

**TOWN OF SAN ANSELMO  
PLANNING COMMISSION MINUTES OF APRIL 7, 1997**

The regular meeting of the Planning Commission was convened by Vice-Chair Wittenkeller at 7:30 p.m. in the Council Chambers.

**A. CALL TO ORDER**

Commissioners Present: Duys (at 8:00 p.m.), Cronk, Mihaly, Israel, Wittenkeller, Harle  
Commissioners Absent: None  
Staff Present: Planning Director Chaney, Assistant Planner Griffin

**B. OPEN TIME FOR PUBLIC DISCUSSION**

No one spoke during this time.

**C. CONSENT AGENDA**

**1. MINUTES: March 17, 1997**

2. 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, rear and side yard setback variances to construct: 1) a 15' high, 142' long retaining wall within 0' of the west and east side property line, and within 1' of the rear property line of 22 Island Drive (8' and 20' setback required respectively); 2) an 88' long "side" retaining wall, varying in height from 15' to 0', located within 0' of the west side and rear property lines for 22 Island Drive and 6-42 Red Hill Avenue (8' and 20' setbacks required respectively); 3) a 46' long "side" retaining wall, varying in height from 15' to 0', located within 0' of the east side and rear property lines for 22 Island Drive and 6-42 Red Hill Avenue (8' and 20' setbacks required respectively); and 4) a 136' long, 5' high "tie-back" retaining wall located within 0' of the east and west side property lines, and within 1' of the rear property line of 22 Island Drive (8' and 20' setbacks required respectively), on property located within the C-3 and R-1-C zoning districts.

3. U-9704 - Marin Ironworks, 42 Red Hill Avenue, A/P 6-201-02, a Use Permit to allow motorcycle sales, on property located within the C-3 zoning district.

4. Environmental Review and Ordinance Amendment readopting Wireless Communications Antennae Ordinance - Town of San Anselmo - a negative declaration has been prepared by planning staff regarding the proposed ordinance (10-3.28) regulating the entitlement, placement, location and design of wireless antennas.

Item (3) was removed for discussion at the end of the agenda.

M/s, Israel/Harle, to approve Consent Agenda Items 1, 2 and 4. Ayes: All. Absent: Duys

**D. WITHDRAWN ITEMS**

1. V-9708/DR-9705 - Mike and Louise Berlin, 37 West Gate Way, A/P 6-121-34, 1) a variance and design review for a new 624 square foot second story addition located 7' from the westerly side property line (8' required); 2) an entryway 17'6" from the front property line (20' required); 3) remodel an existing 1st story room 3'4" from the easterly property line (8' required) and a new uncovered deck 3'4" from the easterly property line (6' required); and 4) a variance to reduce the required size of two on-site parking spaces to 9'x17' (three: 9'x19' spaces are required); parking spaces will encroach into the sidewalk, on property located within the R-1 Zoning District (above 150' sea level).

**E. CONTINUED ITEMS**

1. DR-9708/U-9703 - Aslam Hussain, 807 San Anselmo Avenue, A/P 7-162-17, Use Permit to extend hours of operation to 24 hours a day, 7 days a week. Current allowable hours are 6:00 a.m. to 11:00 p.m. daily. Design Review to consider proposed landscape and lighting, on property located within the C-2 zoning district. **CONTINUED TO APRIL 21, 1997**

2. Environmental Review/GPA-9601/Z-9601/U-9608 Russ Johnson, 12 Loma Robles and 750 Sir Francis Drake Boulevard, A/P 6-091-41, 770 and 760 Sir Francis Drake Boulevard, A/P 6-091-38, 754 Sir Francis Drake Boulevard, A/P 6-091-39, and 700 Sir Francis Drake Boulevard, A/P 6-091-40: environmental review; General Plan amendment to amend the land use designation from Limited Commercial to General Commercial; Zoning Ordinance amendment to amend the zoning from C-L (Limited Commercial) to C-3 (General Commercial) or to revise the list of allowed uses (Table 3A) in the C-L zone to permit a mini-mart food store. This request is being initiated by the Chevron Service Station owner in order to permit a mini-mart at that service station. **CONTINUED TO APRIL 21, 1997**

3. V-9608/U-9605 - Stapleton School, 118 Greenfield Avenue, A/P 6-171-03, six month review of parking variance and use permit for a school of dance, on property located within the C-3 Zoning District. **CONTINUED TO APRIL 21, 1997**

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4. DR-9703 - William and Janet Johnson, 64 Fernwood, A/P 7-131-09, design review of a new single family dwelling on property located within the R-1 Zoning District (above the 150' sea level). CONTINUED TO APRIL 21, 1997

**F. PUBLIC HEARINGS**

1. **Town of San Anselmo** - Proposed Ordinance Amendment to allow additions within 5' of the side yard property line (rather than 8' currently required), in residential zoning districts. This would apply only to additions to existing structures which do not meet current setback requirements. Such addition would require design review approval rather than a variance.

