

**SAN ANSELMO PLANNING COMMISSION
MINUTES OF JUNE 6, 2005**

A. CALL TO ORDER

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

B. OPEN TIME FOR PUBLIC EXPRESSION

Heather Mitchell, of San Rafael referred to traffic studies in connection with the Walgreens project at 820 Sir Francis Drake Blvd and a potential traffic hazard. Chair Zwick suggested that Ms. Mitchell check the building files and speak with the Public Works Director with regard to a videotape of the road.

C. 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; a parking variance for access to be across 444 Redwood Road; and setback variances for retaining walls up to 4.5' above grade to be within approximately 8' of the front property line, and up to 10' in height within approximately 19' of the front property line, all in conjunction with widening the road (Code setback: 20') on property located within the R-1H zoning district. (staff person: Wight) **CONTINUED TO JUNE 20, 2005**

**D. PUBLIC HEARING ITEMS
CONSENT AGENDA**

1. **Minutes – May 16, 2005**

M/s House, Sisich to approve the Minutes. AYES: House, Sisich, Zwick, ABSTENTIONS: Krebs/Harris. Chair Zwick reminded the audience of the 10-day appeal period.

REGULAR AGENDA

2. V-0512/DR-0514 – Robin Brandes and John Roberts, 130 Meadowcroft Drive, APN 005-141-29, 1) setback Design Review to add a single story addition of approximately 310 square feet within 5' of the east and west side property lines, 2) parking variance for one of the two spaces to be 7'x19' (Code: 2: 9'x19'); 3) setback variance to add a exterior stairs within 0' of the west side property line (Code: 6'); 4) setback variance to add a window projection within 13' of the front property line (Code: 20'), and 5) lot coverage variance to increase lot size from 34.7% to 39.% (Code: 35%). (staff person: Chambers)

Planning Director Wight introduced the staff report. Ms. Wight said that staff could not make special findings for the bay window extension of the master bedroom and the non-conforming parking space. The reasons are that the project could be modified to conform to the required setbacks for the window extension, and items could be removed from the garage.

In response to Chair Zwick, Ms. Wight explained how staff made the finding for an increase in lot coverage.

In response to Commissioner Sisich, Ms. Wight said that this project is a new submission and should be treated as such.

John Roberts, applicant, presented photographs to the Commissioners to support his project and noted that letters of support from neighbors had been submitted. Mr. Roberts said that the window extension adds a small amount to the lot coverage but it provides very useful storage space. Furthermore, it would stop rodents using the space at ground level. With regard to the garage, there is room for two cars in the driveway and little difference would be made to the amount of available space in the garage if the water heater were moved.

In response to Commissioner Harris, Mr. Roberts said that no changes have been made to the plans since the project was heard at a previous meeting.

Commissioner Harris explained how findings could be made for the project, including that the creek is further eroding a small lot, and thus he supports the lot coverage variance. However, Commissioner Harris said that off-street parking rules are generally strictly enforced and that he could make no findings in support of this variance.

In response to Commissioner Harris, Ms. Wight used the plans to explain the need for a parking variance.

Vice-Chair House supports all requests, including the parking variance, because there is adequate parking on the lot and a nearby easement will provide more off-street parking. Vice-Chair House said that the bay window will not project further than the eaves or the front of the house and that, whilst it will make little difference to the exterior of the house, it will provide more livable space on the interior. Ms. House supports the lot coverage variance for the same reason provided by Commissioner Harris.

**SAN ANSELMO PLANNING COMMISSION
MINUTES OF JUNE 6, 2005**

Commissioner Sisich noted that many houses in the area are built within setbacks.

Commissioner Krebs is concerned about lot coverage, but he favors the finding for lot coverage if it is considered adequate in this instance.

Chair Zwick said he had nothing to add to the comments of the previous Commissioners.

M/s Sisich, House, to approve the staff report, with the added changes to approve the parking variance, bay window setback and lot coverage on the grounds that no change is being made to the current parking situation and it will not materially add any space for parking cars, the approval of the bay window will not be a special privilege as a lot of the homes are built within the front setback along that street and will not extend further than the existing front edge of the building and is under the existing eave, the lot coverage variance is because there is minimal yard to the slope and topography of the lot. Motion carried: AYES: House, Krebs, Sisich, Zwick, NOE: Harris.

