

**TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES OF JUNE 16, 1997**

The regular meeting of the San Anselmo Planning Commission was convened at 7:30 p.m. in the Council Chambers by Vice-Chair Wittenkeller. Staff present was Planning Director Ann Chaney and Associate Planner Chip Griffin.

A. CALL TO ORDER

Present: Commissioners Harle, Zwick, Dowd, Israel, Wittenkeller
Absent: Mihaly, Cronk

B. OPEN TIME FOR PUBLIC DISCUSSION

No one spoke during this time.

C. CONSENT AGENDA

1. MINUTES: June 2, 1997

2. V-9722/DR-9718 - Tom and Kay Peacock, 43 Durham Road, A/P 5-205-04, Variance and Design Review to build a 414 square foot second story studio above an existing garage within 7" of the property line (8' required). Garage is not attached to the house, on property located within the R-1 Zoning District.

Regarding the minutes, Commissioner Dowd noted that on Page 4, the vote on the 61 Sais item should be 3 to 1, not 4 to 1.

M/s, Dowd/Harle, to approve the consent agenda, with the noted correction to the minutes.
Ayes: All.

D. CONTINUED HEARINGS

1. DR-9713 - Mr. And Mrs. Edward Heavey, 405 Sequoia Drive, A/P 6-117-08, design review of a new single family dwelling on property located within the R-1 Zoning District. (above 150' mean sea level) **CONTINUED TO 7/7/97**

2. U-9608/DR-9721/V-9723 - Russ Johnson, Chevron, 750 Sir Francis Drake Boulevard, A/P 6-091-40, Review of Negative Declaration, use permit, design review and sign variance to construct an addition, operate a combined use of gasoline sales and a convenience market, and erect 2 additional signs on property located within the C-L Zoning District. **CONTINUED TO 7/7/97**

3. V-9713 - Seidelman Associates for Geoff Koblick 6-42 Red Hill Avenue and Jeffrey Johnston, 22 Island Drive, A/P 6-201-02 and 6-201-54, proposal to construct a 15' high, 142' long retaining wall across a portion of 22 Island Drive (no variances needed for this section). Rear yard Variances are required to construct: 1) an 88' long west "side" retaining wall, varying in height from 15' (as it connects with the upper wall) to 0' (as it connects with the lower wall) located within 0' of the rear property lines for 22 Island Drive and 6-42 Red Hill Avenue (20' setback required); 2) a 46' long east "side" retaining wall, varying in height from 15' to 0', located within 0' of the rear property lines for 22 Island Drive and 6-42 Red Hill Avenue (20' setback required); and 3) a 136' long, 5' high "tie-back" retaining wall located within 1' of the rear property line of 22 Island Drive on property located within the C-3 and R-1-C zoning district. **CONTINUED TO 7/7/97**

4A. PDP-9702/DR - 9719 - Rob Ham, 1 The Alameda Knolls, A/P 5-320-01, Design Review of a new single family dwelling, located within the R-1H Zoning District.

CONTINUED TO 7/7/97

4B. PDP-9703/DR-9721 - Rob Ham, 3 The Alameda Knolls, A/P 5-320-04, Design Review of a new single family dwelling, located within the R-1H Zoning District. **CONTINUED TO 7/7/97**

4C. PDP-9704/V-9724/DR-9722 - Rob Ham, 7 The Alameda Knolls, A/P 5-320-02,05, and 06, Design Review of a new single family dwelling, and a Variance to construct the house within 9.75' of the rear property line (20' required), located within the R-1H Zoning District. **CONTINUED TO 7/7/97**

E. PUBLIC HEARINGS

1. U-9707/V-9720/DR-9715 - Sprint Spectrum - 324 Sir Francis Drake Boulevard

(Tamalpais Theater), A/P 6-251-04, Variance, Use Permit and Design Review to attach 3 telecommunication antennas to an existing parapet wall up to 40' above grade (30' maximum allowed), and Design Review to locate the associated cabinetry and equipment in an approximately 200 square feet detached walled enclosure in the south easterly corner of the rear parking lot. The proposal also includes relocation of the trash pick-up area to a new enclosure in the south westerly portion of the rear parking lot. This property is located on property within the C-2 Zoning District.

