

**SAN ANSELMO PLANNING COMMISSION  
MINUTES OF OCTOBER 3, 2005**

**A. CALL TO ORDER**

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

**B. OPEN TIME FOR PUBLIC EXPRESSION**

None.

**C. WITHDRAWN**

1. Town of San Anselmo, Amendments to the Current Sign Provisions of the Zoning Ordinance, Title 10, Chapter 9 of the Municipal Code. (staff person: Wight)

**D. CONTINUED PUBLIC HEARING ITEMS**

1. ER-0501/PS-0501/PPD-0501/V-0504 – Carlos and Norine Castro, 444 Redwood Road, APN 007-191-10, Environmental Review (Mitigated Negative Declaration), Parcel Split and Precise Development Plan for a new two-story, 3,562± square foot single family dwelling and 509± square foot attached garage (Code setback: 20') on property located within the R-1H zoning district. (staff person: Wight) **CONTINUED TO OCTOBER 17, 2005**
2. ER-0501/PS-0501 - Joseph Maguire, 1535 Sir Francis Drake Boulevard, APN 005-153-01, environmental review and parcel split for: Lot 1: one single family dwelling; Lot 2: one single family dwelling; Lot 3: 4 townhouses, 4 workforce apartments and common parking area. (staff person: Wight) **CONTINUED TO OCTOBER 17, 2005**

**E. PUBLIC HEARING ITEMS**

**CONSENT AGENDA**

1. Minutes – September 19, 2005

M/s House/Sisich and unanimously passed (5-0) to approve the minutes of September 19, 2005.

**REGULAR AGENDA**

2. UP-0515 – Tanyce Alaga – Marin County Choppers, 42 Redhill Avenue, APN 006-201-56, Use Permit for motorcycles for sale to be displayed outdoors in conjunction with a motorcycle retail sales and repair business located within the C-3 zoning district. (staff person: Wight)

Planning Director Wight gave a brief staff report.

Tanyce Alaga, Applicant, said that she has spoken with four of the five people who expressed concerns about her project at the last meeting. Ms. Alaga provided the Commissioners with a list of strategies she intends to adopt to mitigate the concerns aired at the last meeting, with noise being the main issue.

In response to Commissioner House, Ms. Alaga explained her plans in more detail, and she said that she is willing to agree to the conditions set by a neighbor in a letter to the Commissioners. However, Ms. Alaga said that she is not comfortable with limiting runs to four per year.

In response to Commissioner Harris, Ms. Alaga's representative said that the runs need to originate from the shop, which is open for business when the bikers congregate.

Planning Director Wight noted that test runs were forbidden as a condition of the use permit for the previous owners because the business is adjacent to residential areas.

In response to Commissioner Freeman, the representative said that test-driving is necessary prior to the sale of a motorbike but that, for libel reasons, the test drive is limited. Furthermore, an escort accompanies the prospective buyer, who could limit speed and revving.

In response to Commissioner Harris, Ms. Alaga's representative said that he does not favor roping off the parking lot by attaching a line from one building to another because people are not used to seeing it closed off. Furthermore, he suggested that there was a connection between bikers gathering after shop hours and the previous owners.

Commissioner Harris, Chair Zwick, and Ms. Alaga's representative discussed the state of construction motorbikes might be in if they are put outside.

In response to Ms. Wight's concern about parking being blocked, Ms. Alaga's representative said that they would limit the number of bikes that are under construction outside.

Chair Zwick and Ms. Alaga's representative discussed the adequacy of parking. Ms. Wight said that they have learnt from previous experience with a different business that the number of vehicles stored outside grew despite a limit imposed by the Planning Commission.

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The applicant's representative requested the Commissioners to refund his application fee. Ms. Wight said that the Commission has no authority to do so, but that the applicants can request such from the Town Council.

M/s House/Harris and unanimously passed (5-0) to approve the staff report with the following conditions, and changes to the conditions in the staff report:

