

**SAN ANSELMO PLANNING COMMISSION
MINUTES OF NOVEMBER 15, 2004**

A. CALL TO ORDER

Commissioners Present: Chair Sisich, Commissioners Freeman, Harris, House, Zwick
Commissioners Absent: Vice Chair Fernandez, Pipkin

B. OPEN TIME FOR PUBLIC EXPRESSION

None.

C. CONTINUED PUBLIC HEARING ITEMS

1. UP-0421/V-0435/DR-0432 – Kip Pearson, 1525 San Anselmo Avenue, APN 007-014-21, Conditional use permit to convert a commercial building into habitable space, parking variance for 2:9'x19' tandem spaces (code: 2:9'x19' spaces side-by-side), and design review for exterior modification to the building, located within the C-1 zoning district. (staff person: Chambers)
CONTINUED TO DECEMBER 6, 2004

D. PUBLIC HEARING ITEMS

CONSENT AGENDA

1. **Minutes – October 4, 2004**

Andre Riazance, 60 Woodland Ave, inquired as to the reason Commissioners Zwick and Pipkin were allowed to comment on an item from which they had recused themselves from the podium. Chair Sisich explained that their comments were made as members of the public.

2. UP-0420 – John Merten and David Kallmeyer, 232 Sir Francis Drake Blvd., APN 006-252-07, use permit for a permitted office use to occupy a space greater than 1,200 square feet, located within the C-2 zoning district. (staff person: Chambers)
3. UP-0422/DR-0431 – Willy and Susie Lukach, 88 Tamalpais Avenue, APN 007-211-37 - Use permit to demolish an existing 1,773 square foot single family dwelling and flatland design review for the second story addition of approximately 1,272 square feet in conjunction with of a new 3,410 square foot single family dwelling located within the R-1 zoning district. The removal of 2 heritage trees (one of which is deceased) is required as part of this project. (staff person: Chambers)

This item was removed from Consent for further discussion.

4. DR-0428 - Lance Mansbridge, 51 South Oak Avenue, APN 7-241-75, design review amendment to 2002 approval to expand the building envelope and permit an addition of an accessory building in the north side yard on property located in the R-1 H rezoning district (Hillside Density District) (staff person: Wight).

In response to Commissioner Harris, Ms. Wight confirmed that the sole purpose of expanding the building envelope is to accommodate the pump shed.

M/s Harris/Zwick and unanimously passed (6-0) to approve Consent. Chair Sisich advised all parties of interest of a 10-day appeal period.

REGULAR AGENDA

3. UP-0422/DR-0431 – Willy and Susie Lukach, 88 Tamalpais Avenue, APN 007-211-37 - Use permit to demolish an existing 1,773 square foot single family dwelling and flatland design review for the second story addition of approximately 1,272 square feet in conjunction with of a new 3,410 square foot single family dwelling located within the R-1 zoning district. The removal of 2 heritage trees (one of which is deceased) is required as part of this project. (staff person: Chambers)

The Planning Commission waived the reading of the staff report. Jay Weill, 2 Raymond Avenue, expressed concern with regard to the trees that will be removed.

Ms. Chambers explained which trees were scheduled for removal.

Michael Schwab, 108 Tamalpais Avenue, presented a letter of his concerns with regard to the size and impact of the project. He also expressed concern about the trees.

David Jochum, architect for the project, explained the reasons for the removal of twin oak trees and enlarged upon the arborist report. Mr. Jochum said that the house will still be a modest structure and in keeping with the topography of the site.

In response to Commissioner Harris, Mr. Jochum confirmed the removal of trees and Ms. Chambers discussed the definition of a heritage tree.

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Commissioner House noted that the Commission is confined to design review of the second story, only, and that she supports the project.

Commissioner Harris believes the house will fit well into the neighborhood and supports the project.

Commissioners Zwick and Freeman are in agreement, as is Chair Sisich, who noted that the owner can build a larger home because he has a large lot.

M/s House/Harris and unanimously passed (6-0) to approve the project based on the findings and conditions as set forth in the staff report. Chair Sisich advised all parties of interest of a 10-day appeal period.

Commissioner Zwick recused himself from the podium.

5. ER-0403/Z-0403/DR-0434 - Joseph Maguire, 1535 Sir Francis Drake Boulevard, APN 005-153-01, environmental review, rezoning from Specific Planned Development (SPD) for an automobile detailing/repair operation to Specific Planned Development (SPD) for a Residential Development: 3 Single Family Dwellings, 4 "Workforce" Apartments (low to moderate income), and 4 Townhouses. (staff person: Wight).

Ms. Wight presented the staff report and explained at some length the changes that have been made since the last meeting. Ms. Wight noted staff's recommendation to the Commission this evening.