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

3. **DR-0516 – Kevin and Tina Zwiefelhofer, 212 Oak Springs Drive, APN 005-292-02**, Hillside Design Review to add an addition of approximately 1,031 square feet to the lower level (391 square feet is within the existing crawl space), remove the existing 386 square foot deck and add a ±555 square foot deck over the addition, located within the R-1 zoning district. (staff person: Chambers)

Planning Director Wight introduced the staff report.

Kevin Zwiefelhofer, applicant, said that they have outgrown their house and that they have worked with their neighbors and the architect to design an addition that has minimal impact. Furthermore, they are willing to work with staff on colors.

Stuart Summers, Architect, said that the addition has been designed on the downhill slope to minimize impact, which is important if a house is built on a ridge line.

In response to Commissioner Sisich, Ms. Wight said that the Fire Marshall recommended that no vegetation be planted on the south-facing slope of the property. Tonight's discussion concerns only color and design materials.

M/s Harris, Sisich to approve the staff report, including staff's recommendation that the windows be darker than tan. Motion passed unanimously.

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

4. **V-0515/DR-0517 – Brian and Kate Hogan, 178 Floribel Avenue, APN 007-095-24**, hillside design review and setback variance to construct a 60 square foot +deck extension and a setback variance to replace an existing deck, all within 2' of the west side property line (Code: 12'), located within the R-1 zoning district. (staff person: Wight)

Planning Director Wight introduced the staff report, following which the applicants declined to speak.

M/s Harris, Sisich to approve the staff report. Motion passed unanimously.

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

5. **V-0516 - Drew Klausner, 26 Tamalpais Avenue, APN 007-211-23**, variance from Condominium Conversion Ordinance regulation that all the dwelling units comply with the current statutes, laws, Codes, rules, and regulations for energy conservation, which apply to new residential construction. (staff person: Wight)

A written response by the applicant to the staff report was given to the Commissioners. The Planning Director then presented the staff report.

In response to Commissioner Sisich, Ms. Wight said that the variance is being sought to comply with codes set by the Town of San Anselmo and not by the State. Ms. Wight discussed the special circumstances that might be used to grant a partial variance.

Drew Klausner, Applicant, also said that State law does not require the changes, only the rules of the Town of San Anselmo. Mr. Klausner noted that the windows are in working condition and do not need to be changed.

Chair Zwick noted that San Anselmo has a conversion ordinance that requires various upgrades, and he explained the reasoning behind the ordinance.

Vice-Chair House suggested that wording be added to the homeowners' agreements that windows must match if they are changed.

**SAN ANSELMO PLANNING COMMISSION
MINUTES OF JUNE 6, 2005**

In response to Chair Zwick, Mr. Klausner explained how the rent would be charged on each unit.

In response to Commissioner Harris, Mr. Klausner said he is agreeable to installing roof insulation. Commissioner Harris greatly favors energy conservation.

M/s Harris, Zwick to a grant a variance from the Condominium Conversion Ordinance with respect to requiring replacement of windows and the addition of a gas furnace, whilst still requiring insulation to the roof, floors and walls, which will significantly enhance the energy conservation of the existing building. The findings of special circumstances that support the variance consist of the project's addition of affordable housing and low market-rate rents to the current tenants, and the project's benefit to the affordable market stock of the Town of San Anselmo which, based on the cost projections provided by the applicant, would not be possible if the ordinance were adhered to. A condition of approval is added that CCNRs or other governing documents, with respect to the approved condominium association, will include a requirement that windows will be replaced in a consistent manner such that each window will be similar from one unit to another and that exterior changes, including windows and color, will be presented to the Planning Commission for approval. Motion passed unanimously.

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

6. ER-0503/Z-0502 - Town of San Anselmo, Environmental Review (Negative Declaration) and Amendments to the Current Sign Provisions of the Zoning Ordinance, Title 10, Chapter 9 of the San Anselmo Municipal Code. (staff person: Wight)

Planning Director Wight introduced the staff report. E-mail correspondence received from Ford Greene was given to the Commissioners for perusal.

In response to Chair Zwick, Hadden Roth, Town Attorney, said he would not recommend an amendment to the Ordinance to allow the particular sign on the site of 711 Sir Francis Drake Blvd to be grandfathered-in. Mr. Roth's reasoning included that the ordinance is not being retrospectively applied and that it might make it impossible to enforce in other cases.

