

**SAN ANSELMO PLANNING COMMISSION
MINUTES OF NOVEMBER 21, 2005**

A. CALL TO ORDER

Commissioners Present: Chair Zwick, Vice-Chair House, Freeman, Harris, Krebs, Sisich

B. OPEN TIME FOR PUBLIC EXPRESSION

None.

C. CONTINUED PUBLIC HEARING ITEMS

1. UP-0513/V-0531/DR-0526 – Alletta and Ted Bayer, 32 Elm Avenue, APN 007-053-01, Use Permit to demolish an existing 1,860 square foot single family dwelling; Variance for retaining walls varying in height up to approximately 5 feet within ± 3.5 feet of the north side property line and up to approximately 5' in height within 11 feet of the front property line to construct a new driveway (Code: 8' and 20' respectively); and, Flatland Design Review for the second story of approximately 1,846 square feet (in conjunction with a new single family dwelling of approximately 3,756 square feet and garage of approximately 491 square feet). (For information, project would ultimately require from the Public Works Director a revocable encroachment permit for a portion of the retaining wall to be located in the right-of-way (off pavement) and a permit for the removal of 3 heritage trees), located within the R-1 zoning district. (staff person: Chambers) **CONTINUED TO 12/05/05**

2. ER-0502/GPA-0501/LS-0502/Z-0501 - William F. and Barbara R. Geisler, 405 Redwood Road, APN 007-141-11, 1) initial environmental study; 2) General Plan amendment to change the designation of a portion of the property from Single Family Conservation to Single Family Residential; 3) Rezoning of a portion of the property from R-1 C (Single Family Conservation) to R-1 (Single family Residential); and 4) Parcel split to create one additional building site. The proposed new lot would be located in the northeast area of the property, north of the redwood groves and below an existing cabin, with a separate driveway access directly off Redwood Road, located within the R-1C zoning district. (staff person: Wight) **CONTINUED TO 12/05/05**

**D. PUBLIC HEARING ITEMS
CONSENT AGENDA**

1. **Minutes – October 17 and November 7, 2005**

M/s Harris/Krebs and passed (5-1 abstention: Sisich) to approve the minutes.

REGULAR AGENDA

2. DR-0528 /U-0515 - Verizon Wireless on behalf of Seventh Day Adventist Church, 1509 Sir Francis Drake Boulevard, APN 005-153-03, 1) Design Review of a new telecommunication facility at an existing church; and 2) Use Permit for the installation and operation of communication equipment in the R-2 zoning district (Medium Density Residential). The equipment consists of ground-mounted equipment at the rear of the church and three panel antennas screened behind a false roof chimney. (contract planner: Vazquez)

Chair Zwick recused himself from the podium because he lives within 300 feet of the property.

Contract Planner Vazquez presented the staff report. Following a meeting with the applicant and Church Pastor, Ms. Vazquez said that they would prefer the equipment to remain in the same location as they originally requested. She discussed other locations that might be more suitable.

In response to Commissioner Sisich, Ms. Vazquez explained why the applicant considers the area behind the church to be unsuitable for the equipment.

Commissioner Harris and Ms. Vazquez discussed the criteria of the Use Permit.

Tom Miller, Cal Com Systems, explained why the two locations suggested by Staff for their equipment were not suitable. Mr. Miller said that by placing the equipment close to the rear property line might impact the neighboring on the other side. Furthermore, placing the equipment below ground would require a large hole to be drilled and the work could take 8 - 12 weeks to complete. Furthermore, flooding could be an issue.

Mr. Miller concluded that this location is the best solution because it is not impacting neighbors and the Church supports the proposal.

In response to Commissioner Sisich, Mr. Miller said that distance needs to be maintained between the different carriers' equipment and that there is some noise that is emitted from the fans in the cabinets. This noise could impact the neighboring property if the equipment was placed towards the rear property line.

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In response to Commissioner Harris, Mr. Miller said that they did not contact the neighbor at the rear property line to ascertain if they had a preference as to where the equipment was placed.

In further response to Commissioner Harris, Mr. Miller said that they have occasionally placed equipment below ground in open space and he did not believe that flooding was a problem.

Commissioner Krebs and Mr. Miller discussed the height of the equipment and fence. Mr. Miller said they did not consider partially moving the equipment below ground level.