In response to Commissioner Freeman, Ms. Wight explained the number and type of structures on the property.

Jim McDonald, Architect, noted that more parking is being provided than is required and that the day care center has been removed.

David Tucker, 65 Medway Rd, believes that the project is still too dense and that it will add too many cars on the streets. Mr. Tucker believes that access to the property should be on Sir Francis Drake Blvd.

In response to Mr. Tucker, Ms. Wight confirmed that the overall increase in building size is 700 sq ft and Mr. McDonald explained how this increase has been incurred.

Marty Zwick, 44 Medway Rd., referred to the traffic study and asked that professionals ensure that the corner is set back far enough to maintain site line. The architect's site plan drawings do not indicate the building mass at the corner of Oak Knoll Avenue and Sir Francis Drake Blvd on the second floor. Mr. Zwick is pleased that the diagonal parking fronting Oak Knoll Avenue has been eliminated. However, he reminded the hearing that the traffic study still erroneously refers to an existing 47 daily trips from the site. of the flaws in the traffic study. Furthermore, Mr. Zwick noted that the Water District studied drainage on Oak Knoll Ave, where water runs downwards, and that they had not considered Medway Rd, where water collects. Mr. Zwick praised the developer for the changes made to the project following the last meeting but he still believes the project is too dense.

In response to Mr. Riazance, 60 Woodland Ave, Mr. Sisich repeated the reason for allowing Mr. Zwick to speak at the meeting.

David Hunter, 1 Oak Knoll Avenue, believes that the project is still too large and is opposed to it.

Janet Tucker, 65 Medway Road, said that the project is too large and dense and that it needs to be in scale with the neighborhood.

Larry Martinez, 128 Oak Knoll Ave, said that the curb outside his property provides valuable parking and asked that it not be painted red. Furthermore, there is a row of trees on his property that he would not want to be damaged during construction.

Matt Wilson, 82 Medway Rd, noted that privacy is a main concern and that the project is too dense and not in keeping with the neighborhood.

Lynn Bicknell, 53 Oak Knoll Ave, asked that speed bumps be considered along her street if this project is passed. Ms. Bicknell said that a water main broke a week after the last meeting and that the infrastructure remains a concern.

Jane Cunningham, 15 Medway Rd, is concerned that more traffic will be generated.

Bob Mathis, 17 Medway Road, believes that the project is still too dense for the area. Furthermore, access should be from Sir Francis Drake Blvd to prevent traffic being funneled down their road.

Alberta Hare, Rosemont Avenue, believes that the size and height of the buildings will be overwhelming.

Chair Sisich closed the Public Hearing at 8pm.

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Mr. McDonald noted that this is a commercially zoned project, which conforms to the Housing Element. Furthermore, parking variances or structural variances have not been requested and the day center has been eliminated.

In response to Chair Sisich, Mr. McDonald gave the lot size.

In response to Chair Sisich, discussed the current proposal for the area on which the day care center had been planned. Mr. McDonald noted that the distance between the single-family homes is 10 feet.

Mr. McDonald referred to the turn-out lane on Sir Francis Drake Blvd, which he believes should not be a financial burden to the developer.

Mr. McDonald answered a question from a member of the public.

Daiene Whitlock, traffic engineer, said that a traffic study would not normally have been required for a project of this nature. Ms. Whitlock explained how the traffic study was undertaken.

In response to Chair Sisich, Ms. Whitlock discussed traffic congestion and access to the property. Ms. Whitlock said that they had not studied the bus turn-out lane.

In response to Commissioner House, Ms. Whitlock discussed egress on to Sir Francis Drake Blvd. Ms. Whitlock is recommending a right-turn only egress on to Sir Francis Drake Blvd.

In response to Commissioner Harris, Ms. Whitlock said that she believed the left turn pocket for westbound traffic should be adequate, although an in-depth analysis has not been undertaken.

Planning Director Wight responded to Chair Sisich's inquiry about letters from utility providers and noted that a new letter has been received from the Sanitary District.

In response to Commissioner Harris, Ms. Wight said she would inquire of the Police Dept. if the right turn only egresses can be enforced. Commissioner Harris noted that if a no-left turn on to Oak Knoll Avenue cannot be enforced, then it would be pointless to implement one. Mr. McDonald suggested left-hand only signage.

In response to Commissioner Freeman, Ms. Wight said the two Utilities can serve the project. The Sanitary District has confirmed that there is no evidence of problems in that area and a response from the Water District is awaited.

Mr. McDonald said that Mr. Maquire had tried to obtain a letter from the Water District prior to the meeting.

