

. SAN ANSELMO PLANNING COMMISSION
MINUTES OF FEBRUARY 5, 2007

A. CALL TO ORDER

Commissioners Present: Chair Krebs, Harris, Overberger, Schinner, Zwick
Commissioners Absent: Purl, Sisich

B. OPEN TIME FOR PUBLIC EXPRESSION

A concerned citizen provided information on green building classes, and she encouraged the Commissioners to attend a work study session at Mill Valley.

C. ITEMS WITHDRAWN

1. **U-0623/DR-0626/V-0705 - Pat and Gary Phillips, 70 Scenic Avenue, APN 007-054-15,** 1) Use Permit to demolish a single family dwelling; 2) Flatland Design Review of a 956± square foot second story in conjunction with the construction of a new 2,239± square foot single family dwelling; and 3) Setback Variances to locate one open parking space within 0' of the west side property line and within 7' of the front property line (Code: 8' and 20' respectively) on property located in the R-1 zoning district. (staff person: Consultant Vazquez) **WITHDRAWN 1/30/07**

D. CONTINUED PUBLIC HEARING ITEM

1. **DR-0703/U-0701 - Steven Shaw, 62 Tamalpais Avenue, APN 007-211-03,** Use Permit to demolish a single family dwelling and detached non-conforming 2nd unit; and Flatland Design Review to construct a ±1,973.5 square foot second story addition which includes a ±622 square foot second unit in conjunction with a new ±3,218 square foot single family dwelling, located within the R-1 zoning district. (staff person: Consultant Henderson) **CONTINUED TO 3/5/07**
3. **V-0702/DR-0701 - Abraham Kalichman, 157 Meadowcroft Drive, APN 005-142-02,** Setback Variance to construct a first story addition within 5' of the west side property line (Code: 8'); Setback Variance to raise the existing roof a maximum of 4'-4" within 8' of the west side property line (Code: 2' maximum); Lot Coverage Variance to increase the lot coverage up to 38.7% (Code: 35% maximum); and Flatland Design Review to add a 454± square foot second story addition and 108 square foot deck, located within the R-1 zoning district. (staff person: Chambers).

**E. PUBLIC HEARING ITEMS
CONSENT AGENDA**

1. **Minutes - January 16, 2007**
2. **LLR-0701 - Bradley Drian and Tamara Warren, 158 and 120 Crescent Road, APN 007-221-34 and 007-221-30,** respectively, Lot Line Relocation to increase the area of APN 007-221-34 from 9,998 square feet to 12,403 square feet, and to decrease the area of APN 007-221-30 from 11,064 square feet to 8,658 square feet. No additional lots will be created. The properties are located in the R-1 zoning district. (staff person: Wight)

M/s Harris/Schinner and passed (3-1 abstention: Zwick), to approve Consent. Chair Krebs reminded the audience of the 10-day appeal period to the Town Council.

Carla Overberger joined the meeting at 7.10pm.

REGULAR AGENDA

4. **Z-0701/ER-0701 - TOWN OF SAN ANSELMO,** Environmental Review (Negative Declaration) and Revisions to the Zoning Ordinance of the Town of San Anselmo (including development standards for structures: setbacks, height, lot coverage, and floor area; fences and vegetative screening; parking and driveways; demolition of structures; definitions and uses; required findings; design review; nonconforming structures), and additional recommendations from the Zoning Ordinance Sub-Committee for future consideration.

Planning and Building Director Wight continued discussions from the previous meeting.

Table 3A

Ms. Wight noted that the Town Attorney has advised that specific uses cannot be prohibited and so motorcycle repairs have been made a conditional use under Table 3A. In response to Commissioner Overberger, Ms. Wight explained that a conditional use permit could be denied if certain conditions were not met.

Ms. Wight proceeded to explain changes to lot coverage language, and Commissioner Schinner inquired if the Subcommittee had discussed the use of both standards, ie minimum lot coverage and FAR (floor area ratio). Ms. Wight said she did not believe this was discussed, and Commissioner Zwick said that FAR is a good way to limit bulk, and that it tends to address this particular matter better than lot coverage.

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In response to Commissioner Harris, Ms. Wight said that Commissioners can choose whether or not they wish to use the Subcommittee's recommendations, in addition to making their own recommendations to the Town Council.

Table 4A

A concerned citizen asked why the change to FAR is being considered, and Jeff Kroot, resident, is concerned with the effect on small, flatland lots by the change to FAR regulations. He believes that current design review rules provide sufficient guidance. Mr. Kroot commented on run-off, and said he believes that minimizing run-off is critical, in addition to the use of materials for driveways.

In response to Commissioner Zwick, Mr. Kroot said that a minimum size allowance for flatland dwellings would be more equitable than using just FAR.

Commissioner Harris used the white board to demonstrate the difference between 40% FAR and 35% lot coverage, and general discussion followed. Ms. Wight and Commissioner Overberger discussed the merits of changing to FAR, and Ms. Wight suggested that more information be provided to aid the Commissioners in their decision. She discussed the difficulty of making special circumstance findings for a variance in flatland design review projects.

The Town Attorney, Todd Smith, discussed an exception rule, which has been adopted by some towns. Commissioner Zwick is amenable to the idea, and he also suggested that larger homes might be allowed if environmentally friendly materials, etc., were used in construction.

The concerned resident commented on the 40% FAR, and referred to a sliding scale. Mr. Kroot commented on the possibility of building a three-story home in the flatlands, noting that there are limitations that would prevent this happening, which would not necessitate a change to FAR for this reason.

