

**TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES FOR APRIL 1, 1996**

The regular meeting of the San Anselmo Planning Commission was convened at 7:30 p.m. by Chairman Israel. Staff present was Planning Director Ann Chaney and Associate Planner Lisa Wight.

A. CALL TO ORDER

Commissioners present: Israel, Sargent, Harle, Duys, Mihaly
Commissioners absent: Wittenkeller

B. CONSENT

1. Minutes - March 18, 1996

M/s, Mihaly/Duys, to approve Consent Agenda Item B.1. Ayes: All. Abstain: Harle.

C. OPEN TIME FOR PUBLIC DISCUSSION

No one spoke during this time.

D. PUBLIC HEARINGS - CONTINUED

1. Environmental Review/PDP-9501/V-9541 - Jack Hunt, Between 41 and 43 Tomahawk Drive, A/P 177-250-31, 1) Environmental Review, 2) Planned Development Permit, and 3) Variances to ultimately construct a single family home with access via a long driveway off of Tomahawk Drive. A Variance is required to construct a 450' long retaining wall (maximum height of 7') within 3' of the north side property line (8' required) and within 3' of the front property line (20' required); and to construct a series of retaining walls totaling 251' long (maximum height of 9') within 2' of the south side property line (8' required). These retaining walls are proposed for the driveway and parking area and deck. Design Review for a specific house design is not part of this application. The property is located within the R-1-H Zoning District. CONTINUED TO APRIL 15, 1996

2. PDP-9505/Parcel Split - 9503/V-9549/DR-9525 - Carlos Castro, 444 Redwood Road, A/P 7-191-10, 1) a land division, precise development plan, density determination and design review to subdivide an existing property currently developed with a single family residence in order to construct a new house; and 2) a variance to allow an access easement across the existing driveway for 444 Redwood in order to serve the proposed new parcel; 3) remove one heritage tree (30" bay) (this project will involve the removal of 12 bay trees between 6" and 22" in diameter and one 15" walnut tree), on property located within the R-1H Zoning District. CONTINUED TO APRIL 15, 1996

3. DR-9530/S-9503 - Red Hill Shopping Center, 834-916 Sir Francis Drake Boulevard, A/P 6-061-23, design review of new exterior building colors and sign review of a new sign program on property located within the SPD Zoning District. CONTINUED TO APRIL 15, 1996

4. V-9605 - Chris Hamilton, 33 Rosemont Avenue, A/P 5-071-54, setback variance to construct a second story addition with an uncovered roof deck over an existing garage that is within 2' of the west side property line (8' is required), on property located within the R-1 Zoning District. CONTINUED TO APRIL 15, 1996

Regarding Item 3, Commissioner Mihaly asked about the background color of the pylons on Sir Francis Drake Blvd. He'd like a staff recommendation on the turquoise color proposed.

E. PUBLIC HEARINGS

1. DR-9120 - Ted Posthuma, 379 Oak Avenue, A/P 7-241-61, Amendment to a previous design review approval to allow construction of a steel frame patio cover and second story deck, on property located within the R-1 Zoning District.

Ms. Chaney presented the staff report. At its last meeting, the Planning Commission discussed this deck. Two commissioners felt the deck should be reduced in size, in line with the staff report. Two commissioners wanted more information on the finishing plans for the deck. The applicant plans to use large planters at the base of the I-beams, which would remain the red-oxide color. The railing would be black wrought iron with tempered glass, with gray web joists and galvanized sheet metal left natural. The gate on Oak Avenue should be screened soon with the existing landscaping. Regardless of Commission action, this matter will have to go back to the Town Council for action on the previous abatement resolution. Conditions of approval recommended by staff are outlined in the staff report and include design details, landscaping requirements and a deed restriction.

Chairman Israel asked about the impact of a Planning Commission decision that does not support the nuisance abatement. Would it go to the Town Council for review?

Ms. Chaney said that if any structure is allowed to remain, the Planning Commission should approve or deny design review.

Commissioner Harle said he recalls that the Town Council could appeal any action the Planning Commission takes on this matter.

