

**SAN ANSELMO PLANNING COMMISSION
MINUTES OF JUNE 21, 2004**

A. CALL TO ORDER

Commissioners Present: Chair Sisich, Harris, House, Jochum

Commissioners Absent: Vice-Chair Fernandez, Zwick

B. OPEN TIME FOR PUBLIC EXPRESSION

None.

C. PUBLIC HEARING ITEMS

CONSENT AGENDA

1. MINUTES – June 7, 2004

M/s House/Harris and passed (3-1 abstention: Jochum).

CONSENT

2. U-0412 – Amber Kaplan, 300 Oak Avenue, APN 007-181-08, use permit to establish a second residential unit of approximately 1,480 square feet within the lower level of an existing residence, located within the R-1C zoning district. (staff person: Bell)

in response to Commissioner Harris, Planning Director Bell said that the applicant would need to comply with the Municipal Code should she wish to rent the property as a second unit.

3. UP-0414/V-0426/SR-0401 – Barton Goode for Barton's Bagels, 645 San Anselmo Avenue, APN-007-212-23, use permit to operate a bagel shop in a 1,728 square foot tenant space; and parking variance for substandard on-site parking, located within the C-2 zoning district. (staff person: Chambers)

M/s House/Harris and passed (4-0).

Chair Sisich advised all parties of interest of the 10-day appeal period to the Town Council.

REGULAR AGENDA

4. V-0416/U-0405 - Patricia Johnstone, 125 Redwood Road, APN 007-083-03, variance amendments to 1) allow an existing accessory structure of 26.5'x26' (previously approved as 24'x26') within 5' of the south side yard (code:8'); and 2) allow an existing lower level floor of an accessory building within 8' of the east property line (Savannah Avenue) (Code:20') and 5' of the south side yard, previously approved within 14' of the east property line and 5' of the south side yard (**Withdrawn on 6/3/04 by applicant's counsel**); variance to allow the creation of a second residential unit within 8' of the east property line (Savannah Avenue)(code:20') and 5' of the southerly side yard, within an existing accessory building; variance to allow an existing access stairway/deck within 2' of the southerly side yard (**Withdrawn on 6/3/04 by applicant's counsel**); Use Permit to allow exceptions to the standards for residential 2nd units; and variance to allow 3 parking spaces for the property where 4 spaces are required/ variance to allow a potential parking deck structure within 0' of the rear yard (code: 20') and ±-0' of the south side yard (code: 8'); and variance to allow a retaining wall in excess of 4' in height within ±-0' of the front yard (code: 20') and ±-0' of the south side yard (code: 8') to accommodate a potential parking space, located at or above 150msl) on property located in the R-1 zoning district (above 150 msl) (staff: Bell).

Planning Director Bell presented the staff report. He noted that the parking variance was the main issue.

Len Rifkind, attorney representing the applicant, said that at this stage fewer variances were being requested. He said that his client would comply with a fourth parking space if it is deemed necessary.

Katherine Donery 32 Savannah Rd, said that the owner should have to adhere to the original requirements. Ms. Donery is concerned that the privacy of the neighbors would be infringed if a deck were built illegally on the joists.

In response to Chair Sisich, Ms. Johnstone said that the joists would be used for power washing the windows, for example, and not for a deck.

Alan Mooers, 20 Savannah Rd, is against the project. He believes that too many variances are being requested and that the proposed parking space is in a dangerous location. In response to Mr. Mooers' request for trees to be planted to screen the house from Savannah Road, Mr. Bell said that it was not required because many houses are visible on Savannah Road.

Heather Preston Mooers, 20 Savannah Rd, would like the owner to adhere to the Tree Ordinance.

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Jacqueline Ryan, representing 122 Redwood Road and 135 Redwood Rd, is against the project. Ms. Ryan said that the house had been enlarged beyond the size originally allowed and she believes that 3 units are not necessary, in addition to storage. Ms. Ryan also believes that the parking space is in a dangerous location.

In response to comments, Mr. Rifkind said that the Planning Commission approved the original structure in 1984/85 and that a second unit is allowed under the zoning code. Mr. Rifkind further noted that the Director of Public Works has approved the parking space on Redwood Road and he presented a photograph of the area which was deemed a suitable parking space in 1990, but which he believes would be a less suitable location. Mr. Rifkind noted that his client would provide screening if it were considered necessary.

