

**TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES OF AUGUST 4, 2008**

A. CALL TO ORDER

Commissioners present: Brown, Harris, Overberger, Sisich, Schinner
Commissioners absent: Krebs, Zwick

B. OPEN TIME FOR PUBLIC EXPRESSION

No one spoke during this time.

C. CONTINUED ITEMS

None

**D. PUBLIC HEARING ITEMS
CONSENT AGENDA**

1. Minutes – July 21, 2008 – CONTINUED TO AUGUST 21, 2008

REGULAR AGENDA

1. **DR-0817 – Gerry Hynes, 790 Sir Francis Drake Boulevard, APN 006-091-35,** amendment to the design review of a 9,500 square foot commercial building on property located in the C-L zoning district (staff person: Wight)

Schinner recused himself and turned the gavel over to Harris.

Assistant Planner Chambers presented the staff report.

Harris asked for staff's reasoning for proposed alternative 3 for the roof. Chambers was uncertain why Wight suggested it but suggested the question be addressed to the architect since staff concurred with the recommendation of the architect.

Fred Divine, architect, provided an overview of the minor modifications. He noted that there might also be minor changes to the residential buildings in the future. Due to the nature of the project, Planning and Building Director Wight wanted all changes to come before the Commission, even those changes that are minor. Mr. Divine said they are open to suggestions for the roof alternatives if the Commission did not agree with the roof design recommended by staff. He also noted that he met with the owners of 36 Luna Lane and explained all the changes on the site with the homeowner.

In response to Harris, Divine stated the height differences in the proposed roof modification is about 6" to 14" of each other, and the maximum height increase would be 2'-8".

Brown asked about how the increase in tenants will impact traffic. He also asked about the trash enclosure. Divine said the Zoning Code regulates the number of parking space requirements based on the gross area of the building, not the number of tenants, and the trash enclosure incorporates the recycling and must be covered so that rainwater does not wash the waste into the storm drain.

Brown asked about the size and location of the heat pumps and the mechanical and plumbing equipment. Divine explained that the largest tenant space is approximately 1,300 square feet and the small heat pumps will accommodate the tenants. He noted that the parking will not be affected by mechanical and plumbing equipment.

Brown asked if there was an analysis of watts per square footage for the lighting. He wondered if the lighting would be adequate when the cars are parked because it appears the parked cars would restrict some of the light based on their location on the walls. Divine responded they were not asked to do that but are putting in the lighting as required by the lighting consultant. He said they do have soffit lighting at the lobby and

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there is also street lighting on Sir Francis Drake. The proposed lighting is just to provide safety but it is correct that lighting could be blocked by parked cars.

Overberger asked for clarification on how parking is counted. Chambers responded that the number of parking spaces required for commercial buildings is based on the total gross square footage of the building, not the number of tenants.

Patrick Haven, 36 Luna Lane, is concerned about increasing the number of tenants because it means more cars. He is more concerned however about the transformer and would request the utilities come off Sir Francis Drake, not Loma Robles. He said that all the infrastructure on Loma Robles is very old and this project is going to hook up to it. He would like the Town to require the utilities to be to Sir Francis Drake, which is underground. He would like a sound deadening material in the walls. He also asked if the lights would be on a timer. He is concerned about sound rising up Luna Lane to his property and would like it moved or buffered.

Cherilyn Gilboy, 36 Luna Lane, said the Town Council gave assurances that the project would have no impact to light, noise and wind and now they are open to wind and noise going down to Sir Francis Drake and lights that shine into their bedroom at night. She said there is not sufficient planting and three redwood trees is not sufficient to screen and protect them. She would like to see more berms and landscaping. There is always parking congestion on Loma Robles because of the Marchant Chapman Real Estate office and she is concerned about the potential for additional traffic with the increase in tenant space. She is also concerned that vehicles will park on her property. She can hear the sump pump from Creek Park and the mechanical equipment from Andronico's at night. She would like the heat pumps relocated farther away from her property.

In response to Harris, Gilboy said that a portion of Luna Lane is their driveway although it has not been surveyed.