Ms. Chaney said the Town Council will have to reconsider the resolution; they may want to reconsider the design review also. She said that Mr. Posthuma's attorney filed a writ after the abatement resolution and staff was advised by Town Attorney Hadden Roth that the reapplication should be considered.

Commissioner Mihaly asked if Ms. Chaney feels 6.5 feet of decking is sufficient to protect the front door from wind and rain.

Ms. Chaney said she discussed this with the building inspector and they agreed about six feet was reasonable and acceptable.

Commissioner Mihaly asked about the specifics of the lawsuit. Ms. Chaney said she does not have the particulars on this now.

Jeffrey Moss, Ted Posthuma's attorney, said the writ stayed the nuisance abatement against Mr. Posthuma and doesn't affect the Commission's power to proceed. Two metal structures exist on the property now, and this color scheme has already been approved by the Town Council. In the rain now with the 16 foot decking, water pours in ten feet into the deck. Regarding the conditions of approval, Mr. Posthuma is willing to accept them all. They will build the structure at 16 or 20 feet.

Commissioner Mihaly asked about the size of the existing beams and what size is actually needed for the deck. Mr. Posthuma said they are 12 - 26.

Jeffrey Moss said the deck could be constructed with a smaller beam. The beams are bigger because the structure was originally to be a two story addition. These will work either way.

There was no public discussion on the matter.

Commissioner Duys said she has visited the site and feels that the six foot structure would have no greater impact than the 16 foot structure, providing it is to be an open structure. After touring the interior, the design seems fine, and neighbors do not seem to be impacted. Landscaping is very important, especially from the lower part of Oak.

Commissioner Sargent said he supports the application, but would like a time limit on the landscaping, perhaps 60 to 90 days.

Commissioner Harle supports the application with the conditions proposed and would accept the time limit.

Commissioner Mihaly said the design is fine, and the size of the deck doesn't really matter. However, he wouldn't approve anything but the minimum size due to the history of this project, with the Town Council taking the unusual step of ordering them to tear down the structure. He feels it is improper to approve something that was built illegally to be something else, and then turning it into an approved structure.

Chairman Israel said he is trying to evaluate the project on its merits alone, not in the light of its history. He sees it in light of how it impacts neighbors, and the size doesn't change the impact. He is concerned with the lack of drawings and the unfinished look of the corrugated metal deck. He suggested rain gutters to give it a finished look and reduce its apparent size. There is no benefit to pulling it back to 16 feet from 20 feet because the beams are what you see. He would like to see drawings of the edge plan and the deck railing. Colors are appropriate, but there's no way to get plants to grow up the dark color that's proposed; perhaps wire mesh would help this. He asked if these plans will give us enough control?

Ms. Chaney said she shares these concerns. Mr. Posthuma feels there's no need to change the plans. Due to time shortage, she asked him to give her the plans in writing. She would prefer details be specified on the plans.

Commissioner Sargent suggested having an administrative review at the staff level on the plans submitted. The comments of the Commission could be reviewed, with staff ensuring concerns are addressed.

Ms. Chaney said these details would include finish of decking edge and railing.

Mr. Posthuma said he will submit the exact details discussed when he submits for a building permit and staff can review.

Chairman Israel said that any concerns could be brought back to the Planning Commission. Regarding the cyclone fence gate, he wondered if an open gate would change the character of the property and privacy. He said that should the gate be replaced, a review of the gate might go before staff.

M/s, Duys/Harle, to approve of the redesign of the deck and patio with the following conditions.

