

**TOWN OF SAN ANSELMO  
PLANNING COMMISSION MINUTES OF SEPTEMBER 20, 2010**

Present: Brown, Krebs, Overberger, Schinner, Sisich, Zwick  
Absent: Harris

**CALL TO ORDER**

Commissioner Brown called the meeting to order at 7:00 p.m.

**OPEN TIME FOR PUBLIC EXPRESSION**

No one spoke.

**PLANNING AND BUILDING DIRECTOR'S REPORT**

Interim Planning Director Diane Henderson announced that the Town's new website has been launched, noting that Town Manager Debbie Stutsman and Community Services Director Dave Donery were instrumental in the success of the project. Henderson further announced that the Town Council has approved the Green Building Ordinance conceived and developed by Senior Planner Phil Boyle.

**PUBLIC HEARING ITEMS**

**CONSENT AGENDA**

**Minutes of Planning Commission Meeting August 16, 2010**

- 2 **DR-1010-Kyra and Stephen Kuhn, 43 Tomahawk Drive, APN 177-250-60**, Design Review for an after-the -fact, approximately 544 square foot deck located within the R-1-H Zoning District. (Staff person: Boyle) **This item is continued from the June 21, 2010 meeting.**
  
- 3 **V-1006/DR-1013- Lisa Gunheim Adams and Jack Adams, 86 Medway Road, APN 005-153-38**, Side Yard Setback Variance and Flatland Design Review to raise an existing 742 square foot single story house and add a new 827 square foot lower floor 4 feet from the side property line (Code: 8 feet) located in the R-1 Zoning District. (Staff person: Boyle)

Brown pulled Item 2 and Commissioner Sisich pulled Item 3 for discussion.

As it regards Item 1, the minutes of the August 16, 2010 meeting of the Planning Commission, M/s, Overberger/Sisich to approve the minutes.

AYES: Brown, Overberger, Sisich, Zwick

ABSTAIN: Krebs, Schinner

ABSENT: Harris

As it regards Item 2, Design Review for 43 Tomahawk Drive, Commissioner Schinner recused himself and left the dais.

Commissioner Overberger asked if the design review was for consideration of an after-the-fact deck.

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Senior Planner Phil Boyle affirmed.

Brown asked the Commissioners if they had further questions.

Brown opened the matter to the public; there was no public comment and the public session was closed. The discussion was brought back to the Planning Commission.

M/s, Sisich/Krebs, to move the staff report.

AYES: Brown, Krebs, Sisich, Zwick

NOES: Overberger

ABSENT: Harris

Brown reminded the applicants of the 10-day appeal period.

Schinner returned to the dais.

As it regards Item 3, consideration of a side yard setback variance and flatland design review for 86 Medway Road, Commissioner Zwick recused himself and left the dais.

Senior Planner Phil Boyle presented the staff report and noted receipt of an email communication from a nearby neighbor to the project. The neighbor observed that the legal notice for the project was originally posted on a telephone pole in front of an adjacent property and then moved. Boyle affirmed that the project was properly noticed.

Secondly, the neighbor noted that an adjacent property owner had been required to remove a 120 square foot shed from his or her property; Boyle found no evidence of said action.

Thirdly, the neighbor noted that the garage at 86 Medway Road encroaches in the public right of way and should be subject to a revocable encroachment permit or removed. Boyle observed that Town records indicate the garage dates back to at least 1992 and, after conferring with the Public Works Department, a determination has been made that there is no need to enforce a revocable encroachment permit at this time.

Finally, the neighbor reported that the height of the proposed addition at 86 Medway Road appears to be as great as 40 feet. Boyle observed that the Planning Department measures height from grade and that this proposed structure is 28.5 feet above average grade to the top of the roof.

Overberger asked if there is any Town record of when the property under discussion was subdivided, as it was once part of the property to the right.

Boyle noted that he observed a lot line adjustment had taken place with regard to the property to the left.

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Brown noted that it is clear 86 Medway Road will loom down on 90 Medway Road as a result of this project and asked when a shadow study is required for a project.

Boyle responded that shadow study requirements were determined on a case-by-case basis; further, the two homes are not parallel to one another, and the owner of 90 Medway Road has written a letter of support for the project at 86 Medway Road and is in the process of his own larger project. Additionally, there are no windows at the back of the property.