Planning Director Chaney presented her staff report. This Ordinance Amendment would require design review rather than a variance for additions to existing dwellings and accessory structures which were originally and legally built less than 8' but not less than 5' from the interior side property line. The Commission is asked to approve the Negative Declaration and recommend that the Town Council adopt the Ordinance Amendment. This amendment would apply to R-1 and R-2 properties. R-3 properties are not included because development on these lots is generally more dense. This amendment would allow horizontal and vertical (second story) additions along existing building lines. The ordinance as written now does not apply to accessory structures. Findings would be the same as for the flatland design review plus conformance with scale and character of the neighborhood. She clarified the alternative language on the accessory structure issue.

Commissioner Mihaly asked for clarification of new development less than 5' from the interior side property line. Ms. Chaney said it would be any construction within 5 feet of the interior side property line.

Commissioner Mihaly suggested that the language be revised to encourage people to consider stepping in second story additions.

Chair Duys arrived at 8:00 p.m.

Commissioner Mihaly said he can support this amendment. He would like this to apply to accessory structures, but just one story only. He would like the findings to have some teeth for the Commission. Perhaps a finding could be added that second stories of primary structures should be setback if it would enhance the finding of scale, intensity, and design of the surrounding neighborhood.

Commissioner Harle said he supports this amendment. This will mostly apply to additions to homes built many years ago. He doesn't feel it's fair to deny these homes the right to a second story that others enjoy. Regarding accessory structures, he feels some would be all right with a second story.

Commissioner Wittenkeller said he feels this is a step in the right direction. Regarding accessory structures, he would like to leave it with the accessory structure in and see how it goes.

Commissioner Cronk said she supports this but would like the wording that Commissioner Mihaly voiced and she would not like to have it apply to accessory structures, especially due to not wanting to encourage second units.

Commissioner Israel said he feels the accessory structures should be subject to design review by including it in the ordinance amendment. This gives the Commission the opportunity to do design review regardless of whether the structure is accessory or main.

Commissioner Mihaly said he would like language included that gives the Commission some tools to ask people to redesign. In finding (3) he would add to say that the second story of the primary dwelling is set back from the first story if it enhances conformance to the factors in (2). Other towns have design guidelines that let people know what the Commission really wants.

Commissioner Harle said if having a second story set back is what we really want we should say so.

Commissioner Mihaly said the design should be of a scale, intensity, and design that integrates with the existing character of the surrounding neighborhood, with language included specifying setbacks for a second story and articulation, if appropriate.

Commissioner Israel said he would like to add "which will be evaluated individually."

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Ms. Chaney said in the Municipal Code the Planning Director is directed to take into account all the various features at discussion and the Planning Commission shall consider these factors. We could add to that list the appropriateness of second stories stepping back.

Chair Duys said she is concerned with second story accessory structures. She doesn't feel the ordinance should apply to them. She would like language that would give the applicant guidance as to what the Commission's intents are.

M/s, Mihaly/Cronk, to approve the Negative Declaration and recommend that the Town Council adopt the Ordinance Amendment, with alternative language on accessory structures (staff report, page 5, item 16), with the addition of language allowing the Planning Commission to consider the appropriateness of second story setbacks. Ayes: All.

2. **Town of San Anselmo - Proposed Ordinance Amendment to limit fence heights within the front yard and street side yard setback to 3'6" where 6 feet is currently allowed.**

Ms Chaney presented her staff report. This Ordinance would reduce allowable fence heights in the front yard and street side yard areas from the current 6' to 3'6". It would allow by right a fence in the front of 3.5 feet. Any higher would require administrative design review. Over 6 feet would come before the Planning Commission as a variance. This came up several years ago and met with a lot of opposition. Exempted are open wire fences and street frontage on Drake Blvd. The definition of fences includes hedges, retaining walls and landscaping. This would not affect interior and rear yard fences.

Commissioner Harle said rather than open wire deer fences, any kind of open fencing should be considered.

Commissioner Wittenkeller said he feels the term agricultural fencing is inappropriate in our situation. He would like to eliminate agricultural and put welded wire mesh or wrought iron type fencing.

Commissioner Israel said he is opposed to saying we are limiting front fences to 3 1/2 feet in height. We are still allowing six foot fences, but conditions apply if it is within the 20' frontyard setback. There are lots of open fencing materials available. Any fence that is 50% open above 3 1/2 feet is allowed.

Commissioner Mihaly said this will not go if it doesn't exclude deer fences right away. Exhibit B should include wording to include the 50% open wording. This would mean if your fence is welded wire you are out of the process. He has no problem removing wood lattice from the exception.

Commissioner Israel said he would like to ensure open six foot fences by right to get this ordinance through. It would be all right if it's 75% open.

Commissioner Wittenkeller said what we're doing is allowing 6 foot fences in the front yard, except if it is an opaque fence.

Ms Chaney said she has a sense of what the Commission wants and this will come back on the consent agenda with new wording.

M/s, Wittenkeller/Mihaly, to continue this item to the meeting of April 21, 1997. Ayes: All.