In response to Commissioner Harris, Mr. Roth discussed the definition of a sign. He noted that the ordinance determines the size of signs and whether or not a sign constitutes a single message. The ordinance is not concerned with the content of a message.

In response to Commissioner Harris, Mr. Roth explained how he drafted the ordinance.

In response to Commissioner Sisich, Mr. Roth explained the Court Ruling on Mr. Greene's sign.

In response to Chair Zwick, Ms. Wight confirmed that the Planning Commission is being asked to recommend approval of the Sign Ordinance and Negative Declaration to the Town Council.

Mr. Roth responded to a query from Commissioner Krebs with regard to size limitations and the Court Ruling on Mr. Greene's sign.

In response to Chair Zwick, Mr. Roth said that there is no discrimination between political and non-political signs.

In response to Commissioner Harris, Mr. Roth said that the Council would like temporary non-commercial signs to be limited to 6' in order to maintain the Town's aesthetics and to ensure traffic and pedestrian safety.

Commissioner Harris suggested changes that should be made to the wording in several sections of the Ordinance.

Mr. Roth, Ms. Wight and members of the Commission discussed the wording and meaning of aspects of the Ordinance at some length.

Ford Greene, 711-715 SFD Blvd, said he objected to specific parts of the ordinance, which he discussed at some length. Mr. Greene is in favor of his sign being grandfathered-in and he opposes the removal section of the Ordinance where it allows the Planning Director to delegate the decision to remove a sign to the Police Chief.

In response to Commissioner Sisich, Mr. Greene made suggestions for amending the Sign Ordinance.

Commissioner Harris and Mr. Roth discussed commercial and non-commercial signs.

Discussion took place between various Commissioners, Mr. Roth and Ms. Wight on permanent and non-permanent signs.

In response to Commissioner Krebs, Ms. Wight said that a permanent sign is subject to sign review.

**SAN ANSELMO PLANNING COMMISSION.
MINUTES OF JUNE 6, 2005**

Vice-Chair House dislikes large billboards and is in favor of limiting temporary, non-commercial signs to 6'. Vice-Chair House will recommend the amendments to the Sign Ordinance with the changes suggested by Commissioner Harris to the Town Council.

Commissioner Harris, Mr. Greene, Mr. Roth and Commissioner House discussed the delegation of authority to remove signs that is encompassed in the Ordinance.

Commissioner Harris sought explanation from Mr. Roth on various aspects of the Ordinance in relation to Mr. Greene's signs.

Mr. Roth discussed minor changes he had made to the Ordinance.

In response to Commissioner Sisich, Ms. Wight and Mr. Roth explained the kind of temporary and permanent signs Mr. Greene can have on his property with regard to the proposed amended Ordinance.

Commissioner Sisich is able to support the amendments to the Sign Ordinance.

Commissioner Harris noted that there is an obligation to ensure free speech in Ross Valley and Commissioner Krebs said that it is important for a town to have a reasonable level of signage without infringing free speech.

M/s House, Sisich to recommend approval of the Negative Declaration and Sign Ordinance with the following amendments made by Daniel Harris and Hadden Roth:

Roth: 10-9.302(f)(1)(ii), add "... permitted any number of signs..."

Roth: 10-9.302(f)(1)(iii), add "... street, any number of signs ..."

Roth: 10-9.402(6), change "... sidewalk where a 4' - 3' clearance..."

Harris: 10-9.406(b)(1), add "... materials, or which twirling, moving, or flashing"

Harris: 10-9.701(a), delete comma after "... Difficulties or in, unnecessary..." and add, "... his or her use or property and are not"

AYES: House, Krebs, Sisich, Zwick. NOE: Harris. Motion passed.

E. ITEMS FROM PLANNING COMMISSION

In response to Vice-Chair House, Ms. Wight said that the color white had been approved on the property at 1509-1513 San Anselmo Avenue.

F. ITEMS FROM STAFF

Ms. Wight said that an appeal of 35 Grove Hill Avenue had been withdrawn. Ms. Wight then informed the Commissioners which projects would be heard by the Town Council at their next meeting.

G. ADJOURNMENT TO THE MEETING ON MONDAY, JUNE 20, 2005

The meeting was adjourned at 9.25pm.


Joanne O'Hehir
SENIOR ADMIN. SERVICES ASST.