In response to Vice-Chair, the Commissioners did not have comments to make on the chimney.

Commissioner Sisich supports the project. The Church is in favor of the location of the equipment; the public will not see the equipment, and an underground vault is complicated.

Commissioner Freeman is concerned that the Commission is able to make an over-riding judgement on the Church, when the Church and the congregation support the project. He remains undecided.

Commissioner Krebs is troubled by the size of the structure and its location, and the impact it will have on the immediate area, which staff has discussed in the report. He is leaning towards denial.

Commissioner Harris supports the Use Permit but he said that he cannot make the first required finding for Design Review. He would support a continuance so that contact could be made with the neighbor at the rear, and he noted that there is a heritage tree close to the proposed location of the equipment.

Discussion ensued between Staff and Commissioners with regard to a continuance.

Vice-Chair House supports the project. The Minister and members of the church want the equipment in the proposed location and no-one else will see it other than the congregation when they exit the church from the back. It would be more aesthetically pleasing to place the equipment at the back property line, but she would not want to impose her own aesthetic values on the Church. Vice-Chair House suggested that the first finding could be that the equipment is out-of-site from the general public, and will be seen only by those who attend the Church, who approve the proposed location.

M/s Harris/Krebs to continue the project to a future date to be decided, upon the applicant's agreement, when feedback from the neighbor at the back property line will be heard.

Ayes: Harris, Krebs
Noes: Freeman, House, Sisich

Motion failed.

M/s Freeman/Sisich and passed (3-2 noes: Krebs, Harris) to approve the use permit and design review of the project, including the findings and conditions in the staff report, and the inclusion of further findings:

Design Review Finding

1. *The project is not functionally and aesthetically compatible with the existing improvements and the natural elements in the area.*

The apparatus is designed in a style and manner that is consistent with the existing improvements, and integrated into the structure far enough from the road so that it is not highly visible.

The fence equipment is compatible because it will not be seen by anyone off-site and will therefore not be an aesthetic imposition.

Use Permit Finding

1. *The establishment, maintenance, or operation of the use will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood or to the general welfare of the Town. However, the project would be detrimental to property.*

The granting of the use permit will not be detrimental to the property because the equipment will be screened and the net useable area of the property will not be diminished more than if the equipment were placed elsewhere.

Vice-Chair House reminded the audience of a 10-day appeal period to Town Council.

3. **V-0535/DR-0530 – Greg and Kristi Bush, 142 Sequoia Drive, APN 006-114-05**, 1) Setback Variances to add a first story addition within 15' of the front property line and 8'-6" of the street side (Knoll Road) property line, and a second story addition within 19'-6" of the front and 8'-6" of the street side (Knoll Road) property line (Code setbacks: front: 20'; street side: 12'); 2) Hillside

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Design Review of first and second story additions totaling \pm 731 square feet; 3) Parking Variance for two of the three required on-site parking spaces to be substandard in length and partially in the right-of-way (Code: 3: 9'x19' spaces wholly on the property); and 4) FAR Variance to permit a floor area ratio up to 39.5% (Code maximum: 35%), located within the R-1 zoning district. (Staff person: Chambers)

Planner Chambers introduced the staff report, and she explained why staff did not support the project.

Margaret Williams, architect, noted that the lot is small and that they have attempted to keep the mass and size of the project in scale with the lot. The shape of the lot has made it difficult to design an addition. Ms. Williams explained the project in further detail, with particular reference to the garage.

In response to Commissioner Freeman, Ms. Williams said that the front yard could provide parking.

Luzja Mehling, Knoll Road, said that no one in the neighborhood enjoys the privileges that the applicant seeks and that most properties in the area are small. Furthermore, there is little street parking on the street and the granting of a parking variance would create a dangerous situation. There is no view up the street and drivers cannot therefore see if there is a car overhanging the driveway. Ms. Mehling also expressed concern about screening and a tree that she thought might be removed.

Herman Mehling, Knoll Road, is also concerned about parking. He believes it would be a disgrace if the Planning Commission opposes the staff report and allows a variance that would enable a car to be parked in a driveway that would overhang into the street.

In response to public comment, Ms. Williams said that they might be able to fit in a space at the front of the property.