Joseph Maquire, owner, believes that there would be more cars if an auto repair shop were established on the property. Mr. Maquire noted that water gathers in the dip in Medway Road and that his project is not being constructed on that road. He does not believe that the project is too dense.

In response to Chair Sisich, Mr. Maguire said that the Utility companies had not required upgrades to accommodate his site.

Mr. Maguire noted the additional expense of widening Oak Knoll Avenue and the bus lane, and providing a bike lane. However, he does not agree that he should bear the cost for the widening of the road and the bus lane.

Mr. McDonald satisfied queries by Commissioner Harris on boundary lines.

Commissioner Harris commended the applicant for addressing the concerns voiced at the last meeting. Commissioner Harris does not believe that the traffic load will greatly impact the roads if the right-hand-only turns can be enforced. He believes that the impact on the water and sewer systems needs to be addressed in more detail. Commissioner Harris said that there are other equally imposing structures in the vicinity and that this project is more attractive. He noted that more off-street parking has been provided than is required and he is in favor of the townhouses. However, Commissioner Harris suggested the possibility of reducing the number of houses to 2 but he acknowledges that this might not be a financially viable option with the provision of workforce housing. Commissioner Harris would like the applicant to do all that is possible to ensure the trees along Oak Knoll Avenue are protected.

Commissioner House acknowledged the neighbors' concerns but she generally supports the project and encourages workforce housing. Commissioner House remains concerned with the water and sewage facilities; and noted that downhill water flow has not been addressed. Commissioner House would like the Utility companies to confirm whether or not this project will exacerbate the problems already in existence. She suggested that the problem of water pooling on Medway Road might be addressed by the Measure G Monitoring Committee. Commissioner House would like it ensured that the trees in the backyards of the homes on Medway Road are not damaged during construction and she is in favor of the curb on Oak Knoll Avenue not being painted red. Commissioner House supports the widening of Oak Knoll Avenue but not that of the bus lane on Sir Francis Drake Blvd. An issue was raised that Ms. House would like investigated in connection with the land at the back near the garden being built up 4', because

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it might be possible to lower the buildings. Ms. House would like there to be screening along the back lot line and she does not favor speed bumps. Commissioner House requested that the pavement designated for ingress and egress be spray painted and that an east elevation be provided at the next hearing.

Commissioner Freeman noted that the problems concerning traffic should be greatly eased by the removal of the childcare center and by having two right turn-only egresses. Commissioner Freeman is in agreement with Commissioners Harris and House for the need for more information on the utilities. He is in favor of the widening of the bus lane, which should ease congestion and perhaps encourage it to be used as a legitimate bus stop. Overall, Commissioner Freeman is in favor of workforce housing and he believes that the current plans are an improvement upon those presented previously.

Chair Sisich noted that this is not a dense project. He understands that there are legitimate traffic concerns but development of this site cannot be prevented and it would be unreasonable to request that three or four houses be built on this site. Furthermore, the developer has made concessions to his design. Chair Sisich does not favor prohibiting access to Oak Knoll Avenue and he believes that concerns with regard to speeding should be addressed by the neighborhood. Chair Sisich would like further information on plans for directing surface water run-off and roof run-off but, otherwise, he is in favor of the project.

Discussion ensued amongst the Commissioners as to whether the project should be continued or a vote taken.

M/s House/Freeman and unanimously passed (5-0) to continue the project to the meeting of December 6, 2004, when information will be provided on the following:

- a. Traffic flow enforcement of the two right-only turns on to Oak Knoll Avenue and Sir Francis Drake Blvd.
- b. The viability of building two family dwellings rather than 3.
- c. The impact of sewage, storm water, and water run-off might have on the infrastructure, which could impact the Negative Declaration.
- d. The Public Works Director to investigate if the water-pooling problems on Medway Road can be addressed by the Measure G Committee.
- e. The Public Works Director to discuss the removal of the red curb outside the property at 128 Oak Knoll Avenue with the Traffic Safety Committee
- f. Tree protection plan will be presented at design review stage
- g. The 4' of built up land at the back near the garden.
- h. Screening along the back.
- i. Ms. Wight to discuss with the Public Works Director the necessity of widening the bus lane.
- j. Ms. Wight to discuss the spraying of the ingress and the egress with the Public Works Director
- k. Ms. Wight to insure that the project conforms to the General Plan.
- l. East elevation drawings to be provided at the next meeting.

Commissioner Zwick resumed his seat.

6. DR-0433 – Nancy Ratto, Viking Estates LLC, 7 - 9 Mariposa Avenue, 135 and 139 San Anselmo Avenue, and 151, 153, 155 and 157 San Anselmo Avenue APN 007-301-07, amendment to the 2002 design review approval: in conjunction with the construction of two mixed-use buildings, aesthetic improvements were required to be made to the existing building known as 151, 153, 155 and 157 San Anselmo Avenue, which included restucco, moulding, trim and paint. It is now requested that the two projects be separated such that the existing building improvements would not be required at this time, on property located within the C-2 zoning district. (staff person: Wight)

The Commission waived the reading of the staff report.