Commissioner Harris discussed his concern that owners of large lots might wish to build a great big home. He would like to see large developments reigned in, and Ms. Wight suggested that design review proceedings might take care of such concerns.

General discussion between Chair Krebs and Commissioner Harris followed on the size of homes that residents should be able to build. Chair Krebs said that he favors restricting the size of homes and he is frustrated by the number of homes that are too close to one another. Commissioner Harris favors smaller, more sustainable, homes, and noted that a home thought to be of a modest size is considerably larger than what was considered modest in the past. Commissioner Krebs discussed sliding scale alternatives with Ms. Wight.

Commissioner Overberger said she would favor exceptions and the idea that a larger home might be permitted if green materials were used. Commissioner Zwick commented on rules set by the County whereby a larger home might be allowed if it met the efficiency standards of a smaller home, and general discussion followed. Mr. Kroot noted that the Planning Commission does not make specific determinations on the criteria for energy efficiency. Ms. Wight will provide more information at the next meeting.

Table 4A footnotes:

Footnote 8

Ms. Wight discussed the changes made to the language; that the Subcommittee recommends that flatland design review should be triggered if a homeowner wishes to add 50% or more to his house.

Ms. Wight discussed what is meant by the demolition of 50% of the walls, in response to Mr. Kroot, and general discussion followed. Ms. Wight and Mr. Kroot discussed second story design review and the changes suggested by the Subcommittee. Ms. Wight explained the necessity of the 'one-story' rule, noting that some designs appear to consist of two stories with higher ceiling heights.

Ms. Wight clarified a point on roof decks for the concerned citizen.

Commissioner Harris said he is generally in favor of the changes and Ms. Wight continued with discussions on the rule for solid screen plantings, noting the definitions of filtered and solid screening. She also discussed Table 4B and recommended fence heights, and clarified certain points in response to Chair Krebs.

In response to Mr. Kroot, Ms. Wight discussed measures that could be taken if a solid screening of vegetation was wrongly planted, and Commissioner Overberger suggested that there be no definition of vegetation. General discussion followed.

Mr. Kroot commented on the proposed fence changes and Commissioner Harris said that 8' is too high for a front fence. Commissioner Overberger proposed a fence that is high enough to deter deer, and

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general discussion followed on fences. She said that discussions should center on the front fence and discussed the exception rule she believes should be entertained.

The concerned resident commented on fences.

Discussion on fence heights continued between Mr. Kroot, staff and the Commissioners. Commissioner Harris suggested using the current rules pertaining to fences, with an exception rule allowing fences on the back and side property lines as high as 8' with approval from the neighbors. Ms. Wight said that there are few complaints about fences being too tall, and that she would ascertain the rules of other jurisdictions.

Footnote 16

The Commissioners discussed the setback wording. Commissioners Schinner said that it is discriminatory to impose different rules for a house that is being demolished and replaced with a new dwelling and a new house being built on an empty property. Commissioner Harris is generally in agreement with the setback wording, and Commissioner Zwick explained the reasoning behind the rule. He believes the language needs tightening, and general discussion followed.

Footnote 20

Ms. Wight discussed the purpose of the rule, which relates to non-conforming use. Mr. Kroot said that the rule is not intended to apply to property owners who are clearing lots for rebuilding, but as an aid to those whose buildings might not meet current codes. Discussion on the language followed, and Ms. Wight noted that if a house is destroyed, then it could be rebuilt as it existed previously.

Discussion moved to second stories setbacks, and Commissioner Zwick said that the purpose of the changes are to discourage a second story from being placed directly on top of a first story and for second stories to be setback, instead. Discussion on the ability to provide design guidelines followed, and Commissioner Harris said that a 5' setback might be too much. Mr. Kroot is in agreement, for which reasons he explained. Commissioner Harris suggested that some design elements, for example, could be added to the flatland design review criteria of light, air and privacy to avoid sheer wall effects on second floor additions. Commissioner Zwick said that San Francisco provides a diagram to indicate the type of design that is desirable, and Ms. Wight suggested findings that could be made through design review.

Commissioner Krebs commented on houses being too close together in the flatlands, and Mr. Smith said that bulk and mass findings are used by other towns. General discussion followed.

Commissioner Overberger said that architects and planners need more flexibility, and she would favor design review findings.

Footnote 21

Ms. Wight provided background information on the reasons for this footnote, and Commissioner Zwick commented on a rule used by San Francisco, and he noted that San Anselmo is more flexible than other towns.

Footnote 22

Commissioner Zwick explained why this rule evolved, and general discussion followed. Ms. Wight said she would work on the number.

A short break was taken, following which it was decided to end the session. Ms. Wight discussed the remaining issues and a tentative meeting date was scheduled.

The public hearing was closed.

F. ITEMS FROM PLANNING COMMISSION

In response to Commissioner Harris, Ms. Wight said that the Council upheld the Planning Commission's approval of the project at 7 Monterey Avenue.

G. ITEMS FROM STAFF

Todd Smith addressed issues that were raised at the last Planning Commission meeting in relation to General Plan polices and what constitutes a quorum.

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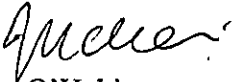
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H. ADJOURNMENT TO REGULAR MEETING OF MONDAY, March 5, 2007

The meeting was adjourned at 9.40pm.



Joanne O'Hehir
Sr. Admin. Services Assistant