Joe Maguire of Oak Knoll Ave presented some photographs and advised that 90 Medway Road was the property from which a 120 square foot shed was forcibly removed. Maguire believes that the garage at 86 Medway Road clearly encroaches into the setback and that as there has been a history of parking problems on the street, it would be best to resolve some of those issues at this point. Further, Maguire restated his contention that the story poles appear to be much higher than stated and requested that a survey be completed.

Jack Adams, 86 Medway Road explained that his garage had been built in the 1920's, at the same time as the house. He is planning to rebuild the roof of the garage, which will allow him to take his car off the street. With regard to elevation, Adams noted that the house is on a knoll and that the lower numbered houses adjacent are on the same knoll, so the project is in keeping with the neighborhood.

Brown asked if the applicants step on to grade at the rear of the property and whether or not Adams had considered lowering the entire house.

Adams responded that the foundation was already done and steps down into the front of the property; it would be expensive to rebuild the foundation.

Sisich asked the age of the foundation.

Adams replied that it is 13 years old.

Sisich asked if it was suitable for two stories.

Adams affirmed.

Schinner asked to what extent the garage should be addressed if it is not part of the current application.

Boyle confirmed that the garage is not part of the project. He further clarified that garage is within the 20 foot setback, which is an existing, non-conforming situation. Boyle added that typically, applicants were not asked to complete a survey as a result of story poles, but rather after framing.

Krebs asked if the Commission has any authority to address an existing, non-conformity.

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Town Attorney Hurd replied that some jurisdictions grant the authority "where reasonable or feasible," but that San Anselmo is not one of them. Hurd suggested seeking clarification from the applicant.

Applicant replied that the garage roof has no ridge pole and that it will be added as to an existing structure and addressed in a future project.

Brown added that an existing, non-conforming condition can be repaired.

Schinner supports the project, noting the narrowness of the lot and the fact that the applicants are not planning to change the footprint.

Brown likes the proposed roofline on the home and the manner in which the project stair steps up the hill. He walked around the neighbor's property to look for other possibilities and saw none.

Krebs believes it is not an excessively large property.

Brown opened the matter to the public; there was no public comment and the public session was closed. The discussion was brought back to the Planning Commission.

M/s, Overberger/Schinner, to support the staff report.

AYES: Brown, Krebs, Overberger, Schinner, Sisich, Zwick  
ABSENT: Harris

Brown reminded the applicants of the ten-day appeal period.

Zwick returned to the dais.

**REGULAR AGENDA**

Brown moved discussion of 53 Tomahawk Drive to the top of the agenda.

**PDPA-1002/DR-1011, Neal Schon, 53 Tomahawk Drive, APN 177-220-66** Precise Development Plan Amendment and Design Review for a 742 square foot detached music studio with a 128 square foot deck and 82 square foot porch at 53 Tomahawk Drive. The request is for the Planning Commission to provide a recommendation to the Town Council pursuant to Resolution No. 3038 to construct the proposed project outside the approved building envelope and determine if the required Design Review Findings pursuant to the R-1-H Zoning District can be made. (Staff person: Boyle) **This item is continued from the July 12, 2010 meeting.**

Schinner recused himself.

M/s, Zwick/Overberger, at the request of the applicant to continue the matter of 53 Tomahawk Drive to the October 4, 2010 meeting.

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AYES: Brown, Krebs, Overberger, Sisich, Zwick.

ABSTAIN: Schinner

ABSENT: Harris

Schinner returned to the dais.

**DR-1008–Thomas Arntz, 850 Sir Francis Drake Boulevard (Red Hill Shopping Center), APN 006-061-23**, Design Review for proposed exterior improvements including two new plazas, landscaping, exterior lighting, signage and accessible pathways. Building facade improvements include painting and lighting of arcades. The project site is located in the Specific Plan Development (SPD) Zoning District. (Staff person: Boyle) **This item is continued from the June 7, 2010 meeting.**

Overberger asked for clarification as to the Commission's jurisdiction.

Boyle noted that the application is for proposed exterior changes to the center and the Commission's purview relates to what is contained in the Town's ordinance under design review.

Overberger asked if the adjacent 76 Station or Walgreen's were under consideration.

Boyle responded that the changes being brought forth exclude consideration of the 76 Station and Walgreen's.

Brown observed that signage and storefront changes are part of the application.

Boyle presented the staff report, noting the project has been expanded per the Commission's request to include the retail spaces between CVS and Safeway, modifications to the north end of the center, and painting of the buildings in the center, including CVS and Safeway. There are now four major areas of consideration: the front entrance, the entry plaza, the west plaza and the east court between CVS and Safeway.