Mr. Bell satisfied a query from Commissioner House with regard to the differences between the original plans and the project that is now under consideration. Mr. Bell noted that the applicant will be in compliance if the entrance on the south setback is removed and if the Planning Commission approves the slightly larger structure that has been built.

Commissioner Harris said that under the current proposal, it appears that the applicant will restore the structure to that which was approved in 1985 with the exception of the footprint. He noted that the applicant proposes to comply with all parking requirements in an area where parking is needed. Commissioner Harris supports the project and suggested that additional screening be provided on the east and north side of the accessory structure. He further suggested a deed restriction be imposed to prohibit the building of a deck.

Commissioner House is strongly in favor of second units but she is concerned that a structure has been built after the fact and not in accordance with the plans. Furthermore, Commissioner House does not favor the parking space on Savannah Road and initially preferred a space on Redwood Road. Ms. House said she inspected that parking space, again, and does not believe it is a safe place. Commissioner House favors a deed restriction for the deck and screening.

Commissioner Jochum acknowledged the neighbors' frustration. However, he is in agreement with Commissioner Harris and will support the staff report with added conditions in respect of the deed restriction and screening.

Chair Sisich is also in agreement with Commissioner Harris. Chair Sisich suggested that neighborhood opposition might not have been so strong had another applicant been involved. He supports the creation of second units and favors the parking space on Savannah Road. Chair Sisich supports the staff report with a screening condition and a condition for the removal of the joists to appease the neighbors.

M/s Sisich/Jochum and passed (3:1 Noe: House) to approve the project based on the findings and conditions as set forth in the staff report, with the following added conditions:

1. To Item II, #3, the following wording shall be added: "...and shall provide an expedited enforcement mechanism in the event of violation".
2. The applicant shall meet with the neighbors at 20 Savannah Road (Mooers) regarding landscaping adjacent to Savannah Ave. Plans shall be approved by the Town Planning Department, and landscaping installed prior to any final inspection or occupancy.
3. A deed restriction shall be recorded in a form approved by the Town Attorney preventing any elevated deck construction along the westerly side of the residential second unit.

Chair Sisich advised all parties of interest of the 10-day appeal period to the Town Council.

5. ER-0401/DR-0420/LLR-0401/LM-0401 – Fred Divine for G. Koblick and Coby Friedman, 790-800 Sir Francis Drake - Red Hill Park Commercial APN's 006-091-34, 006-091-35, & 006-061-06 –Environmental review, design review, lot merger, and lot line adjustments to develop a 9,500 square foot commercial building, and exterior renovation of an existing 4,215 square foot building, located within the C-2 zoning district. (staff: Bell)

Planning Director Bell introduced the staff report. In response to Chair Sisich, Mr. Bell said that the residential and commercial projects could be built independently of each other, subject to conditions requiring appropriate access easements.

In response to Commissioner House, Mr. Bell said that it would not be possible to prohibit egress from Loma Robles to Sir Francis Drake Boulevard because it is a dedicated public street and it is unlikely that the Public Works Director would favor this change.

Mr. Bell satisfied Commissioner Harris' setback inquiries regarding the commercial building. Mr. Bell said that the Director of Public Works would insist upon a Construction management plan to address the various construction issues Commissioner Harris raised.

Fred Divine, architect for the project, reminded the Hearing of the history of the project and discussed the changes that have since been made.

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In response to Commissioners House and Harris, Mr. Divine and Mr. Bell satisfied queries on commercial and office space. Mr. Bell said that the zoning ordinance should ensure that commercial ventures would need a use permit. Mr. Bell satisfied Commissioner Harris's parking concerns.

In response to Commissioner Harris's inquiries regarding the construction site and traffic disruption, Mr. Divine said that direct access to Sir Francis Drake Blvd has been provided, rather than via Loma Robles, which should ease congestion. In further response to Commissioner Harris, Mr. Divine said that it would make sense to build the commercial property first although he sees no reason why the residential and commercial buildings should not be built at the same time.

In response to Commissioner Harris, Mr. Divine used the plans to show where concrete will be used but said that he did not have an analysis at hand to show the amount of concrete that will be needed.

In response to Chair Sisich, Mr. Divine said that the boundary between 890 Sir Francis Drake Blvd and 800 Sir Francis Drake Blvd will not change. A discussion ensued on the traffic route and easements.

