

**SAN ANSELMO PLANNING COMMISSION
MINUTES OF JANUARY 17, 2006**

A. CALL TO ORDER

Commissioners Present: Harris, House, Krebs, Sisich, Zwick

B. OPEN TIME FOR PUBLIC EXPRESSION

Louise Matthews, Foothill Road discussed various concerns regarding the meeting of December 19, 2005. In response to Ms. Matthews, Planning Director Wight confirmed that there was a quorum at the meeting.

C. CONTINUED PUBLIC HEARING ITEMS

1. **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 THE MEETING OF 2/18/06**

**D. PUBLIC HEARING ITEMS
CONSENT AGENDA**

1. **Minutes – December 19, 2005**

M/s Zwick/Sisich and passed (3:1 abstention: Harris) to approve the minutes of December 19, 2005.

2. **Z-0601/U-0602 - San Francisco Theological Seminary, 25 Kensington Road, APN 007-292-03,** Amendment to the Seminary Master Plan, environmental review and use permit to permit the existing dwelling structure, which was previously approved to be used for faculty and staff offices, to be converted back for use as a single family dwelling. (staff person: Wight)
3. **U-0601 - San Anselmo Inn, 339 San Anselmo Avenue, APN 007-252-17,** use permit for the sale of beer and wine on property located within the C-2 zoning district (staff person: Wight).
4. **U-0602 – Tony Fedrico and Fernanda Etura-Fedrico, 41 Tamalpais Avenue, APN 007-212-14,** use permit for a ±796 square foot second unit located on the lower level of the existing dwelling (Code maximum: 30% =406 square feet), located within the R-1 zoning district. (staff person: Chambers)
5. **DR-0601/U-0603 – John Kaufman, 540 San Anselmo Avenue, APN 006-102-31,** design review of exterior alterations and a use permit for change of occupancy on property located within the C-2 zoning district. (staff person: Wight)
6. **UP-0603 - Amory Donohue for Hola Kids by Language in Action, 25 Tamalpais Avenue, APN 007-212-18,** use permit for a private school on property located within the C-2 zoning district (staff person: Wight).

In response to Commissioner Harris, Planning Director Wight said that she had not received community feedback from Mill Valley regarding the school.

M/s Zwick/Sisich and unanimously passed (4-0) to approve consent agenda items 2 - 6.

Commissioner Krebs joined the meeting at 7.05pm.

REGULAR AGENDA

7. **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 approximately 48% (Code: 35%); and Flatland Design Review to add a ±498 square foot second story addition, located within the R-1 zoning district. (Staff person: Chambers)

Commissioner Krebs recused himself because he lives within 500 feet of the property.

Planner Chambers presented the staff report, and explained the changes that had been made to the project since the last hearing. Ms. Chambers noted that staff is still unable to support the project due to the excessive lot coverage.

In response to Commissioner Sisich, Ms. Chambers said that the Code does not require covered parking. Aileen Ashton, applicant, provided materials to the Commissioners and staff. Ms. Ashton said that it should not be necessary for them to remove the carport, and she explained in detail how her project should be supported with findings based on an aesthetically pleasing design. She cited examples of

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projects located at 56 San Rafael Avenue and 60 Sequoia Avenue that were approved with larger lot coverage than the Planning Code allows, and she discussed at length the special circumstances she believes exist.

Commissioner House noted that the FAR requested by the applicants is larger than the two other projects cited by Ms. Ashton, and that she is unable to support this project.

Planning Director Wight said that the project could be continued. However, Ms. Wight said that the special circumstance which existed for a project in Santa Cruz mentioned by Ms. Ashton was based on location. Staff supported a variance at 56 San Rafael Avenue because lot coverage was reduced by the removal of certain structures on the property, and that the findings made for a project at 60 Sequoia were weak. Furthermore, Ms. Wight said that a finding cannot be made for a variance based on a structure having been built before the adoption of the zoning ordinance.

Commissioners Sisich and Harris discussed the FAR variance in general terms, and Commissioner Harris noted that the FAR requested is so much in excess of the code's rules, which he said was not necessarily a good rule. Ms. Wight noted that if the carport and trellis were removed, a garage would still remain and the lot coverage would be reduced to approximately 35%, which would seem reasonable. Commissioner Zwick noted that the second story does not increase lot coverage and that FAR is not applicable in this case because it is a flatland lot. Ms. Chambers noted that the applicants are requesting a variance to exacerbate a non-conforming situation, but that they are not asking to increase lot coverage.