3. **V-9712/DR-9710/U-9705 - Sprint Spectrum located at Town of San Anselmo, 525 San Anselmo Avenue, Use Permit, Design Review and height Variance to place 3 PCS wireless telecommunication antennas above the Town Hall tower. Work includes replacement of the Town's existing radio antennas. PCS antenna height will be 57' from grade (existing tower is 52' high).**

Mr. Griffin presented his staff report. Sprint Spectrum is requesting a use permit, height variance and design review for three antenna panels to be located at Town Hall. The equipment area is proposed to be right outside the rear of the Council Chambers, enclosed by a six foot wall. The antennas will be virtually unnoticeable. Present antennas would be replaced and relocated to allow frequencies to co-exist comfortably. The County representative, Ron Kessel, suggests wording that if interference occurs the last antenna in should be the first out. A light gray paint is suggested. A lease agreement is awaiting Town Council approval to begin negotiations. The height variance appears to staff to be de minimus. A variance is needed because the antennas are included in building height. Regarding condition 1, the date on the plans should be April 1, 1997. Liability should be deleted from condition 7.

Commissioner Mihaly asked if this is an exclusive lease. Mr. Griffin said he believes it would be a non-exclusive lease.

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Chair Duys asked about reflectance on the cool gray paint color. Mr. Griffin said he feels the medium gray would handle this.

Commissioner Wittenkeller said the utility space required fills up the space behind the Chambers. Will this exclude other users from the site? Will the Town have to maintain this space?

Mr. Griffin said the applicant's equipment would exhaust the space available. The landscaping would be maintained by the Town, with costs included in the lease.

Commissioner Israel asked if there is another location for the present antennas. Mr. Griffin said the higher the better for antennas and the tower is the highest spot on the grounds.

Chris Ferko, Whalen & Company representing Sprint Spectrum, said this will benefit the Town in that it will receive new antennas and service to the community will be improved. Equipment screening will be an improvement. The Town will benefit from the new facility in general. This would be the only site Sprint would need in all of San Anselmo. PCS will combine a number of different technologies into one digital technology.

John Schwartz, Sprint, said many older antennas become corroded which can interfere with reception. Those old antennas would be replaced and placed in such a way as to reduce interference.

Commissioner Wittenkeller asked if there would be a warranty on the antenna installation. Mr. Schwartz said the equipment is highly reliable, but he cannot go into specific details on warranty.

Chair Duys asked if there are two GPS antennas on the plans and if only one is needed. Mr. Schwartz confirmed that only one is needed.

Ms. Chaney said there are currently two proposals for the County in the Oak Springs area.

Commissioner Harle said he has no objections and he would support the staff report.

Commissioner Wittenkeller said he doesn't object, but he said it would be wise to build some competition into this.

Commissioner Cronk said she doesn't object.

Commissioner Israel said he has a problem using our Town's landmark feature to make money, but he doesn't object.

Commissioner Mihaly supports the proposal as the antennas tend to disappear visually. He encouraged staff to experiment with color to minimize visibility. This could be at the Planning Director's discretion.

Chair Duys doesn't like having antennas on the tower, but she will support this as it is obviously the best location.

Commissioner Israel asked if bringing all three antennas all the way down to the roof had been considered.

Mr. Schwartz said this is technically possible but he feels it would make the roof look busy.

M/s, Wittenkeller/Harle, to approve Use Permit U-9702, Variance V-9703 and Design Review DR-9710, with the provision that the shade of gray minimize visibility at the Planning Director's discretion and that all the antennas be painted, not just the panels. Ayes: All. Abstain: Israel.

Commissioner Israel said the language should include wording to cover advances in technology.

Consent Agenda Item 2:

Ms. Chaney presented her staff report for V-9713, 6-42 Red Hill Avenue and 22 Island Drive. Administratively approved already is replacement of the existing retaining wall at the rear of the parking lot. They want to construct a 15 foot concrete panel wall 88' long. This slide has been the subject of a lawsuit and has been tied up for some time. The parties have agreed to come up with an engineering solution. Mr. Seidleman, the architect, said there is another alternative with massive grading and tensar material. This site is so steep that it makes it tricky. Landscaping is a possibility and is included as a condition. She will get a landscape plan before the next meeting.

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M/s, Israel/Mihaly, to continue to the meeting of April 21, 1997. Ayes: All.

**G. GENERAL DISCUSSION**

Commissioner Israel asked about the Marin Ironworks selling motorcycles and regarding enforcement. Everyone should be treated the same as far as enforcement. Ms Chaney said she goes on the blatancy of the violation.

Ms Chaney said she spoke with UNOCAL about the hub site. They are finding the site to be relatively clean. They anticipate a potential sale in 1997. She will give them the Town's aesthetic concerns. Perhaps a design overlay for the hub area should be discussed in the future, with written goals.

It was the consensus of the Commission that perhaps a subcommittee should be formed on this issue, including members of the Town Council.

**H. REPORT OF UPCOMING APPEALS TO TOWN COUNCIL**

**I. ADJOURNMENT TO APRIL 21, 1997.**

M/s, Israel/Mihaly, to adjourn the meeting at 10:50 p.m. to the meeting of April 21, 1997.

Debbie Stutsman