

**SAN ANSELMO PLANNING COMMISSION**  
**MINUTES OF SEPTEMBER 19, 2005**

**A. CALL TO ORDER**

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

**B. OPEN TIME FOR PUBLIC EXPRESSION**

None.

**C. CONTINUED PUBLIC HEARING ITEMS**

1. ER-0501/PS-0501 - Joseph Maquire, 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 3, 2005**
2. 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) **CONTINUED TO OCTOBER 3, 2005**

**D. PUBLIC HEARING ITEMS**  
**CONSENT AGENDA**

1. **Minutes – August 15, 2005**

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

2. UP-0514/DR-0527/SR-0504 – Mikyo Riggs – Marin Mixed Martial Arts, 220 Greenfield Avenue, APN 006-173-16, Use Permit for a change in occupancy to a martial arts studio ( a studio is a permitted use and is subject to a use permit due to the floor area being greater than 1,200 square feet); minor door and window changes to the east side of the building; and review of a 25 square foot conforming sign, located within the C-3 zoning district. (staff person: Chambers)

This item was removed from Consent to the Regular Agenda for further discussion at the request of Commissioner Harris and members of the audience.

**REGULAR AGENDA**

2. UP-0514/DR-0527/SR-0504 – Mikyo Riggs – Marin Mixed Martial Arts, 220 Greenfield Avenue, APN 006-173-16, Use Permit for a change in occupancy to a martial arts studio ( a studio is a permitted use and is subject to a use permit due to the floor area being greater than 1,200 square feet); minor door and window changes to the east side of the building; and review of a 25 square foot conforming sign, located within the C-3 zoning district. (staff person: Chambers)

Planner Chambers introduced the staff report. She noted the conditions of approval and explained the reasons for staff's suggestion that a 6-month review period is applied.

In response to Commissioner Sisich, Ms. Chambers explained how the school could enforce traffic safety by way of a contract with the parents, and she noted that this condition had applied to the Stapleton School.

Fredrick Divine, Architect, said that the staff report is more restrictive than they had hoped but that it is acceptable to his client. Mr. Divine noted that there is a lot of parking in the area.

Joyce Brown, owner of Elan Fitness, is concerned by the potential increase in traffic and safety issues. She is concerned how students will be dropped-off. Ms. Brown explained that the one-way parking lot is not efficient and she is concerned that as many as 50 cars could converge in the area at one time. Furthermore, she is concerned with the change in use, which might encourage drivers to park, rather than drop-off and pick up students.

In response to Commissioner Harris, Ms. Brown spoke about Elan's peak hours, noting that the peak hours are in the morning and evening, whilst there is very little activity in the afternoon.

Charles Pierce, property owner, said that his property has been vacant for some time and he supports the applicant. Mr. Pierce is opposed to any agreement a parent must sign with a business, which he believes is anti-business and a hindrance to customers. Mr. Pierce said that there is plenty of public parking in the area and that there is no reason for it to be monopolized by the customers of Elan. Furthermore, this use will require less parking than the grocery store required.

Fredrick Divine explained the parking plan in more detail. Mr. Divine said that they have used a high traffic count because they hope the school will be successful. However, they have 6 months to see if the traffic and parking arrangements work, and he is confident that it will.

Commissioner Sisich supports the application. He believes that parking should not be restricted to the point where a landlord cannot attract tenants. Commissioner Sisich does not favor a contract between a business owner and parents and suggested that an information sheet would be adequate.

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Commissioner Harris supports the staff report. He noted that the contract is no different from any other kind that a school enters into with parents and that it should be part of the 6-month review. Commissioner Harris said he would like the applicant to solicit input from Elan and other businesses in the area with regard to a traffic safety plan.

Vice-Chair House agrees with the condition that includes a contract. Furthermore, she said that there are parking spaces available further away from Elan on Greenfield Avenue that people could use.

Commissioner Krebs is in favor of the staff report, although he believes that the word "contract" should be modified to say "rules".

Commissioner Freeman is also in support of the application. He said that parking seems to be available.

Chair Zwick had nothing to add and he supports the project.

M/s Harris/Sisich and unanimously passed (6-0) to approve the staff report with an amendment to Condition of Approval No. 7, to require the applicant to solicit input from neighboring businesses on their side of the street with respect to a traffic safety plan, prior to submitting the plan to the Town.

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

**3. 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)

Planning Director Wight introduced the staff report and noted the items from the last meeting that the applicant was required to address.

In response to Vice-Chair House, Ms. Wight explained that private open space property cannot be developed and that she will investigate whether or not a fence can be erected.

Steve Arago, Project Manager, distributed additional materials to the Commissioners. Using the plans, Mr. Arago explained in detail four alternate plans in three different locations on which to build the unit.

The original site remains the favorite, with Alternative B being the least desirable for reasons that Mr. Arago explained, including the need for the removal of many trees and the provision of more retaining walls.

Alternative C, where the house has been relocated further up the hill, would require more retaining walls and materials, but the amount would not be significant.

However, Alternative D, where the garage has been changed to a carport, would result in a reduction of building mass and that a grove of trees will maintain screening.