1. Conditional Approval Number 1 in the Staff Report changed to read "The outdoor display is limited to 10 motorcycles and shall be confined to the raised walkway adjacent to the building and comprising approximately 11' x 37.55';
2. Motorcycles and other items associated with the business shall not be placed on the paved portion of the property used for egress/ingress and parking;
3. No other vehicles shall be offered for sale on the property;
4. In connection with the repairs, no more than 10 motorcycles (not parts) shall be permitted to park along the rear wall while awaiting service;
5. All motorcycle repairs shall be conducted indoors;
6. Conditional approval Number 3 in the Staff Report shall be changed to read 'Motorcycle parts shall not be stored outdoors';
7. All test drives shall be on the Miracle Mile and shall be accompanied by an escort to limit the speed. No test drives shall be conducted on Greenfield Avenue. Motorcycles on test rides shall not "open up" until they reach the commercial district of San Rafael. The escort shall use best efforts to maintain adequate noise levels;
8. No repairs or running of motorcycles shall take place outside of normal business hours;
9. Motorcycles shall be rolled, rather than started as they are moved in and out of the shop;
10. All access doors shall be kept clear at all times for proper exiting;
11. Clients shall be advised of the general impact of excessive noise on the surrounding residential neighborhoods. Signs shall be posted in the parking lot advising customers not to congregate before and after hours, as well as how to proceed in and out of the property, i.e., no burn outs, speeding, revving motors, etc. Such signs shall be subject to approval by the Planning Director.
12. There shall be no more than 4 "runs"/group rides between now and April 15, 2006, and the starting hours for each shall be no earlier than 11:00 a.m., with participants arriving no earlier than 10:00 a.m.;
13. Notice of these rides shall be provided to those neighbors who signed the list at the Planning Commission Meeting on August 15, 2005, and any other neighbors who subsequently request notice (24 hour notice is reasonable);
14. Application for a permanent sign shall be made within 14 days of adoption of the new sign ordinance.
15. There shall be a 6-month review by the Planning Commission, which would be the third week of April.

Chair Zwick reminded the hearing of the 10-day appeal notice.

3. 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 9 feet within 1 foot 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 1,945 square feet (in conjunction with a new single family dwelling of approximately 3,958 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)

Planner Chambers presented the staff report, noting the reasons staff were unable to support the variance findings, but were able to support design review findings.

In response to Commissioner Freeman, Ms. Chambers explained the intent behind flatland design review.

Ted Bayer, applicant, presented photographs and documentation to the Planning Commissioners and discussed how they arrived at the current location and design for the house and garage. He noted that

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they are not building a huge house, and that the design is in keeping with the character of the neighborhood and that trees and foliage will be planted to provide screening for the house and retaining walls.

Michael Sands, architect, explained the project in more detail, noting how he has minimized the mass. The design before the Commission was not the first design they came up with. They have tried to minimize the bulk and mass by pushing it to the back, so their neighbors on either side are not affected so much. Putting the garage at a lower level seemed to be the best place. The second story studio is the only living space that overlooks the neighbors at 28 Elm. They have discussed various driveway options with the Public Works Department and this seems to be the best solution. The turnaround is required and a guardrail will be on top of the wall. They will provide plantings along the shared property line that will screen the wall between the two properties to mitigate the height of the wall. The proposal is a good solution from a safety standpoint that would avoid backing out because the cars can turn around on site and enter the street from a forward direction. He noted it would not be feasible for the turnaround to be on the inside, closer to the house because there would be more maneuvering moves.

In response to Commissioner Sisich, Mr. Sands said the studio over the garage is not intended as a second unit.

In response to Commissioner Harris, Mr. Sands stated that even if the house was reduced in size, it would not alter the location of the driveway much. The current location is the most natural place to take advantage of the rear yard and have an attached garage, not create three stories and minimize the impact to the neighbors.

Sandra Tether, 28 Elm Avenue, submitted photographs to illustrate the affect the garage with the second story will have on her property. The garage is adjacent to her kitchen and bathroom area, and she is not comfortable with her neighbors having a direct view of her kitchen and bathroom. Furthermore, despite the distance between their house and 32 Elm Avenue, Ms. Tether said that the garage will block sunlight from her kitchen. Therefore, she disagrees that she will not be greatly impacted by the project. However, Ms. Curruba is not opposed to a construction project, but she requests that the size of the house be scaled down and that the garage be located elsewhere on the property.

Perry Carrubba, 28 Elm Avenue, is concerned with drainage. Their house is lower down the hill and the retaining walls will direct water on to their property. Furthermore, most people have to back cars on to the street, and it is not a busy street.

Mary Ann Marsili, 26 Elm Avenue, is also concerned with drainage. Drainage problems already exist with water shooting out on to the street, and the new development will exacerbate the problem. Furthermore, Ms. Marsili is concerned that the property will have a looming effect and that her kitchen light will be affected.

David Baker, 25 Elm Ave, has submitted a letter opposing the project. Mr. Baker said that a small house would make access easier, and he is opposed to the removal of heritage trees and the building of large retaining walls. Furthermore, Elm Avenue is a quiet street and backing on to it is not a safety issue.