Assistant Planner Griffin presented his staff report. The request is to attach three telecommunication antennas to an existing wall and associated cabinetry and equipment in the rear parking lot. This would be a shared telecommunications site with another provider who is already situated on this building. Staff recommends approval because this is a shared location with another provider and eliminates a monopole site elsewhere.

Commissioner Israel asked about the height variance requirements and confirmed that a variance is needed simply because the building is already too high. He asked if there is a recorded agreement with San Anselmo Tire & Auto regarding the additional six parking spaces. Israel would like approval to be conditioned on those parking spaces being maintained. He asked why the fence will be replaced with a planter. Mr. Griffin said this was staff's idea for an improvement.

Commissioner Dowd asked when the Pacific Bell installation was approved. Mr. Griffin said it was approved in November 1996.

Ms. Chaney said that at the last Town Council meeting the Council directed staff to return to them with an urgency moratorium ordinance, recommending that such facilities not be approved until the Town can adopt a formal ordinance regarding these installations. Town Attorney Roth advises that the urgency moratorium is not in place as yet and the commission can take action as desired.

Commissioner Harle asked why the Sprint equipment is more bulky. Mr. Griffin said it is the same technology as Pac Bell but a different type of machinery.

Chris Ferko, Whalen & Company, representing Sprint Spectrum, said this is a well designed facility, integrated with its surroundings, it will beautify the site and upgrade the community's telecommunications abilities. Recently adopted County guidelines on these types of installations encourage shared locations. The guidelines encourage location in commercial zones and to minimize visual impact. PCS will benefit the San Anselmo community.

John Schwartz said their Sprint equipment is manufactured by a different company than Pac Bell's, which is why it is different. There are also some technical differences which make it more bulky.

Robert Weller, Engineer, Hammond & Edison, said these facilities are low in power and are designed to radiate outward, minimizing the environmental effects. He measured existing fields at the Tam Theater building and found the levels to be very low, well within safety standards. On page 9 of the staff report, under Conditions, item 4, it should read .063mW/cm². He is legally and professionally bound to answer all questions honestly regardless of who is asking the question.

Commissioner Wittenkeller asked if there is room for more equipment on the Theater.

Chris Ferko said certain separation is required between antennas to avoid interference.

Commissioner Dowd asked if Sprint has looked at placing antennas on Town-owned facilities.

Mr. Ferko said an application was made previous to this application for placement on the Town Hall and it was not approved by the Town Council.

Commissioner Dowd said he has a lot of experience negotiating these leases. If a spot can be found on Town property it could be lucrative for the Town.

Commissioner Harle asked about the technical workings of the antennas.

Mr. Schwartz said the transmitting frequency depends on how many calls are being made at one time. The electromagnetic radiation is measured at peak times.

Mr. Griffin said he has a condition to add: "Upon approval of this use permit, revocation of the previously approved use permit for Town Hall would occur."

The discussion was opened to the public.

Elio Bromley, 17 Tamal Avenue, asked how the radiation will be monitored. Will the building be even higher now?

Bob Weller, Hammond & Edison, said there would be a condition for bi-annual monitoring of the site for radiation emissions by the engineer.

Commissioner Israel said that because the building is already too high a variance is required. There are six Pac Bell antennas already installed on the theater, and these will be essentially identical to those. He asked how you know if you are monitoring at a peak time.

Bob Weller, Hammond & Edison, said the site can be taken out of service and have a technician artificially create a condition with all the channels working at the same time, or they measure whatever is there and multiply that measurement by the number of possible channels to get a worse case situation.

The public hearing was closed.