Commissioner Zwick said that he likes the house. However, staff has asked that the lot coverage be reduced in order to allow the second story, and he cannot change the rules that do not give him the authority to approve the project.

Commissioner Sisich said that he would favor a continuance to study the materials just submitted by the applicant, but that he does not think he can support the project.

Commissioner Harris is in agreement that the rules cannot be broken. The lot coverage is so much in excess of that which is allowed and although it is not necessarily a good rule, he is bound to follow it.

M/s Harris/Zwick and unanimously passed (4-0) to support the staff report based on findings listed in the staff report, specifically that there are no special circumstances to support the second story addition on a lot that already enjoys a 48.6% coverage, when 35% is the maximum permitted on a lot of this size and without being able to make that initial finding; to adopt the staff report's recommendation to deny the project without prejudice.

Chair House made some general comments on the Planning Commission being restricted to observing the rules, and that the Town Council could make different choice.

8. **V-0535/DR-0530 – Greg and Kristi Bush, 142 Sequoia Drive, APN 006-114-05, 1) Setback Variances to add a ±375 square foot first story addition within 16' of the front property line and 8'-6" of the street side (Knoll Road) property line, and a ±354 square foot 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 Design Review of first and second story additions totaling + 729 square feet; 3) Design Review to exceed the permitted 35% FAR by 10%, and 4) Parking Variance for one 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); located within the R-1 zoning district. (Staff person: Chambers)**

Commissioner Krebs returned to the podium and Planner Chambers introduced the staff report. Ms. Chambers noted that the second story has been reduced, but staff is still unable to support the front yard variance because the entry could be moved to the east side of the property and the second story pushed back.

Commissioner Sisich and Ms. Chambers discussed a provision in the code that allows the maximum FAR to be increased by 10%. This was incorporated into the Code in 1991, which allowed a flight of stairs to be built in additional space to allow the occupants to circulate the house properly. In this instance, the circulation is adequate although the rooms are small and, furthermore, many homes in San Anselmo do not have entryways, particularly small houses.

Margaret Williams, architect, discussed the modifications that have been made to the plans in further detail. She noted that the second floor plate height has been reduced and that the corner lot is small and irregularly shaped. It is not possible to design a first floor addition because the FAR is maximized. Thus, a second floor addition is necessary for which a stairwell and hallway would be needed that add to the FAR. Ms. Williams believes these are sufficient findings for the circulation rule allowing FAR to be exceeded by 10%.

In response to Commissioner Harris, Ms. Williams discussed circulation in further detail. Her main concern is that a stairway is necessary, which counts towards FAR, that would not have been required had a first story addition been allowed.

In response to Commissioner Zwick, Ms. Chambers confirmed that a variance would be unnecessary if the second story were pulled back 6".

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Ms. Chambers noted that the front yard variance would not be necessary if the porch cover was removed and the porch moved to the east side of the property. A side yard variance would still be necessary, which staff could support. She also noted that staff supports the parking variance.

Chair Zwick noted the difficulty in exceeding FAR limits because many residents want a larger house on a small lot.

Ms. Chambers spoke further on the findings that would need to be made with regard to the exception made for circulation. Staff believes that internal circulation problems do not exist.

Commissioner Sisich believes that Ms. Williams' argument is compelling and that the house will still be a modest size. However, he could agree to the exception allowing the FAR to be exceeded if the design were modified to eliminate the front yard setback variance.

Commissioner Zwick said that he would also be willing to grant the exception to eliminate the FAR variance if the front yard setback variance is resolved.

Commissioner Harris noted that the applicants are requesting the Commission to make findings to allow the project to fit the exception rule, rather than trying to fix the problem. A circulation and space problem do not exist and he does not favor the granting of the FAR in order to grant residents a larger home than they are allowed. He supports staff's report.

Commissioner Krebs agrees with Commissioner Harris.

M/s Zwick/Sisich and passed unanimously (5-0) to continue the project to a date unspecified. Chair House reminded the audience of the 10-day appeal period to the Town Council.