Commissioner Harris supports the staff report in respect of the parking variance and FAR variance, and he would suggest that this item be continued to allow the applicant to redesign his project.

Commissioner Krebs said that the applicant has volunteered to re-examine the parking situation, and that it would be helpful if they addressed the FAR variance, as well.

General discussion ensued between the Commissioners and Staff with regard to the special circumstances.

Chair Zwick noted that the house is not large, and nor will it be large with the addition, but many variances are being requested, only some of which staff is able to support. Furthermore, the mass is centered at the front, when usually the applicant would be asked to set it back, and the second story looks too tall. He suggested that the applicant consider a cathedral ceiling to reduce the second floor plate height.

Vice-Chair House is concerned that the second floor might impact the mass of the garage if it were pushed back, but she likes the colors.

Commissioner Krebs approves of the colors and the second floor design because it might be hard to push it back without impacting the garage.

With regard to exceeding FAR limits, Chair Zwick, and Commissioners Krebs and Freeman feel concerned. However, Commissioner Sisich supports Vice-Chair House who said that the house will still be relatively modest, even though it exceeds the FAR.

Ms. Williams and Ms. Chambers discussed the FAR and design review findings, and the applicant agreed to a 90-day extension of his project.

M/s Harris/Krebs and unanimously passed (6-0) to continue the project to the Hearing of January 3, 2006.

4. **V-0536/DR-0533 – Eileen and Allen Ashton, 29 Grove Lane, APN 007-162-34**, Lot coverage variance for a second story addition to an existing dwelling, which already exceeds the Code maximum lot coverage at 50% (Code: 35%); and Flatland Design Review to add a \pm 498 square foot second story addition, located within the R-1 zoning district. (Staff person: Chambers)

Commissioner Krebs recused himself from the podium because he lives within 300 feet of the property.

Planner Chambers introduced the staff report, and she explained why staff did not support the project.

Eileen Ashton, applicant, presented materials to the Commissioners in support of her project. She said that they want to remain in the area and enlarge their home. Furthermore, there have been no objections from her neighbors.

Ms. Ashton explained why they consider their property to have historic value. They therefore object to removing certain structures from the property, which would enable them to conform to lot coverage

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requirements. Ms. Ashton noted that the eaves are included in the lot coverage, although they do not provide living space. Furthermore, covered parking is desirable, and the garage and trellis provide security. Ms. Ashton referred to a number of call-outs by an adjacent residence to the Police Department.

Ms. Ashton said that their addition is sensitive to the original design and that Staff's suggestion will have a negative impact.

Discussion ensued between the applicants, various Commissioners and Staff about the eaves. Ms. Chambers said that there is some merit to the eaves not being living space, but the covered porch should not be counted as eaves. Furthermore, the majority of the Police call-outs were for lost children.

Allen Ashton suggested removing the trellis from the deck as a compromise.

Ms. Chambers noted that the applicants are not required to remove the garage, carport, or trellis, but in order to comply with the Code a reduction in lot coverage must be made in order to add additional space.

In response to Commissioner Freeman, Ms. Chambers said that special circumstances regarding the size, shape, topography or surroundings need to be made in order to exclude the eaves from counting towards lot coverage.

Chair Zwick noted that San Anselmo does not have an architectural style, and that there is probably no legal standing to exempt eaves from lot coverage. He applauded the applicants for offering to remove the trellis over the barbecue, but the porch still contributes to lot coverage. He further noted that designing an addition to this house is a challenge, but that he finds the design delightful.

Commissioner Freeman is not sure that he can support a variance for an FAR of this size.

Vice-Chair House said that it would be helpful if the trellis structure were removed. She also thought that, because of the use of the neighboring property, it could constitute a special circumstance. Furthermore, she said that the eave issue is compelling.

Ms. Chambers clarified various issues for Commissioner Sisich and noted that the difficulty lies in the house already being non-conforming, a situation that is being exacerbated.

In response to Commissioner Harris, Planning Director Wight explained that eaves in excess of 2' are included in lot coverage because it increases bulk and mass.

In further response to Commissioner Harris, Ms. Wight said that the Commission is restricted to making a finding of special circumstances based on the physical characteristics of the property and not the dwelling's architectural features. Furthermore, the neighboring property that has been mentioned is a considered a residential use by the State.