Commissioner Dowd said he is not opposed to the installation. He is not certain why the installation at Town Hall was shelved, seeing as the Town is in need of money and these contracts can be very lucrative.

Commissioner Harle said he supports the staff report.

Commissioner Israel said he also supports the staff report. Should the Town decide to initiate a moratorium, the Council can take that action themselves. It would be helpful to know what the Town's legal position is in this type of situation.

Ms. Chaney said the proposal that placed equipment on Town property had to be approved by the Town Council. Questions were raised about the aesthetics of the tower, whether other companies should be considered, etc. This didn't fit with Sprint's timeframe and it submitted an application quickly for another site.

Commissioner Zwick said he supports the staff report.

Vice-Chair Wittenkeller said he would like staff to review the trellis and planting application, ensure the landscaping has automatic irrigation, and ensure revocation of the previous permit. On condition 4, bi-annual testing of the site, he would like to see specific dates set for this testing.

M/s, Israel/Harle, to conditionally approve Use Permit U-9707, Variance V-9720 and Design Review DR-9715, with modifications noted by Wittenkeller, with correction to paragraph 4, page 9, number should read .063. Ayes: Harle, Zwick, Dowd, Israel, Wittenkeller. Noes: None. Absent: Mihaly Cronk.

Conditions of Approval:

1. That the request for a conditional use permit, variance and design review be granted to install two (2) base transceiver units and five (5) PCS antennas in accordance with the plans date stamped, received by the Town of San Anselmo Planning Department, November 14, 1995, with the following revision: a) Building Plans shall show a trellis type cover(s) that will be designed to provide aesthetics and safety for the equipment and trash enclosure.
2. Applicant shall apply for and pay all appropriate fees for building permits, plan checks and inspections.
3. This permit and each condition contained herein shall be binding upon applicant and any successor to the title ownership of the property.
4. Sprint must provide bi-annual monitoring and reports of RF radiation emissions to ensure the

levels are well below the ANSI standards and no higher than the levels proposed by the applicants technical consultants (ground level "public exposure limit" .00063% mW/cm². Currently .063% of the ANSI/NCRP public exposure limit, New PCS Site Tamalpais Theater Building, Hammet & Edison, 4/9/97). Should the ANSI standards change, Sprint is responsible to provide a document to the Town including: a) All applicable information regarding the new standards including reason for the change, and b) relation of new standard to Sprint site emission levels, levels must remain, in any case, well below any new federal or state adopted standard.

5. All antenna panels and associated cabinetry-structures be painted to blend with the building and signs warning the public of the radio frequency radiation must be posted on or near, in plain site, of the interior roof access and on the roof of the theater.

6. If at any time, the PCS facility becomes inoperable, or a liability to the town, Sprint shall replace with new equipment or eliminate the site.

7. If the facility becomes a non-conforming use due to future policy changes, it is subject to the non-conforming use section of the Town Zoning Ordinance.

8. That if this development which has received conditional discretionary approval and has not begun construction within one year from the date of final action, the permit becomes null and void. However, this discretionary action may be renewed by the Planning Director for a maximum period of one (1) year provided the applicant places such a request in writing to the Planning Director showing good cause prior to the expiration of the discretionary action.

9. Upon approval of this Use Permit, revocation of the previously approved used permit for Town Hall would occur.

The applicant was advised of the ten day appeal period with the Town Council.

2. U-9708/S-9704 - Manuel Rocha for Mi Familia, 580 Red Hill Avenue, A/P 6-091-61, Use Permit and Sign Review request to allow on-site sale of beer and wine and allow take-out food at a new restaurant. This is not a "drive through" request, on property located within the C3 Zoning District.

Mr. Griffin presented his staff report.

Commissioner Israel asked about the allowable sign area. Mr. Griffin said the allowable is 49.5 square feet, which they are within.

Vice Chair Wittenkeller asked about the exterior lighting cans. Mr. Griffin said they would be exterior incandescent lights.