Bill Risch, 27 Foothill Road, said that he preferred the original plans but that he has no objections to the current proposal. Mr. Risch is glad that the property is being developed, having been neglected.

Matthew Shier, a homeowner who lives six blocks away, is concerned by the process that is trying to reconcile the rights of the homeowners with those of their neighbors. He suggested that an architectural solution might exist to solve the main problem of the size of the house and garage, other than to design a smaller home. Mr. Shier supports the project.

In response to issues raised by members of the public, Ted Bayer said that he had not known that drainage is an issue and that he will insure it is addressed. With regard to privacy issues, Mr. Bayer noted that the house has been set back and that they do not want a direct view into a neighbor's kitchen or bathroom. Furthermore, there is enough space in which to plant greenery to provide screening. Mr. Bayer said that they have tried to keep the footprint small and that they are not building a huge house.

Commissioner Sisich said that the project meets all the requirements except for the variance for the retaining wall. He feels the house should be scaled back a little as a good faith measure for the neighbors. He noted that there are lots of garages at the street level, which would reduce the height of the retaining walls but a variance would be required.

Vice-Chair House supports the Use Permit, and the second story Design Review based on the findings for light, air and privacy. Further, Commissioner House can support the variance for the retaining walls. The driveway seems to be the best solution because cars can turn around and enter the street forward without backing out of the driveway. Commissioner House acknowledged that it is nice to have easy access to the house from the garage and she said that pest control and drainage issues will be handled at the building permit stage.

Commissioner Harris asked why a shadow study had not been provided, and he suggested that the garage could be placed on the south side of the lot and the house staggered up the hill to reduce the mass. The story poles indicate that the size of the house is out of scale for the neighborhood. Commissioner Harris suggested that the second story study, which is currently over the garage, be

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moved to the middle of the house to provide more light for 28 Elm Avenue and lessen the looming effect. Furthermore, Commissioner Harris suggested that the site plan indicate the location of windows on neighboring properties, in addition to the applicants' property, to ascertain if privacy is impacted. Drainage will be reviewed at the Building Permit stage.

Commissioner Freeman said that the retaining walls could be minimized with screening. However, the biggest issues are light and privacy and he said that if the house were downsized to reduce those issues and satisfy the neighbors, then he could support the project.

Chair Zwick said that it is hard to hide any structure on an up-slope lot. The neighbors seem to have issues with the size, and the house stretches from side to side (with outdoor space in the rear), which makes it look larger. Chair Zwick said that the house has a nice sense of scale and the 10' lane provides additional separation between the side and rear properties. The retaining walls may indicate that the house is stretching out too much, and Commissioner Zwick suggested that the house could be designed with three levels stepping back up-slope, rather than on top of one another. He is opposed to a detached garage with a second story studio at street level, which might form a large, enclosing mass.

M/s Sisich/Harris and unanimously passed (5-0) to continue the project to November 7, 2005, when a shadow study will be provided and the plans shall indicate the location of windows on the north side from the windows at 28 Elm Avenue.

**F. ITEMS FROM PLANNING COMMISSION**

In response to Vice-Chair House, Ms. Wight said that an application for a sign at Long's Drug Store has been received.

**G. ITEMS FROM STAFF**

186 Scenic Avenue: Ms. Wight reported that the Council has directed a sub-committee consisting of staff, applicants and appellants to convene and discuss the project. The project will then be heard at the Council Meeting slated for October 11, 2005

790 Sir Francis Drake Blvd: The Resolution of Approval has been adopted by the Town Council.

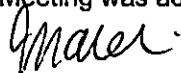
2 and 6 Loma Robles: The Introduction of the Ordinance to Rezone and approval of the Resolution for Design Review and Use Permit, will be heard by the Council on October 25, 2005. If the Ordinance is adopted on October 25, 2005, it will become effective 30 days later.

16 Foothill Avenue: The appeal was upheld by the Town Council, who said that they understood the rationale behind the Planning Commission's decision. However, the Council approved the project based on the lot being one of the smallest in the area and that it would not have a detrimental affect on the neighboring properties, and design review findings could be made.

Sign Review Moratorium: Staff needs more time to concentrate on the Ordinance. Five sign applications have been received.

**H. ADJOURNMENT TO THE NEXT MEETING OF OCTOBER 17, 2005.**

The Meeting was adjourned at 9.40pm.

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