Mr. Arago noted that further information has been provided on construction traffic and the number of truck trips that would be necessary.

Donna Warrington, Architect, discussed the foundation system of the unit and the retaining walls in more detail. Ms. Warrington said that 11 - 14 truck trips of concrete would be necessary.

Chair Zwick, Ms. Warrington and Mr. Arago further discussed the retaining walls and calculations.

In response to Commissioner Harris, Mr. Arago explained why he believed it would not be possible to move Alternative A further up the hill to the west to save two oak trees.

Peter Pfau, 419 Redwood Road, suggested that the house be moved further uphill, leaving the garage in its current location. It would not then be necessary to increase the driveway. Mr. Pfau used the plans to discuss his preference further.

Kathleen Sanders, 310 Redwood Road, inquired into whether private open space has to be of a certain size to ensure a lot cannot be split. Ms. Sanders would like assurance that the lot cannot be split further. Ms. Sanders said that Alternative D would be the most appealing because the visual massing of the structure would be reduced. Furthermore, the road would be shorter, which is environmentally more desirable. Ms. Sanders said that no improvements are being made on Redwood Road where they are most needed, which is at the bottom where there is higher use.

Gay Kagy, 280 Redwood Road, noted that at the last meeting, the Commissioner agreed that a conservation easement should be placed on the property as a condition of approval. Ms. Kagy identified a suitable location for the conservation easement and she said that the lot has little merit as a site for a house.

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Stephanie Fein, 239 Redwood road, said that the road is never returned to the previous condition after a major remodel, despite construction conditions, such as a road bond. Oak Avenue would provide a better route because it is a stronger, wider road. Ms. Fein suggested that the design of the house could be changed, rather than considering that a site as inappropriate because there are heritage trees in the area.

Bill Geisler, 405 Redwood Road, is concerned that Oak Avenue and Gerlack, (which is already damaged) would deteriorate if construction were allowed during the wet season.

Mr. Arago spoke about the possibility of restricting construction to the dry season. He said that no-one wants to see a building site exposed during the winter months.

In response to Commissioner Harris, Mr. Arago said he would investigate the possibility of separating the house from the garage. Mr. Arago believes that more grading and tree loss would be necessary.

Mr. Arago used the plans to discuss grades and the slope analysis with Chair Zwick. He said it would be possible to superimpose story poles on the house in the photomontage.

With regard to Chair's Zwick's question about open space, Mr. Arago said that the land is to remain as private open space and that they would agree to limit future development rights on the property. Once the building envelope has been established, the owner will agree not to build outside that area on the property.

Commissioner Freeman and Mr. Arago discussed the Fire Marshall's requirements for reducing the mass of trees without the need for all of them to be removed.

In response to Commissioner Freeman, Ms. Wight said that the owner is held financially responsible for repairing the road if construction trucks damage it.

In response to Commissioner Sisich, Joanne O'Hehir, Administrator for the Building Department, explained the Road Impact Fee.

In further response to Commissioner Sisich, Ms. Wight will inquire how the Road Impact Fee is spent.

In response to Chair Zwick, Ms. Wight said that there is no interest in this property becoming public open space.

Commissioner Freeman noted that in previous meetings, the proximity of the house to the road has been a cause for concern. For this reason, he suggests that Alternative C or D might be suitable locations. Commissioner Freeman is leaning toward Alternative C with the trade-off being more truckloads but resulting in a house that is further away from the road.

Commissioner Sisich supported the project at the last meeting, and he still supports the original location of the building. This location will have the least visual impact; it is shady and the color will be dark. The house will have more visual impact the further up the hill it is placed. Furthermore, there are large road issues but the Road Impact Fee is collected to fix roads.

Commissioner Harris is not convinced that the alternative sites are better than the original site chosen, which will be fairly well screened and is a sufficient distance from the public open space. Commissioner Harris and Ms. Wight discussed the criteria for a parcel split.

Vice-Chair House noted that the applicant has discussed alternative sites for the house, and that she is surprised to conclude that the original site might be the best place for the house. However, she is interested in the alternative site put forward by a member of the public but she acknowledged that the applicants cannot continually be asked to change their plans. However, Vice-Chair House is moving towards favoring the current site, preferring a garage in which to hide cars, rather than a carport.

In response to Vice-Chair House, Ms. Wight said that the Public Works Director does not favor requiring applicants to improve the parts of a road that are not close to their projects. Ms. Wight suggested that further inquiries on the subject be directed to the Public Works Director.

In response to Commissioner Sisich, Ms. Wight said that there are conditions whereby the Fire Department might require an applicant to widen a road, but it would be close to their property.

Commissioner Harris explained the three categories of improvement that a Town could require from the applicant of a project for such road improvements.

Commissioner Krebs said that he appreciated the effort the applicants have made to satisfy past requests. However, he remains troubled that density is being added to the area, even though there is enough acreage. Commissioner Krebs said he is leaning towards supporting the project.

Chair Zwick acknowledged the slope analysis that has been prepared. He noted that the Commission is under no obligation to agree to the lot split, which offers a large financial benefit to the applicants.

