matthew Brasler. NOES: None. ABSENT: Bill Engelhardt, Susan Cronk.

7. 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.

Sean Condry updated the Commission on the Median project.

8. ADJOURN

Respectfully submitted,
Dmitriy Laptev

4. Consent agenda: The opportunity for public comment on consent agenda items will occur prior to Council discussion of the consent agenda. The Council may approve the entire consent agenda with one action. In the alternative, items on the consent agenda may be removed by any Council or staff member, for separate discussion and vote.

(a) Approve minutes of July 24, 2018.

Minutes - July 24, 2018 - Item 4a

(b) Acknowledge and file warrant numbers 86772 through 86775 and 86826 through 86957 issued during the month of July 2018, in the amount of \$2,461,191.18 and a wire transfer in the amount of \$1,093,302 for the quarterly payment for Central Marin Police Authority services.

Staff Report - Warrants - Item 4b

(c) Approve Special Event Application for Goblin Spooktacular on Tuesday, October 30, 2018 from 5 PM to 7 PM on San Anselmo Avenue between Ross Avenue and Tamalpais Avenue.

Staff Report - Goblin Spooktacular - Item 4c

(d) Authorize the Mayor to sign the proposed responses to the Marin County Civil Grand Jury report entitled "Yellow School Bus for Traffic Congestion Relief" on the behalf of the Town of San Anselmo.

Staff Report - Yellow School Bus - Item 4d

Attachment 1 - Item 4d

Attachment 2 - Item 4d

M/s, Kay Coleman, Brian Colbert, to approve Items 4a through 4d. AYES: John Wright, Kay Coleman, Brian Colbert. NOES: None. ABSENT: Matt Brown, Ford Greene.

5. Discuss Planning Commission recommendation to require design review for all new second and third story additions.

Staff Report - Design Review Threshold- Item 5

Attachment 1 - Item 5

Attachment 2 - Item 5

Planning Director Semonian presented the staff report.

Colbert asked if there was evidence of neighbor notifications and recommended the person who is changing home, should contact neighbors. Colbert stated maybe neighbor notification should be required. Wright felt neighbor notification was a good idea. Wright asked what other towns do for design review for second stories. Semonian stated she would bring something back in the future.

Steve Lamb, Laurel Avenue, stated with regards to notification considerations, both the Public Works Director and Planning Director said it would be onerous for staff and wondered if it could be automated.

Eric Warner, Crescent Road, was in support of making a requirement to notify neighbors.

Tom Rohr, Rutherford Avenue, was in support of changing the zoning to require a signed paper from neighbors or to go to design review for all second story additions.

Coleman asked what enforcement would look like for implementing a requirement to sign a paper. Semonian stated staff would need to check the addresses.

Eric Warner, Crescent Road, clarified that the most important people to notify would be the ones' who touch the property.

6. Hold public hearing to introduce “An Ordinance of the Town Council of the Town of San Anselmo Amending San Anselmo Municipal Code Title 10 (Planning and Zoning), Chapter 3 (Zoning) To Add Article 19 (Single Room Occupancy Regulations) to Implement a Program in the 2015-2023 General Plan Housing Element” by title only and waive further reading.

Staff Report - SRO - Item 6

Attachment 1 - Item 6

Attachment 2 - Item 6

Attachment 3 - Item 6

Planning Director Semonian presented the staff report.

M/s, Brian Colbert, Kay Coleman, to approve 6. Hold public hearing to introduce "An Ordinance of the Town Council of the Town of San Anselmo Amending San Anselmo Municipal Code Title 10 (Planning and Zoning), Chapter 3 (Zoning) To Add Article 19 (Single Room Occupancy Regulations) to Implement a Program in the 2015-2023 General Plan Housing Element" by title only and waive further reading. AYES: John Wright, Kay Coleman, Brian Colbert. NOES: None. ABSENT: Matt Brown, Ford Greene.

Town Manager Donery read the title.

FIRM Flood Zone: X

Request: Design review for an addition to an existing single-family residence. The proposed addition will include 545 square foot second story master bedroom addition and a new 145 square foot second story deck. 175 square feet will be added to the main level. The project includes modification of the front yard area for parking and steps. The new second story will have a shed roof line that extends up to 25 feet tall (code: 35 feet).

| | | |
|------------------------------|----------------|--|
| Lot size | 19,258 sq. ft. | |
| Existing Adjusted Floor Area | 1,865 sq. ft. | 9.6% |
| Proposed Adjusted Floor Area | 2,585 sq. ft. | 13.4% (code: 10% + 2,000 sq. ft. or 3,926) |
| Existing Lot Coverage | 3,765 sq. ft. | 20% |
| Proposed Lot Coverage | 3,950 sq. ft. | 21% (code: 35%) |

Assistant Planner Price presented the staff report.