9. **ER-0503/DR-0535 - Red Hill Park, 100 Shaw Drive, APN 006-061-14**, Review of initial study and draft negative declaration for redevelopment of approximately 5.7 acres of the former Red Hill Middle School athletic-/recreation fields into a multi-purpose community athletic sports and dog park facility, including a fenced dog park, a sports court and soccer/baseball field, a restroom/concession/storage building and a separate storage building for use by Town maintenance and sports leagues, new storm drainage, landscaping and irrigation improvements. Access to the site would be from Sunny Hills Drive and also from Shaw Drive with expanded parking off Shaw Drive. Planning Commission public hearing also scheduled for Tuesday, February 21, 2006 to include project review (rezoning to SPD (Specific Plan Development), Use Permit and Design Review). (staff person: Consultant Newman)

Consultant Newman introduced the staff report. Ms. Newman said that the geotechnical study, and noise and traffic studies confirm that the impacts are not sufficiently adverse for the project to be denied. Ms. Newman explained staff's recommendation for the evening's proceedings. Dalene Whitlock, traffic consultant, explained that the latest analysis assumed that traffic would not be directed through Red Hill Shopping Center, which had originally been considered acceptable. However, traffic impacts remain less than significant and Ms. Whitlock explained in more detail how the traffic study was undertaken and in particular how the traffic study differed from the previous study.

In response to Commissioner Zwick, Ms. Whitlock said that drivers could find a different route home or turn right onto Sir Francis Drake Blvd, rather than wait in line for six or seven minutes on a side street before being able to turn left on to Sir Francis Drake Blvd. Furthermore, signals exist on Sir Francis Drake Blvd that create breaks for vehicles to exit and enter side streets. It is not realistic to expect people to wait six or seven minutes; they do not do it now. It is theoretical only.

Commissioner Harris expressed concern that traffic might back up on Sir Francis Drake Blvd if more than 3 cars wished to make a left turn into Shaw Drive or Sunnyhills Drive. Ms. Whitlock thought that it would not be feasible to extend the pockets of those lanes to mitigate that potential problem. In further response to Commissioner Harris, Ms. Whitlock said that the traffic study was based on the current signalized intersection, rather than an intersection with two traffic signals, and traffic flow seemed to be acceptable.

In response to Commissioner Krebs, Ms. Whitlock said that two traffic signals would work better for side street traffic but would interfere with the flow of traffic on Sir Francis Drake Blvd. Further analysis would be needed, but Ms. Whitlock believes that one traffic signal is sufficient.

In further response to Commissioner Krebs, Ms. Whitlock discussed the difference between significant impact and substantial impact. A significant impact would need to be mitigated, and the level of service would have to get to "E" in order to be "significant", which it has not reached.

Brian Grant, 4 Timothy Avenue, a Senior at Drake high School, explained that there is insufficient space for students to practice at the school and that the new facilities are greatly needed.

Don Collins, 14 Scenic Ave, Fairfax, a Sophomore at Drake High School, explained that the school's baseball and soccer teams have insufficient time to practice due to the lack of space at their school.

Kelly Watson, 980 San Anselmo Ave, plays softball and another park is needed for easier scheduling and playing.

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Walter Kopp, 19 Fern Lane, is a member of the Parks Commission and he supports the project.

Elaine Snyder, Greenfield Ave, said that some people do not want a huge sports complex and that traffic and noise issues remain. She is against the project.

Gill Deane, 25 Carlson Court, does not support the project. He would like to know when citizens will be able to exercise their dogs off-leash and in what ways this project is considered an improvement to the area. Mr. Deane also believes that traffic will be impacted.

Braddock Greene, 19 Morningside Drive, said that the project will draw traffic away from Memorial Park and provide a place for drivers to park. The project will serve many members of the community, including its youth, and the land is untended at present. Mr. Greene supports the project.

Sophia Spencer, 18 Jordan Avenue, said that the park will have something for everyone, and that she would have been unhappy had the dog park been eliminated. Ms. Spencer supports the project.

A resident at 274 Butterfield Road said that she is involved in sports, and she favors the project.

George Lewis, 21 Woodside Drive, Athletic Director at Drake High School, said that field space for the school is severely limited and that Ross Valley does not have a suitable field for the students. Mr. Lewis said that Redhill Park would give their students adequate practice time and provide the community with recreational facilities for seven days a week.