Mr. Divine responded that this project has had the most rigorous review by the Town Council. There is a permit for the site work, including the utilities. The water service for the two houses will be off Luna Lane and the commercial will come off Sir Francis Drake. All lights will be on a photocell and a timer. Timers usually turn off at 12:00 or 1:00 a.m. The wall around the parking structure is concrete and will stop sound. He noted that the sound is coming up to Luna Lane from Sir Francis Drake but this project is 200 feet to the side of their property. There is another Town owned parcel between the two properties. The heat pumps are just slightly moved from where they were originally approved and there is a barrier between the properties. The noise experienced from Andronico's is from the refrigeration condenser, which is noisy and different equipment than what they are proposing. He noted that they are not proposing any additional landscaping because there is already sufficient 24 inch boxed redwoods proposed, plus other screening. There may be speckled light at night because the eucalyptus tree is no longer there but nothing significant.

In response to Harris's question about wind impacts, Divine responded that there will be no affect on wind.

Gilboy said the hillside, as well as the large eucalyptus provided a barrier but they are both gone now and the wind will bring the noise to their house. In response to Overberger, Gilboy said she wants the berms replaced and add increased foliage. She would also like the utilities to go to Sir Francis Drake.

Public Works Director Elias said what ever was approved by the Town Council, will be monitored on site to make sure it is done. He noted that all utilities will be underground and the only thing visible will be the transformer. PG&E and the owner made their decisions and it was probably based on the inconvenience and disruption to traffic on Sir Francis Drake.

Brown said he could support alterations 1, 2, 3, 4, 5, 8 and 9 as proposed. Regarding alteration 6, he would like the 4 heat pumps used first and then the last two being proposed be used last. He would suggest that a sound data be performed to ensure it

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meets the noise ordinance criteria. He supports alteration 7 with criteria 3 for the roof modification and would like to see how the door locks.

Regarding alteration 10, he would like to see a curb at the base of the wall so vehicles don't clip the lights going down the driveway. He would like the lights to have a photocell at night with 10 p.m. the cutoff. Any lights in the elevator should be shielded away from the neighbor's property on Luna Lane.

Harris is sympathetic to the neighbor's concerns, noting however that they live in a high noise area of Town. He noted that the location of the transformer is before the Commission, not the utilities or agreement with PG& E and therefore cannot discuss moving the utilities. He concurred with Commissioner Brown on the conditions of approval although he would prefer roof alternative No. 1, having a little more architectural interest and it provides more view of what is above. He encouraged the applicant to work with the neighbors, although he does not see where berms would go and perhaps the applicant could provide additional landscaping on the Marchant Chapman lot as a buffer.

Sisich is sympathetic to the concerns of the neighbors. He would consider a continuance because he did not go to the site and view the project from the neighbor's house. However he would agree with Brown's conditions regarding alternative 3 for the roof.

Overberger said the project has been approved although it has been a life change for the neighbors. There is no opportunity to re-approach the project and this application before the Commission is only for minor modifications. She supports the changes and supports alternative 3 for the roof design and wants the lights to go off at 9 or 10 p.m. She would like to make sure that there is adequate screening, even if it means the applicants provides more than what has been approved.

Harris commented it is unfortunate the commercial buildings are tracked by square footage, not tenants.

M/s Sisich, move to a continuance to go to neighbors for a better look. Motion died for lack of a second.

M/s Brown/Harris, to approve the project based on the conditions outlined in the staff report and the following additions conditions: 1) the heat pumps be phased on how they are needed; 1st the north side of the property, 2nd on due east of the property and 3rd on north east of the property; 2) when permits are applied for the sound units for the heat pumps are reviewed against the Town's noise ordinance; 3) the parking lot lights and elevator lobby lights be controlled by a photocell at dusk and turned off by a timeclock by 9:00 p.m. and 4) that a curb or other protrusion be constructed below the lights on the driveway so cars will not hit or knock the lights off the wall, which can be reviewed at staff level. Motion passed (Ayes: 4-0).

Schinner returned to the dais.

E. ITEMS FROM PLANNING COMMISSION

Overberger welcomed Mike Brown, the new commissioner.

F. ITEMS FROM STAFF

None

G. ADJOURNMENT TO THE MEETING OF MONDAY, AUGUST 18, 2008

The meeting was adjourned at 8:30 p.m.

**BARBARA CHAMBERS
ASSISTANT PLANNER**