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Chair Zwick also acknowledged the neighbor's concerns, and his own concern that the preferred site is the steepest part of the property. Furthermore, the Fire Department would require half the trees to be removed. Chair Zwick said he might be able to support Alternative A if it were moved westward to a less steep part of the property.

Chair Zwick, Vice-Chair House and Commissioner Harris discussed Chair Zwick's support of another alternative site in more detail, including the increase in driveway and retaining walls. Chair Zwick believes that it is possible to deal with the off-haul on site. However, more concrete would be needed and the number of necessary truck trips calculated.

Vice-Chair House thinks she is swayed by Chair Zwick's ideas and she suggested that a motion be made for the applicant to provide information on Chair Zwick's suggested new alternative site, just west of Alternative Site A.

Commissioner Harris is in agreement with Vice-Chair House.

In response to Commissioner Krebs, Mr. Arago said that the alternate sites were selected because the Commission specifically asked them to look at a site with a 15% - 30% slope.

Commissioner Harris and Ms. Wight discussed the course of action available.

Chair Zwick announced a break in proceedings for the applicants to consider their options, when a request was made to continue the project.

At this time, Chair Zwick called up the next item on the agenda.

4. **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)

This item was cancelled at the request of the applicants.

5. **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)

The reading of the staff report was waived.

There being no questions of Staff from the Commissioners, the item was opened for public comment.

Jennifer Carrick, 22 Island Drive, is concerned with noise. In order to display the motorcycles outside, the engines need to be switched on to move them to and from the shop, which is disruptive. Furthermore, engines are revved for test-driving, which is very loud. Ms. Carrick said that the parking lot is a magnet for bikers to hang out, particularly at weekends and after hours.

Brad Rollin, 411 Greenfield Avenue, said that the previous owners were particularly noisy and that it would help if the revving of engines was avoided and that Redhill Avenue be used for test-driving, rather than Greenfield Avenue. Mr. Rollin suggested that the parking lot be chained after hours to dissuade bikers from gathering there.

Julie Garner, San Rafael Resident, said that the noise is significant and she is concerned that it will become worse as the business expands.

Elaine Steiner, Greenfield Avenue, said that noise is a consistent problem, which can now be corrected. There is no reason for bikers to congregate late at night and early in the morning near the shop.

Bernice More, Greenfield Ave, agrees with the comments of the previous speakers. Furthermore, the previous owners used the wall of Miracle Mile to test mufflers.

Gene Zaccor, 30 Island Drive, said that he regrets buying his house because the motorcycles are very noise. He requests that the noise be controlled.

Tanyce Alaga, owner, is aware of the issues and said that she is encouraging a different kind of client. However, Ms. Alaga does not understand why bikers congregate early in the morning. Ms. Alaga said they will be more sensitive to revving engines and that they need an area outside in which to park motorcycles. The display area is an elevated sidewalk that does not interfere with parking and that they need this area for parking the bikes.

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Chair Zwick suggested that it could be made part of the conditions that bikes which are being moved into the showroom at closing time are put in neutral, rather than the engine being switched on. Furthermore, Chair Zwick suggested that organized bike rides begin later at weekends to discourage groups of bikers from congregating too early in the morning.

In response to Commissioner Harris, Ms. Alaga said that between 10 - 40 bikers take part in organized rides on a Sunday, where the shop is the meeting point.

Commissioner Harris agrees with Chair Zwick that the meeting time should be later.

The Commissioners discussed at some length how to proceed with the application that would enable the problems raised to be resolved and for the applicants to be able to operate their business in the meantime.

In response to Commissioner Harris, Ms. Alaga explained in more detail what her business entailed and how their bikes are displayed. She also explained how the parking lot is used.

The owner of Spotless Cleaners is in favor of the project, but asked that the noise is kept down and the entrance kept clear.

Further discussion between staff and various commissioners took place regarding the review of use permits at regular intervals.

Commissioner Harris said that there are insufficient conditions of approval to approve the project this evening, such as hours of operation, the parking lot issue, and the sign.

M/s House/ Harris to grant temporary approval of the use permit for motorcycles to be displayed outdoors and for the item to be continued to the meeting of 3 October, 2005, at which time the applicant should provide solutions to the neighbors' concerns and details of group rides. The temporary use permit will expire at the time of the next meeting. Motion passed unanimously.

Chair Zwick reminded the audience of a 10-day appeal notice.

**Continue discussion of 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**

M/s House/Krebs to continue the item to the meeting of 17 October, 2005. Motion passed unanimously.

**E. ITEMS FROM PLANNING COMMISSION**

In response to Vice-Chair House, Ms. Wight said that a prospective Planning Commissioner is being interviewed by the Town Council.

**F. ITEMS FROM STAFF**

Appeals to be heard by the Town Council include 16 Foothill Road, 2, 4, & 8 Loma Robles. The appeal of 186 Scenic Avenue was granted.

**G. ADJOURNMENT TO THE NEXT MEETING OF OCTOBER 3, 2005.**

The meeting was adjourned at 10.10pm.

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