Ms. Wight discussed the background of the project with Chair Sisich, and clarified the current proposal. Ms. Wight explained that a mechanism is needed to ensure the applicants fulfill their obligations, should the Commission not agree to separate the projects.

Chair Sisich suggested a deposit and Ms. Wight reminded the Commissioners that they might favor the applicant. At the request of various Commissioners, Ms. Wight fetched the original plans.

Lance Ratto, representing the partners of LLC, discussed the current proposal in some detail. Mr. Ratto expressed surprise that the restucco, moulding, etc., were requirements because he believed that the old building was excluded from the project. He referred to letters from the Town and the original drawings to support his views. Mr. Ratto said that the project is under financial strain and requested a refund of the Planning fee.

In response to Chair Sisich, Mr. Ratto said that they do not want to make further improvements to the building until the spring and explained what those improvements would be.

Commissioner Zwick noted that the approved Planning Commission drawings state the requirements of the project, which must be adhered to. Commissioner Zwick said that it is not correct to assume that the

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building permit drawings supercede the drawings approved by the Planning Commission unless the applicant has received approval for these changes.

Commissioner House suggested that a decision be made to satisfy the parties involved.

In response to Chair Sisich, Mr. Ratto said he had hoped to convince the Commission that the existing building was excluded from the original plans, thus negating the need to undertake the requirements.

In response to Commissioner House, Mr. Ratto explained the financial reason why it would be inconvenient to issue a Certificate of Occupancy on the larger building only.

General discussion ensued between the applicant and the Commissioners about a suitable financial option to ensure the work is completed next year.

In response to Commissioner Harris, Mr. Ratto explained his understanding of a standby letter of credit and estimated that the restucco, moulding, etc., would cost approximately \$15,000. He would prefer that the Road Bond continue to be held instead.

In response to Commissioner Zwick, Mr. Ratto discussed the water proofing of the windows on the new building.

Discussion ensued over the suitability of a deposit. Commissioner Harris noted that the Town would need to seek legal advice and, therefore, the Planning Deposit should not be refunded.

Commissioner Harris proposed a move to allow the applicant to defer the improvements to the exterior of the existing building on San Anselmo Avenue in accordance with the approved plans by the Planning Commission in the year 2000, namely; exterior stucco, repair and patch work, painting and moulding per the approved plans; that the work shall be completed to the Town's satisfaction within 12 months; and to ensure performance of that work, the applicant shall post with the Town a standby letter of credit or other appropriate mechanism in the amount commensurate with the estimated cost of the work to be performed, to be worked out to the satisfaction of the Town Attorney. The end result of this is that the applicant shall provide the town with enough money to cover the cost of the work to ensure the work gets done and if not, they will forfeit that sum.

The proposed motion was withdrawn and discussion ensued on the wording for another motion.

M/s Harris/Zwick and unanimously passed (6-0) to allow the applicant to defer work which was on the existing building on San Anselmo Avenue in accordance with the plans approved by the Planning Commission in 2000, namely; exterior stucco work, painting and moulding; and that the applicant give adequate assurance that such work will be performed to the satisfaction of the Town Attorney. Certificates of Occupancy on both buildings will be issued when this has been undertaken and all other conditions of the Building Permit and the Planning Commission have been satisfied.

Chair Sisich advised all parties of interest of a 10-day appeal period.

E. ITEMS FROM PLANNING COMMISSION

In response to Commissioner House, Ms. Wight said she would investigate the position of the address numbers on the building at 7 and 9 Mariposa Avenue.

In response to Commissioner Zwick, Ms. Wight said that the Council heard the painting project at 305 San Anselmo Avenue, instead of the Planning Commission because two Planning Commission meetings had been canceled due to understaffing and staff vacation.

Ms. Wight confirmed she has been elected Interim Planning Director.

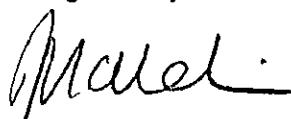
F. ITEMS FROM STAFF

The commercial project forming part of 790/800 Sir Francis Drake Blvd, which was denied by the Council, will be considered again by the Council on November 23, 2004. The owner sued the Town of San Anselmo following denial. The residential portion of the project will also be heard that evening.

Ms. Wight reported that a sub-committee would be convening to review the sign ordinance.

G. ADJOURNMENT TO THE MEETING ON MONDAY DECEMBER 6, 2004

The hearing was adjourned at 10.10pm.



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