Benjamin Felix, Architect, said they are trying to maintain the existing facade as much as possible. They have a space in the back for the garbage bin enclosure. Regarding the lighting for the signs, it will be an incandescent gooseneck light. They will maintain the current landscaping and add new landscaping to the side of the building.

Vice-Chair Wittenkeller asked about the lighting for the parking lot. Mr. Felix said they will maintain the current lighting in the parking lot.

Commissioner Harle said he supports the staff report.

Commissioner Israel said he concurs, but asked if two handicapped parking spaces are required. Staff will review this. He asked that drains from the garbage be connected to the sanitary sewer rather than curbside drainage.

Commissioner Dowd and Zwick had no additional comments.

Vice-Chair Wittenkeller said he is glad to see a business coming back to this site.

M/s, Israel/Harle, to approve UP-9708 and SR-9704 as proposed, with the addition of a condition that the signage lighting be incandescent type. Ayes: Harle, Zwick, Dowd, Israel, Wittenkeller. Noes: None. Absent: Mihaly, Cronk.

The applicant was advised of the 10-day appeal period.

3. DR-9720 - Ellie Leswing, 1035 Sir Francis Drake Boulevard, A/P 6-042-02, Design Review request to construct a new, 1980 square foot, 2-story single family home. Plans include

a detached, 420 square foot, 2-car garage, to be located in the front of the house, on property located within the R-1 Zoning District.

Mr. Griffin presented his staff report. Neighbors have objected to the height of the structure and the applicant has reduced the roof pitch and ceiling height in response to neighbors' concerns.

Commissioner Zwick asked what made the lot substandard. Mr. Griffin said its size makes it substandard but as it is already an existing lot it can be built on.

Commissioner Zwick asked how cars would get out of the driveway, especially with the gate placed back from the road. Mr. Griffin said they would have to back out onto Drake.

Commissioner Zwick asked if the lot was approved at a time when 5000 feet was the standard. Mr. Griffin answered affirmatively.

Commissioner Harle asked how many houses in the area have access onto Drake directly. Mr. Griffin named several properties.

Commissioner Israel said the assumption is made that the home will have only eastbound access. There is nothing to stop people from making a left-hand turn into the property as it is not a double-double yellow line.

Commissioner Israel asked if a street front elevation was provided to show what the fence and gate look like and whether they will be opaque. Mr. Griffin said the applicant could best answer that.

Kurt Leswing, Applicant, said they were considering a wrought iron gate that would be see-through. They would be happy to move the gate back, but they had wanted people to be able to turn around in the driveway. This is a Cape May style home; they put a lot of care and attention into designing something that would fit into the neighborhood. Adjacent properties are quite a distance from the home, with the exception of 1031 S. F. Drake Blvd.

Commissioner Zwick asked if Mr. Leswing had met with the neighbors. He asked why access to the property was not available over the weekend. He also asked how they can be sure that the palm tree will survive. Mr. Leswing said an arborist looked at it and provided a report.

Commissioner Israel asked if the fence was opaque. Mr. Leswing answered affirmatively.

Commissioner Dowd asked about the 9 foot ceilings on the bottom floor. Mr. Leswing said nine foot is nicer for livability, plus duct space is needed.

Vice-Chair Wittenkeller asked if a turnaround is possible if the gate is set back 18 feet. Mr. Leswing said they don't believe a turnaround is possible if the gate is set back, so they are considering just a privacy fence up near the garage area, to allow for turnaround.

The discussion was opened to the public.

David Frommer, 9 Tamal, said his concerns have been addressed, except for the height of the structure. It will rob his home of light in the winter. He believes the home could be achieved without causing neighbor's light problems. He would like to see the building height at 21'6", the highest structure in the neighborhood.

Commissioner Harle asked if the affect of the light is in the yard or in the structure. Mr. Frommer said it will affect the light in the house.

Angela Fresconi, 9 Tamal, said she objects to the height of this home. She showed the Commission pictures of the area. She feels the neighborhood should be preserved with its current aesthetic level. This house is too much for the neighborhood.