Commissioner Harris said that if he were to grant a variance, he would do so based on architectural style if it were allowed. However, he is not compelled to grant a variance on safety based on reasoning stated by the applicant.

Commissioner Sisich is sympathetic to the applicants and he believes that special circumstances exist for the eaves.

Vice-Chair House favors the project and asked staff if they could recommend a special circumstance.

Commissioner Harris noted that the shape of the lot is not the problem but that the lot is not large enough.

Chair Zwick said he could not make findings to support the project.

Commissioners Sisich and Harris discussed the size, shape, and surroundings of the property in relation to special circumstances.

Commissioner Harris suggested that the applicant provide a legal footing for making an argument in terms of precedent.

Chair Zwick suggested the Commission could deny the applicant, who could appeal the decision to the Town Council.

The applicants agreed to a 90-day extension of their project due to the State Streamlining Act.

M/s House/Freeman and unanimously passed (5-0) to continue the project to the meeting of January 3, 2006.

Chair Zwick reminded the audience of the 10-day appeal period.

5. V-0537/DR-0531 – Doug and Catherine Bregenzer, 99 Broadmoor Avenue, APN 005-132-15,
1) Flatland Setback Design Review of a first story addition, ±156 square feet in floor area, to be

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within 5' of the east side property line (Code setback: 8'); and 2) Parking Variance for one of the two required parking spaces to be substandard in length and partially in the right of way (Code 2: 9' x 19' spaces wholly on the property); (note that the ±380 square foot second story addition is exempt from Planning Commission review), located in the R-1 zoning district (Staff person: Wight).

Commissioner Krebs returned to the podium and Commissioner Freeman recused himself because he lives within 300 feet of the project.

Planning Director Wight introduced the staff report.

No-one wished to speak against the project.

M/s Harris/House and unanimously passed (5-0) to approve the project. Chair Zwick reminded the audience of the 10-day appeal period.

6. U-0516 – Rajinder Singh for Bolinas Avenue Market, 4 Bolinas Avenue, APN 007-302-17, Use Permit for the off-sale of liquor (currently has a use permit for the off-sale of beer and wine), on property located in the C-3 zoning district (Staff person: Wight).

Commissioner Freeman returned to the podium, and Planning Director Wight introduced the staff report.

Ms. Wight noted a letter of opposition to the project that was delivered during the meeting.

She noted that the Use Permit is revocable.

M/s House/Harris and unanimously passed (6-0) to approve the project. Chair Zwick reminded the audience of the 10-day appeal period.

7. U-0517/DR-0532 – David and Elizabeth Borgeson, 49 Cedar Street, APN 007-222-57, Use Permit/Design Review of retaining walls up to 6' in height above grade within 0' of the rear property line, and retaining walls up to 4' in height above grade with 4' fences on top (for a total height of 8' above grade) within approximately 1' of the side and rear property lines, located in the SPD zoning district (Staff person: Wight).

Commissioner Krebs recused himself because he lives within 300 ft of the property.

The reading of the staff report was waived.

M/s Sisich/Harris and unanimously passed (5-0) to approve the project.

Chair Zwick reminded the audience of the 10-day appeal period.

E. ITEMS FROM PLANNING COMMISSION
Election of Chair and Vice Chair for 2006

M/s Zwick/Harris and unanimously passed (5-0) to elect Commissioner House as Chair.

M/s Zwick/Harris and unanimously passed (5-0) to elect Commissioner Krebs as Vice-Chair.

F. ITEMS FROM STAFF

The Planning Commission Meetings in January fall on Public Holidays, in addition to the meeting scheduled to be held on February 21, 2006. It was therefore agreed that the meetings would be held on Tuesday, 4 January and Tuesday, 18 January and on February 22nd, 2006.

Planning Director Wight noted that a Planning Commission Seminar would be held in December at Sonoma State, and that she believed staff and Commissioners would benefit by attending.

At their next meeting, the Council will discuss an Urgency Ordinance for Signs, that will address non-commercial signs in residential districts, and the hanging of banners over the right-of-way, message substitution, and the placard at Creek Park.

G. ADJOURNMENT TO THE NEXT MEETING OF DECEMBER 5, 2005.

The meeting was adjourned at 9.25 pm.

Joanne O'Hehir
Joanne O'Hehir
SR. ADMIN. SERVICES ASST.