Applicant John Malick presented the design changes since the previous meeting and answered questions.

There was Planning Commission consensus to support the project as revised since the applicant had responded to their concerns and included design elements such as vertical siding in a natural wood tone to tie the addition in with the existing residence.

M/s Pedersen/Engelhardt to approve the design review application for 2 Oakwood Court subject to the findings and conditions in the staff report AYES: Daniel Krebs, Bill Engelhardt, Pete Pedersen, Matt Brasler. NOES: None. ABSENT: Tim Heiman, Susan Cronk, David Swaim.

- 6. **CONSIDER AMENDMENT TO DESIGN REVIEW REGULATIONS** Planning Commission will consider amendments to Title 10 “Planning and Zoning” of the San Anselmo Municipal Code, Chapter 3 “Zoning,” Article 15 “Design Review” and Article 16 “Noticing: Public Hearings: Zoning Applications” and make a recommendation to the Town Council. The amendments would: 1.) reformat sections and clarify requirements; 2.) lower the threshold for single-family design review to include all new second or third story additions; 3.) allow the Planning Director to approve design review for certain projects in commercial districts administratively and without mailed public notice; and 4.) clarify that a public notice but no public hearing is required for other Planning Director design review decisions.

Semonian presented the staff report. The Commission received one public comment by email.

Commissioner Engelhardt clarified thresholds and different types of application entitlements. There was Commission consensus that all new floor area above the ground level should be subject to design review. The Commission discussed the findings for the Maximum Floor Area Exception.

Tom Rohrer, Rutherford Avenue, spoke in support of requiring design review for all additions above the ground floor.

The Commission made recommendations to staff and requested the ordinance to return for additional review:

- Review the draft with the Town attorney and ensure consistency (noting 10-3.1504(b)(4)).
- Consider adding some of the R-1 flatland findings to the R-1 hillside findings.
- Ensure Maximum Floor Area Exceptions are considered by the Planning Commission.
- Allow the Planning Commission to approve projects by consent.
- Be clear on the purpose of requiring projects to go through design review, which is intended to make the process more transparent to neighbors, provide them with an opportunity to be heard, and not to prevent projects.

7. 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.

Brasler requested that the Commissioners discuss preparation for the November 5 meeting.

8. ADJOURN The next regular Planning Commission Meeting is scheduled for October 1, 2018

Respectfully submitted,
Sarah Price

Chair Krebs closed the public comment period.

The planning commission discussed the setbacks and development potential for the resulting parcels. The lot is unusual in size. The existing house location makes an addition difficult and any addition would likely require a public hearing.

M/s, Bill Engelhardt, Matthew Brasler, to approve the lot line adjustment for 20 Idalia Road subject to the findings and conditions in the staff report without the optional condition. AYES: Daniel Krebs, Bill Engelhardt, Tim Heiman, Matthew Brasler. NOES: None. ABSENT: David Swaim, Susan Cronk, Pete Pedersen.

7. PUBLIC HEARING ON AN ORDINANCE THAT WOULD REQUIRE DESIGN REVIEW FOR ALL SECOND AND THIRD STORY ADDITIONS AND CLARIFY DESIGN REVIEW AND NOTICING REQUIREMENTS The Planning Commission will consider the draft ordinance and make a recommendation to the Town Council.

Semonian presented the staff report.

John K, Monterey Avenue, was concerned with the threshold for design review as they had designed a project below the threshold to avoid a public hearing process. A public hearing process has more constraints and costs.

Tom Rohrer, Rutherford Avenue, spoke in support of the proposed ordinance and welcomes the notification of such projects.

The Planning Commission noted that they need to balance the burden on the developer against the desire to protect town character. Planning Director Semonian which projects would be considered by the Planning Director. The Planning Commission received information on the cost of the applications. The Planning Commission would like to define “upper level” or modify the text to require design review for "second story or above" additions, as story is already defined. They would like to discuss the findings for the 325 square foot floor area exception. The Planning Commission sought to continue the item since several members were not present. They requested staff to notify the public regarding the hearing.

M/s, Bill Engelhardt, Tim Heiman, to continue the public hearing to December 3, 2018. AYES: Daniel Krebs, Bill Engelhardt, Tim Heiman, Matthew Brasler. NOES: None. ABSENT: David Swaim, Susan Cronk, Pete Pedersen.