1. That the project be constructed per plans date stamp received by the Town of San Anselmo on October 24, 1995.
2. That the design details be as follows and subject to staff review:
 - I-beams to be painted red-oxide red, similar to the existing steel octagon;
 - Deck railing to be made of black wrought iron with tempered glass panels;
 - Deck surface material be made of corrugated sheet metal on open web steel joists (painted gray).
 - Final deck surface be of 2" x 6" redwood planking.
 - Planters at the base of the two I-beam columns to be planted with a vine to eventually cover the I-beams and open portion of the web joists.
 - Deck edging to be included in the details.Planting to be completed 60-90 days after the issuance of building permits.
3. That all aspects of the approved patio cover/deck are subject to Building Department review and approval.
4. That other requirements of the original Town approval for DR-9120 are incorporated herein for reference.
5. That existing landscaping be retained and new landscaping be installed as soon as possible, as shown on the originally approved plans to provide screening.
6. That prior to the issuance of a building permit, the applicant record a deed restriction stating that unless otherwise approved by the Town through an amendment to this Design Review approval:
The patio area on the northwest side of the house is to remain open and shall not be enclosed, and that the deck is to remain open, uncovered, and shall not be enclosed.

Ayes: Sargent, Duys, Harle, Israel. Noes: Mihaly.

Commissioner Mihaly said he is opposed to this project, even without the abatement action. The structural element is physically suited to what we refused to let him do.

Commissioner Harle said he feels design review shouldn't be contaminated by history.

Chairman Israel would like to include a note to the Town Council saying this action does not disregard their previous action, but rather is evaluating this as a new project.

2. V-9608/U-9605 - Virginia Stapleton, 118 Greenfield Avenue, A/P 6-171-03, 1) use permit to operate a private dance school; and 2) parking variance from 10 required parking spaces to 0 spaces. Note: There are five substandard spaces with substandard back-out area at the rear of the building, accessed by a 10' wide driveway on property located within the C-3 Zoning District.

Ms. Chaney presented her staff report. Denial is recommended; however, should the commission want to approve, conditions of approval are included. The present use of this property is a silk-screen tee-shirt company; previous use was All-Night Media rubber stamps. The Stapleton School must leave its present location at Sir Francis Drake High School. Average amounts of students per week were counted based on the class schedules. To the left of the building is a ten foot driveway leading to a poorly maintained parking area. If improved, the parking area could possibly hold four cars for employees only. A street parking survey was undertaken and coordinated with the present school class schedule. There is a potential of 50 children to be dropped off at one time. The Police Department said a green loading zone would take regular parking away, which could affect other merchants. Regarding the location next to a bar, she understands it is not an issue with the Alcoholic Beverage Control since the school is moving next to an established bar, not the reverse. Staff is concerned with consumers drinking and leaving the bar parking lot with children in the area. Staff suggests staggering classes fifteen minutes apart, limiting class sizes to 20 at a given time, and improving the back parking area so staff can park off-street. The main issue is safety.

Commissioner Mihaly asked Ms. Chaney if she has discussed this report with the applicant. Ms. Chaney said has discussed it with a representative.

Commissioner Duys asked if the Town has considered creating paved parking spaces on this area of Greenfield. Ms. Chaney said she hasn't heard it discussed. It could come as a

recommendation from the Commission with Ms. Chaney asking where it is in priority listing.

Virginia Stapleton, 126 Meadowcroft, said the school staff and parents are also concerned with the safety of the children. She passed out a proposed schedule that would allow for fifteen minutes between classes. Middle school students who come at the 4:00 time would be coming on the bus from school. Other families do carpool. During that 15 minute period staff would be available to supervise the children in a waiting area right at the front of the building. She anticipates having parents sign a contract agreeing to not make U-turns, double park, etc. Her school has been in San Anselmo for many years and she wishes to stay here. Drake is growing and needs the space. The majority of students are in San Anselmo and will be coming from the west. She wants to keep the school in the community. It is very difficult to find a large enough space at an affordable cost.

Commissioner Sargent asked how people will get on and off Greenfield Avenue. He is concerned about U-turns on Greenfield.

Ms. Stapleton said you can take an immediate right off Red Hill, in front of San Anselmo Tire. Exit would be all the way down Greenfield to Elan at Sequoia.

Commissioner Duys asked if there would be performances at the school.

Ms. Stapleton said performances are held at the Drake Little Theater, Playhouse and College of Marin.

Chairman Israel asked about parking at Drake. Ms. Stapleton said 10 spaces are allocated for all of Devonshire Hall, which is not just for her school.

Chairman Israel asked about the Saturday schedule. Ms. Stapleton said adult ballet is just one early morning class, and the rest of the rehearsals are for children.