Heather Mitchell, San Rafael, referred to an earlier design plan. She does not support the new baseball field, which has a circumference that is too large to walk around. Furthermore, water remains an issue, in addition to rubber equipment and toxic fumes arising from artificial turf, which are health hazards.

Jean Jung, Red Hill Merchants Association, believes that traffic issues exist, and suggested ways of improving those issues, which included the construction of a new road behind the shopping center. They do not want regular traffic and construction traffic to access the site via the shopping center.

Ken Conroy, 322 Margarita Drive, San Rafael, noted that the property was once a school, and he explained why the field is necessary for students who play baseball. Mr. Conroy said that Memorial Park is over-used and unusable, sometimes, due to the volume of games played on the field.

Carter Coleman, 22 Agatha Court, Chairman of the Parks and Recreation Commission, supports the new proposal. He said the General Plan confirmed 30 years ago that there is insufficient park space. Mr. Coleman noted that the School District owns the field and they could choose to close it to dogs.

Nancy Okada, Hillside Avenue, said that the town is becoming more built-up, and that the park provides a place for kids to explore nature. She is concerned about water run-off when hard surfaces are installed, and she spoke about an easement and her concerns about noise.

Mark Rice, 961 Butterfield Road, said that open space drew his family to the area, and that kids can congregate at Memorial Park. The traffic and noise studies support the project and he recommends that it is approved.

Louise Mathews, Foothill Road, believes that the Negative Declaration is incomplete and that traffic and water problems remain.

Kristin Watson, 980 San Anselmo Avenue, said that the field is needed and that traffic generation should not be high because one game at a time can be played, only. Furthermore, people do not usually flock to a field to watch a game, and Marin is riddled with open space, including Faude and Sorich Parks.

Dan Macquire, 2 Alderney Road, enjoys living near Memorial Park with all its activities. Traffic is not an issue and San Anselmo's youth need the field. He supports the park and the Negative Declaration.

Peter Arnold, Project Landscaper, noted that the PRIDE member who discontinued her involvement with the park was upset about the off-leash rights, not the park design, and off-leash is now part of the plan. Mr. Arnold explained how water run-off will be reduced, and he said that artificial turf will make the park useable throughout the year. He also said that it would cost too much to build a new road and make Shaw Drive one-way, and that it would encroach upon the dog park. Mr. Arnold spoke about the easement, which is owned by Marin Municipal Water District.

Reinhard Ludke, 103 Van Tassel Court, said that the field is necessary and that it will be an asset for kids and the community. Furthermore, he believes that an additional traffic light on Sir Francis Drake Blvd will impede traffic flow and that the impact of the project on traffic will not be significant.

Brad Rollin, Greenfield Ave, does not support the project. He is concerned that this will not be a community park, but a park reserved for organized sports. Mr. Rollin said that he and his wife enjoy the park and that the amount of time ordinary residents can use the park will be curtailed by organized sports.

Gina Feiner, 40 Legend Road, San Anselmo, supports the project and recommends that people listen to the professionals and staff.

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Steve Matson, 111 Brookmead Court, said that the park has been neglected and there is a desperate need for another field. He supports the project and is pleased that a dog park is being built.

Pete Pannes, 707 Butterfield Road, agrees that this is a good project that serves many interests. He noted that many of the residents this evening will not be using the field but they support the project, nonetheless.

Carmen Macquire, 2 Alderney Road, said that the noise from Memorial Park is joyful and that this is a wonderful project for the community.

Scott Rogers, 19 Mather Road, is impressed with the sense of community, this evening, and with people willing to compromise. The park is good for the community and it offers the chance to support youth.

Mary Anne Spinozzi, speaking on behalf of the Red Hill Shopping Center, said that she is neutral on the park. She believes that there is already a traffic impact on the shopping center and she does not understand how the traffic report for the project has deemed the traffic impact to be insignificant.

George Gazzoli, San Francisco Blvd, said that he uses Red Hill Shopping Center and that he has never had a problem with traffic backing up at the signals. He supports the project because the field is necessary, and he noted that the traffic report records the worse case scenario for traffic use, which will not take up the whole day.