8. DISCUSSION REGARDING NOVEMBER 5, 2018 JOINT TOWN COUNCIL AND PLANNING COMMISSION MEETING

The Planning Commission agreed to postpone the discussion as not all the commissioners were present.

9. ITEMS FROM PLANNING COMMISSION

yard setback (no setback required for structures similar to a tool shed less than 120 square feet in area and 8' or less in height). A maximum roof ridge height of 24 feet 4 inches is proposed (up to 30 feet permitted). A tree removal permit is requested to remove a healthy 26-inch diameter coast live oak. The project arborist indicates the oak "presents a fire hazard, interferes with potential insolation of the home for a solar array, threatens the integrity of nearby foundations, and creates a serious trip--and--fall hazard."

| | | |
|-----------------------|---------------|---------------------------------|
| Lot size | 8,952 sq. ft. | |
| Existing Lot Coverage | 1,866 sq. ft. | 21% |
| Proposed Lot Coverage | 1,845 sq. ft. | 21% (code: 35%) |
| Existing Floor Area | 2,105 sq. ft. | 24% |
| Proposed Floor Area | 2,859 sq. ft. | 32% (code: N/A in R-2 District) |

Assistant Planner, Sarah Price, presented the staff report. The story poles were not installed 10 days before the hearing, so staff recommended the Planning Commission continue the item.

James Bill, Owner and Architect, presented the project. The applicant discussed the proposal to add a parking space/driveway on Sir Francis Drake Blvd., which staff is not recommending. Bill also discussed the shading studies and tree removal and why taking out the tree would be beneficial for the solar panels. The neighbor's needs were discussed, and he explained the story poles.

Chair Krebs opened the public hearing.

Marjorie Stern, next-door neighbor, had 3 issues: Privacy from new windows being added, noise pollution from proposed pump, and concern regarding the tree removal. She expressed concerns regarding an oak tree adjacent to her site that is not proposed for removal.

Chair Krebs closed the public hearing.

The Commission wanted more information on: 1.) noise pollution concern, 2.) phasing of the project and tree removal, 3.) staff information on the safety issue of driveways on Sir Francis Drake, 4.) plan for tree replacement and screening landscaping for neighbor privacy, 5.) consideration of second unit layout, 6.) material and color samples.

M/s, Susan Cronk, David Swaim, to continue the public hearing for 1654 San Anselmo Avenue Design Review and Setback Variances. AYES: Daniel Krebs, Bill Engelhardt, David Swaim, Susan Cronk, Tim Heiman, Pete Pedersen, Matthew Brasler. NOES: None. ABSENT: None.

6. PUBLIC HEARING ON AN ORDINANCE THAT WOULD REQUIRE DESIGN REVIEW FOR ALL NEW SECOND AND THIRD STORY ADDITIONS AND CLARIFY DESIGN REVIEW AND NOTICING REQUIREMENTS The Planning Commission will consider the draft ordinance and make a recommendation to the Town Council.

Planning Director Semonian presented the staff report.

Chair Krebs opened the public hearing.

Steve Lamb, Laurel Ave, clarified what the voter turnout results were on measure E.

Chair Krebs closed the public hearing.

The Planning Commission supported the proposed ordinance except for the optional provision proposed for the 325 sq. ft. exception. They believed the ordinance would allow for more transparency. The Planning Commission would like Town Council direction on the 325 sq. ft. exception. The written comment received from Nate McKitterick was appreciated.

M/s, Susan Cronk, Tim Heiman, to recommend that the Town Council adopt the ordinance to require design review for all second and higher story additions with no changes to the findings for the flatland floor area exceptions. AYES: Daniel Krebs, Bill Engelhardt, David Swaim, Susan Cronk, Tim Heiman, Pete Pedersen, Matthew Brasler. NOES: None. ABSENT: None.

7. REVIEW OF NOVEMBER 2 TOWN COUNCIL/PLANNING COMMISSION MEETING

Semonian presented the staff report.

The Planning Commission discussed the workshop. Some commissioners indicated that it would be helpful to have direction and recommendations from the consultant on how other communities handle the issues.

8. 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.

The Planning Commission will hold their first meeting in 2019 on January 14.

9. ADJOURN The next regular Planning Commission Meeting is scheduled for December 17, 2018.

Chair Krebs adjourned the meeting.

Respectfully submitted,
Heather Ferguson