Chairman Israel asked about facade improvements to the building.

Mark Brohm, 77 Oak Knoll Avenue, said the parking lot needs improving and they will be in touch with the owner regarding this. The plan is to obscure the windows somewhat so passersby could not see in.

Sharon Woodcock, 3 Beverly Way, Graphic Designer, said the building facade and signage will be professionally designed, essentially improving the building considerably. Most of the work will be done by parent volunteers. The school needs a spot that is affordable.

Ms. Chaney said that the Planning Director has administrative review power for color and signage, so design review may be included.

Chairman Israel said in light of downtown revitalization it might be good to have design review.

The meeting was opened for public discussion.

Jay Murphy, 112 Laurel Avenue, Grubb & Ellis, said he has been involved with this building over the years. He put in All-Night Media, who never received any formal complaints about parking. They were a relatively complacent neighbor. The current use, Patti Marsh, is a less intense use. He feels the lot in back should work for the instructors.

Karen Righthand, 31 Merced, said 10% of the school's students are on scholarship. It is a safe and nurturing place for our children to be. The DanceReach program, recently highlighted in the IJ, brings cultural events to students who would not otherwise have the opportunity to experience them. It is a safe place for our teens to be and there is a strong sense of mentoring at this school. She feels the safety issue has been addressed. She submitted a petition signed by the majority of merchants on the street who would like to see this building improved. The school's parents will be good customers of the local businesses.

Dick Stutsman, 152 Hilldale, said the rear parking lot needs a lot of work, but the asphalt is in better condition than a lot of streets in Town. Looking at the traffic counts, there is adequate parking. The area around Elan used to be dirt, too, and the Town repaved it.

Gary Kaplan, 31 DeBurgh, said he is concerned for the general health, safety and welfare for the students. This school is an ideal member of our community. This space is the right size and affordable. There is a lot of parent volunteering.

Karen Righthand, 31 Merced, asked about the six month review condition. It would be difficult.

David Lusterman, 69 Lincoln, office at 412 Red Hill Avenue, said he can see Matteucci's from his window every day. He sees there are many vacant spaces all day. Matteucci's gets going around the time classes end.

Becky Sisk, 128 Calumet, said the school performed in Edinburgh, Scotland several years ago. Several students this year went on to the San Francisco Ballet and other prestigious schools.

Steve Kimball, Kentfield, said his family carpools, and he feels the proposal for pickup and drop-off is an improvement to the current situation.

Dolores O'Halloran, 1635 San Anselmo Avenue, said she is concerned about safety issues with teenagers. Her son made good choices around these issues because of his love of dance.

Bob Wisner, 80 West Hillside, said he is a resident of this area and drives down Greenfield every day. He asked how the number of students can be limited. He feels there is a parking issue and that there will be double parking and U-turns and not enough police to enforce the rules.

Alison Kuhn, 65 Longview, said she can walk to the new school and many students will come from the bus stop.

The public hearing was closed.

Commissioner Sargent thanked the participants this evening. He feels this is a good use for the downtown and would upgrade Greenfield Avenue. The trick is to prove that people can create contracts that will be followed. He would support the application, with conditions added that the applicant apply for a drop off zone and have a contract system with students and parents that defines the process, including not making U-turns. A six month evaluation is necessary.

Commissioner Harle said his impulse is that this is an unfortunate place for the school, but he will support it so it can be maintained. The proposed schedule gives adequate time between classes which may help. He is not certain that a loading zone is needed.

Commissioner Mihaly thanked staff for an excellent report on a difficult subject. He feels he could support with enough mitigation. He would suggest a condition be included on the drop off zone, and include that it isn't a permit for performances. He agrees that there should be a return to the Commission after six months. He proposed that a condition be a traffic safety plan be worked out with the Town, including the Planning Director, Public Works Director, and Police Department, covering use of volunteers and staff for traffic supervision, U-turns, etc. This would relate to condition #2. This should be written up and worked out with general commission guidance.