Rick La Franchi, Butterfield Road, and a merchant at Red Hill Shopping Center, supports the project. He shares the concerns aired about traffic at the shopping center, but he said that this is the time to support local kids.

Ellen Prodromou, 20 El Cerrito Avenue, supports the park, which will provide a legal space for dog walkers and will be handicap-accessible. She said that there is nowhere for the kids to play in Memorial Park during winter because of the condition of the turf.

Martin Grant, 4 Timothy Avenue, said that the number of spectators that attend students' games is low.

Ann Murphy, 91 Oak Springs Drive, said that the park will provide a safe environment for kids and a much needed playing field.

Steve Gottlieb, Red Hill Pet Center, favors the upgrades but he suggested a more flexible type of plan. He wonders why people have to play at the same time of day in the same months of the year.

Doug Long, Recreation Director, said that the Town's resources are limited and there are not enough parks in comparison to the number of people who live here. Games bring families and people together, who might go out to dinner after a game, and thus the facilities go beyond playing. Furthermore, Memorial Park is overused and the new facilities offer a unique design that fits well into a small area.

In response to Chair House, Mr. Long said that the park is a collaborative effort in the community and that the Town is investing a reasonably small amount of park bond money for a very good deal.

Dalene Whitlock explained why a signal is not appropriate on Sir Francis Drake Blvd, and the difficulties involved if Shaw Drive were made one-way, which is not proposed. She said that construction traffic will not use the shopping center to access the site, and she confirmed that the traffic analysis uses figures that presume a worse case scenario. She added that Drake uses Memorial already, and those trips were not taken into account.

In response to Commissioner Harris, Reinhard Ludke said that the parking lot of the School District buildings on Shaw Drive is accessible at weekends, which could be used by people attending games.

In further response to Commissioner Harris, a member of the audience said that older kids usually drive to games whilst younger kids arrive by bike or are driven.

Peter Arnold discussed the scheduled hours of the field with Commissioner Harris. Mr. Long said that organized games would occupy the field approximately 65% of the time.

In response to Commissioner Krebs, Mr. Arnold said that dogs must be kept on leash when the field is being used for organized sports and off leash at other times.

In further response to Commissioner Krebs, Ms. Wight said that a letter of authorization about the easement is not part of the Negative Declaration.

Commissioner Sisich supports the project, and he noted that the traffic count would be considerably higher if a school were in operation, once more, rather than a sports field. He does not believe that traffic will be an issue and that there are a number of alternative routes to access Sir Francis Drake Blvd, including the shopping center, which is a public place. The traffic report does not call for two signals, and he believes that the project will benefit more people in the community than the park does at the moment.

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Commissioner Harris said that a good proposal has been presented. The area is in disrepair and offers a scarce resource to the community. Traffic remains a concern, particularly the potential utilization of Red Hill Shopping Center, which is private property. As a result, he is leaning towards supporting a 2-light traffic signal. Thus, Commissioner Harris would recommend the Negative Declaration but he would urge the Council to study a 2-light option.

Commissioner Krebs said that the park will be a great asset to the community, since it will benefit youths and adults, who will either participate in sports or watch games or walk dogs. The Town needs to take responsibility for traffic but a better overall plan is needed. Additional lights might be helpful, but Commissioner Krebs said that he is relying on experts who have not made that recommendation. Furthermore, the park will generate the noise of kids playing and the park will be quiet by 10pm.

Commissioner Zwick noted how well the project speaks for itself by the many volunteers that are involved. The park will be an asset to the community and, on the whole, the benefits of the park outweigh the disadvantages. There are few opportunities to develop a park, and this is such an opportunity. The potential increase in traffic is off-set by the advantages of the park. Chair Zwick also suggested that the Council be requested to look at a 2-light option.

M/s Zwick/Harris and unanimously passed (5-0) to recommend approval of the Negative Declaration to the Town Council, with the added recommendation that the Council pay particular attention to traffic and the possibility of two signals, and that this project should not necessarily be burdened by the cost of the signals.

E. ITEMS FROM PLANNING COMMISSION

In response to Commissioner Krebs, Ms. Wight said that there were no new applications for planning commissioners.

F. ITEMS FROM STAFF

G. ADJOURNMENT TO THE MEETING OF MONDAY, FEBRUARY 6, 2006.

The meeting adjourned at 11pm.

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