Mr. Griffin said the house has been reduced to a 27' in height.

Judy Baldassari, 1025 Sir Francis Drake Blvd., said she has lived at this address for 20 years. She is not opposed to having a home on this property. They object to having such a large

structure on such a small lot. They feel even 27' is too high. Their two story home is only 21'2" and their lot is much bigger.

Elio Abrami, 17 Tamal Avenue, said he agrees with the previous speakers. The structure is too high.

Chris Baldassari, 1031 Sir Francis Drake Blvd., said he agrees with the previous speakers. The house will take their views away from them.

Mrs. Abrami, 17 Tamal Avenue, said she agrees with all the speakers. There is no reason for this home to be so high.

Kurt Leswing, Applicant, said the residents had the opportunity to purchase this property. This home doesn't have to conform to the neighborhood exactly.

The public hearing was closed.

Commissioner Israel asked about the bus district proposal to cut into the curb for a bus stop. Mr. Griffin said he believes the proposal was abandoned by Golden Gate Transit. Commissioner Israel said this is a difficult application as it is being built on an infill lot. He is sensitive to the issues of scale, light and air. The lot coverage of the home is just 28%, which is good. His greatest concerns are circulation on and off the property. He would support eliminating the security gate to encourage turnaround potential on the property. Regarding comments on light and air, he feels the biggest impact on light are the beautiful trees that are existing. He doesn't believe the house will affect the light of neighbors. He would like to require that a landscape plan be required. He has no problem with 9 foot ceilings. The steepness of the roof pitch is fine. The side walls of the home are a bit oppressive and that's why he would like a landscape plan. He would support hip roofs rather than gables, which would bring the mass down and alleviate height concerns.

Commissioner Zwick asked about the FAR (Floor Area Ratio). Mr. Griffin said it doesn't apply to this property. This is a difficult project due to the massing of the house. It is tall and narrow. If some redesign is going to be done, he would like the facade facing 9 Tamal to be alleviated and the space between the two structures eliminated where the front porch faces the garage.

Commissioner Dowd said the house may dwarf the house at 1031 Sir Francis Drake Blvd. If the height could be reduced it would be good. The house does meet the Town's current restrictions, but there is room for possible revision.

Commissioner Harle said this home is an intrinsically tall style. For the square footage it could probably be managed without the height with a different style. He would like to see a lower house designed as it does seem oppressive to some of the neighbors, perhaps down to 25'.

Vice-chair Wittenkeller said he agrees with what's been said. He is interested in seeing a landscape plan and he would like to see one required. A hip roof on some of the peak would decrease the apparent bulk and size of the building. He is uncomfortable voting on this without a landscape plan.

Commissioner Israel said he would like to continue this for inclusion of landscape plan and consideration of comments regarding design issues that could respond to the height of the structure. He would suggest that the neighbors be consulted and the west wall softened with some articulation of the mass. He is concerned with height of gables and severity of the wall.

M/s, Israel/Dowd, to continue this item to the meeting of July 7, date subject to staff confirmation. Ayes: Harle, Zwick, Dowd, Israel, Wittenkeller. Noes: None. Absent: Cronk, Mihaly.

Mr. Leswing asked about the height issue. Vice-Chair Wittenkeller said the applicant will have to decide for themselves whether to change the height or not.

F. GENERAL DISCUSSION

Commissioner Israel said he believes a Floor Area Ratio (FAR) should be considered for the flatlands.

Wittenkeller asked that staff place on an agenda an item on the Jiffy Lube proposal at the hub UNOCAL site.

G. REPORT OF UPCOMING APPEALS TO TOWN COUNCIL

Mr. Griffin said the latest appeal is from 61 Sais Avenue. There is also an appeal at 109 Spaulding

H. ADJOURNMENT TO JULY 7, 1997.

M/s, Israel/Zwick to adjourn at 10 : 15 p.m. Ayes: All

Debbie Stutsman