Commissioner Duys said she is in support of this plan and she would like the school to remain in San Anselmo. She is concerned about the drop off zone creating a potential backup problem. She prefers the Traffic Safety Plan instead of a drop off zone.

Chairman Israel asked about the future plans of Braverman's or any other parcels in the area.

Ms. Chaney said Braverman's may be proposed as a storage area. San Anselmo Refuse & Recycling's future at the site is unclear.

Chairman Israel said double parking is a real problem; the six month review is essential. The unpaved area should be looked at that end of Greenfield. He asked what the findings are for a parking variance in the downtown area.

Ms. Chaney said she was able to support the project for a parking variance. She suggests an administrative review and bring it to the Planning Commission as an informational item.

Chairman Israel asked about limiting the number of students at a time to 20. He feels the driveway is a hazard if someone pulls in to back out. Signage is necessary to ensure parents don't do that. Staff should provide the applicant with input on how to control that.

M/s, Sargent/Mihaly, to approve the application for 118 Greenfield for a use permit and parking variance with the following conditions:

1. That the project be constructed per plans dated January 2, 1996.
2. In order to minimize overlapping pick up and drop off traffic, the applicant shall revamp the 1996-97 class schedule to provide at least 15 minutes between the beginning of one set of classes and the end of another set of classes. This new schedule should be instituted upon occupying the new building.
3. That no more than 20 students attend the dance studio at any one time.

4. That the dance school use be reevaluated six (6) months following its initiation at this location to determine whether the conditions are too lenient or too strict and should be altered.
5. That applicant shall repave and stripe the rear parking area for 3 to 4 parking spaces which are 9' x 19' in size and have 24' of back out area. Employees shall be required to use this parking area rather than street parking.
6. In accordance with the Ordinance Code, any proposal in the future to further intensify the use in the subject building, as determined by the Planning Director, may require an Amendment to this Variance and Use Permit and thereby require Planning Commission approval.
7. That the applicant shall prepare a traffic safety plan, reviewed and approved by the Planning Director, Public Works Director and Police Chief before issuance of a building permit, including a contract with parents and students regarding legal parking and U-turns.
8. That the applicant apply for a loading zone in front of the building, to include two spaces.

The variance is granted based on the current commitment of the school staff and parents to mitigate any potential health and safety issues, this variance does not adversely affect persons residing in the neighborhood and will not be injurious because of built in monitoring. Ayes: All.

3. WORKSHOP: Town of San Anselmo - Ordinance Amendment - Evaluation of the 8' interior side yard and 12' street side yard set back requirement in residential zoning districts for additions to existing structures which do not meet current set back requirements.

M/s, Harle/Mihaly, to continue this item. Ayes: All.

4. Town of San Anselmo - Amendment to the Zoning Ordinance to revise and clarify the definition of "residential second unit" and add a new definition for "kitchen."

Ms. Chaney suggested "interpretation of whether or not an area is or is not a separate kitchen pursuant to this section shall be by the Planning Director" be added to the definition.

M/s, Mihaly/Sargent, to approve an Amendment to the Zoning Ordinance to revise the definition of "residential second unit" and add a new definition for "kitchen", with the following addition "interpretation of whether or not an area is or is not a separate kitchen pursuant to the section shall be by the Planning Director. Ayes: All.

F. GENERAL DISCUSSION

Ms. Chaney asked Commissioners about possible dates for a tour. Now that its daylight, during the day or before a Commission meeting might be best. It was decided to meet on May 20th at 4:30 p.m.

Ms. Chaney said a full-time Assistant Planner has been hired. His name is Chip Griffin and he is a graduate of Cal Poly, Pomona. He has been working in East Palo Alto.

Ms. Chaney and Town Administrator Pollard went to a meeting at San Domenico School as they have tentative plans to expand the school enrollment and some of the buildings, including addition of a gymnasium and Little Theater.

G. REPORT OF UPCOMING APPEALS TO TOWN COUNCIL

H. ADJOURNMENT TO Monday, April 15, 1996.

M/s, Duys/Sargent, to adjourn at 10:40 p.m. to the next regular meeting of April 15, 1996.

Debbie Stutsman