Ken Harth, architect, was called upon to discuss the design of the buildings, landscaping and parking in greater detail. Mr. Harth then satisfied various inquiries from the Commissioners with regard to the renovation of 800 Sir Francis Drake Blvd and the landscaping. Commissioner Jochum remains concerned that the trees used to provide screening will become a problem when they obscure the occupants' views.

Commissioner Jochum is not satisfied with the windows chosen for 800 Sir Francis Drake Blvd because the location is highly visible.

Jonathan Braun, 479 Scenic Ave, is against the project. He believes that the projects should be heard under one single proposal and SPD because their impact on the environment is overwhelming. Mr. Braun believes there is insufficient land for the buildings. He said that the traffic study does not address safety issues and that an in-depth analysis of the construction traffic should be undertaken. Mr. Braun believes that a less environmentally detrimental project should be designed.

Alan Mooers, 20 Savannah Road, said that the site is highly visible and he hopes that great care is taken with regard to the visual aspects of the project.

In response, Mr. Divine said that an effort has been made to address the concerns heard this evening and at previous meetings. Separate applications have been submitted because the two parcels are zoned differently, but other aspects of the project, such as landscaping, colors and traffic studies apply, to the entire project. A detailed construction plan will be provided to alleviate potential traffic problems.

Mr. Divine clarified Chair Sisich's inquiry with regard to the use of the soil that will be excavated and further explained the parking plan.

Len Rifkind, speaking on behalf of the applicant, noted that the environmental issues concerning soil stability and traffic have been addressed in the staff report and were peer reviewed. Mr. Rifkind asked the Commission to support staff's recommendation.

Commissioner Jochum is in favor of the project. He said that many of the concerns raised at previous hearings have been addressed. Commissioner Jochum approves of maintaining the commercial frontage of the property and tying it into the neighboring property at 800 Sir Francis Drake Blvd. The plan for shared access is a good one and he is in favor of the reduction in residential buildings and in the height of the buildings. Commissioner Jochum sees no problem in developing two separate projects and he noted that a management construction plan concerns the Public Works Director and not the Planning Commission.

Commissioner Jochum suggested that an interior lighting plan be presented.

Commissioner Harris agrees with Commissioner Jochum. The project is an improvement on the previous plans although he is concerned about retail commercial use of the ground floor, which might deface a pleasing building and have an impact on traffic. Furthermore, Commissioner Harris is concerned that the Commission might have no control over the permitted use of the space if it were divided such that the floor area fell below the requirement for a use permit. The colors seem agreeable but Commissioner Harris would like to wait until the buildings have been erected before making a decision. He is also concerned that the car deck might be too visible and is further concerned about the scale of the project and safety aspects.

In response to Commissioner House, Mr. Bell said he would ensure that an irrigation system and street lighting become part of the conditions of approval. Commissioner House is generally in agreement with the comments of the two previous Commissioners. She suggested a sign be erected at the site with construction hours and the telephone number of the Public Works Department.

Commissioner House is concerned that the white roof of 800 Sir Francis Drake Blvd would be too visible and some discussion ensued. Commissioner House is not in favor of separating the projects.

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Chair Sisich noted his preference for a commercial building at the bottom of the site had been heeded and he commends the designers for tying the project to the neighboring property. Chair Sisich said that there is sufficient mitigation in place to support the Negative Declaration. Expert advice has been sought, the land has been deemed suitable for development and Chair Sisich is in favor of the site plan. He noted that traffic will increase but believes that project cannot be prohibited for this reason.

Chair Sisich does not favor the chimneys of the houses but he likes the materials and colors, and he trusts that the building at 800 Sir Francis Drake Blvd will be an improvement.

Mr. Bell offered further explanation on the reason for there being a single project and noted that adequate parking would be required for a permitted use.

Commissioner Jochum believes that the use of composition shingles is unsuitable for a commercial building.

Commissioner Sisich suggested there should be a lighting plan for the interior of the property.

In response to Commissioner Harris, Mr. Bell suggested a comprehensive sign plan is developed, which he would recommend as a condition.

M/s House/Jochum and passed (4-0) to approve the staff report with the following added conditions:

1. Colors to be approved after framing.
2. A comprehensive lighting plan, roof and window materials, and a sign plan will be developed and presented to the Planning Commission.
3. A sign is to be erected with construction hours and the telephone number for the Public Works Dept.
Colors to be approved after framing.

Chair Sisich advised all parties of interest of the 10-day appeal period to the Town Council.

6. ER-0402/PPD-0401/SPD-0401/UP-0413/DR-0422 – Fred Divine for Coby Friedman, 2, 4, 6, & 8 Loma Robles –Red Hill Park Residential, APN's 006-091-62, 006-091-02, 006-091-34, 006-091-35 Environmental review, Zoning Ordinance Amendment creating a Preliminary Planned Development District and Specific Planned Development District, a Conditional Use Permit, tentative parcel map creating 4 lots, lot line adjustments, and Design Review to consider a 4 unit residential development project located within the R-2, R-3 and C-L zoning districts. (staff: Bell)

Planning Director Bell introduced the staff report.

In response to Chair Sisich, Mr. Bell said that Ross Valley Fire Department has reviewed the project and is concerned with access. The Fire Department will review the plans, again, when they are submitted for a building permit.

In response to Commissioner Harris, Mr. Bell said that the Council will determine, after consultation with the Town Attorney, if legal protection is needed by the Town with regard to landslides.

In further response to Commissioner Harris, Mr. Bell said that computer simulations of the visibility of a project are usually required for residential projects above 150 ft MSL. In this instance a photographic montage has been provided since it is thought that little can be seen from distant views. Mr. Divine is in agreement.

Mr. Divine noted that the project makes less impact than that proposed previously, and he addressed comments by the Fire Department. Mr. Divine reiterated how carefully the project has been reviewed to ensure the safety of the site as much as possible.

In response to Commissioner Harris, Mr. Divine identified the location of gunnite on the plans.

Ken Harth, Architect, discussed the design of the houses and the colors at some length. Mr. Harth responded to various queries from Chair Sisich with regard to building height and colors. Chair Sisich believed that the chimneys are too high.

Commissioner House inquired if one of the houses could become part of a low-income home-buying program. In response, Len Rifkind, speaking on behalf of the Applicant, said his client might be open to such a suggestion but that he could not respond at the present time.

Mr. Rifkind noted that the number of units have been reduced and Mr. Friedman, applicant, suggested that he might be able to convert one to two affordable units. Mr. Bell noted that the project would have to be re-advertised as a separate proposal and said that a project cannot be conditioned to meet a non-profit requirement.

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Chair Sisich thought that this project is probably too expensive to be suitable for such a program.

Jonathan Braun, 479 Scenic Ave, said that the traffic report is incomplete and insufficient and that it is biased in favor of the project. The report does not address traffic safety with regard to ingress and egress in such a hazardous area. He recommends that the Town commission a traffic study that addresses traffic hazards at the applicant's expense. Mr. Braun believes that the project should not be developed in the wet season for which there should be a bond.

In response to Chair Sisich, Mr. Bell said that the Public Works Director had approved the project and that he would address the bonding issue.

In response to Chair Sisich, Mr. Bell said that the Commissioners could recommend the Town Council require further traffic safety reports.

Commissioner Jochum is in favor of the project but he dislikes the chimneys. Commissioner Jochum noted that new curb cuts are not being made and the traffic pattern on Drake is not being altered. Furthermore, access has been in place for many years.

Commissioner House would like a decision to be made on the colors following framing.

Commissioner Harris believes that traffic safety issues remain; however, he will support the decision of the Town Engineer. Commissioner Harris believes that visibility also remains an issue and he would prefer that the houses be reduced in size, particularly those on the two smallest lots. Commissioner Harris would like the houses to be designed so as to blend more into the landscape.

Chair Sisich would recommend direct vent fireplaces and noted that there might eventually be an ordinance prohibiting wood burning fires. He would like the colors to blend in as much as possible with the surroundings and he would support a further traffic study. Otherwise, he will support the present ingress/egress plans.

Commissioner House noted that her previous concern with access via Loma Robles has been removed. Commissioner House noted that only 4 houses were planned for the development, which should significantly reduce potential traffic hazards.

M/s House/Jochum (3:1 Noe: Harris) to adopt the resolution recommending approval to the Town Council with the following conditions:

1. Chimneys to be eliminated
2. Color samples will be provided after framing, including a 4 x 8 color board.

D. ITEMS FROM PLANNING COMMISSION

In response to Chair Sisich, Mr. Bell said that the Town Council is still considering applications for Planning Commissioners.

E. ITEMS FROM STAFF

F. ADJOURNMENT TO THE MEETING ON MONDAY JULY 19, 2004

The meeting was adjourned at 10.15 pm.


**JOANNE O'HEHIR
SR. ADMIN. SERVICES ASST.**