Boyle noted that the applicant is in conversation with the owner of the 76 Station with regard to landscaping between the station and the center. Further, the Commission had requested filters for existing parking lot catch basins to reduce water quality impacts to nearby creeks.

Boyle advised that the Department of Public Works has added a requirement that the applicant comply with national and/or local storm water regulations.

Sisich asked for details as to the outdoor furniture, noting that there is quite a bit of seating at the main entrance and west plaza.

Overberger asked about the possibility of moving the statue currently in front of CVS to another location.

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Boyle replied that the placement of the statue will be at the owner's discretion.

Sudhish Mohindroo, Principal, SZFM Design Studio, replied that with regard to the outdoor furniture, a section has been added to the design guidelines; Mohindroo further confirmed that any tenant-proposed outdoor seating will be reviewed before it is approved.

Mohindroo added that expanding the scope of the project has increased the cost considerably and that meeting the Public Works Department's condition will cost approximately \$75,000. He is requested a period of five years to meet that condition, suggesting that the Town may make a condition that no further tenant improvements can take place until the plan is implemented.

Brown noted that no changes are proposed with regard to run-off, paving, etc.

Mohindroo asked for clarification from Hurd.

Hurd responded that the project must comply with state and federal law.

Brown asked if the Environmental Protection Agency (EPA) can mandate that an existing center going through design review be required to meet their guidelines.

Hurd replied that the EPA does not look at projects as triggers and that, in his opinion, the nexus does apply here. The applicant should be made aware of the need to comply with the standards.

Brown asked if the Planning Commission must consider the standards as part of its design review process.

Hurd responded that the Planning Commission should remind the applicants that they are subject to enforcement, even though the Town does not enforce the discharge.

Mohindroo suggested that the project managers be noticed that they ultimately need to comply with these EPA requirements and asked if his principals could work with the Public Works Department to develop an implementation plan that will be reviewed separately from the proposed improvements.

Henderson advised that this is a matter for the county, state, and federal government, adding that the Public Works Department raised the issue as a warning.

Boyle and Hurd suggested that the phrase "plans submitted for building permit" should be struck from the condition and replaced with "Project shall comply with.... "

Mohindroo reviewed some of the issues addressed in the plan since it was last brought to the Planning Commission.

Zwick asked what elements were left untouched.

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Mohindroo replied that the store fronts are not being implemented as one major project, but will be addressed over time as tenants lease the spaces.

Zwick asked if the calculation of permeable paving is included.

Mohindroo pointed to the top of Page Two, where concrete pavers set in sand are specified.

Sisich asked that the name of the bordering street designated as Sonoma Avenue be confirmed and asked what guidance will be provided with regard to outdoor seating.

Mohindroo replied that he would be happy to submit samples of proposed seating to staff for review.

Sisich asked if merchants such as Easy Street Café would need to come to the Town for an outdoor use permit in order to provide food outdoors.

Boyle observed that most outdoor eating downtown is addressed because it encroaches in the right of way, but that this project is on private property. At this time, he does not see why they need to apply for a use permit.

Sisich asked about the timing of different aspects of the plan.

Mohindroo responded that the general base building revitalization will be addressed first. Once the project is approved, construction documents will be prepared and go out to bid. It is possible that the project could be impeded due to weather.

The individual store front designs will occur over a period of time. Mohindroo noted that it is conceivable that when the general renovation is done, there may be two or three examples of completed store fronts.

Brown observed that the main seating area on Sheet A-22 contains a note that the hearth is to be completed by the tenant.

Mohindroo stated that if a restaurant tenant is not secured for that area, some other design element will be placed in that space.

Brown asked if the seating by the tenant will be at the discretion of the property managers and design team and if there will be specific areas designated as restaurant seating placed by the tenant.

Mohindroo affirmed.

Brown opened the matter to the public; there was no public comment and the public session was closed. The discussion was brought back to the Planning Commission.

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Overberger noted that she is pleased with the changes and is in favor of the project. She further suggested striking No. 5 from the conditions of approval.

M/s, Overberger/Zwick to approve the staff report less Item No. 5 from the Conditions of Approval.

AYES: All  
ABSENT: Harris

Brown reminded the applicants of the 10-day appeal period.

**ITEMS FROM PLANNING COMMISSION**

None

Henderson advised the Commissioners that the San Francisco Theological Seminary project is in process and will not be coming before the Commission for some time. Further, 53 Tomahawk will be heard at the next meeting.

Brown adjourned the meeting at 8:05.

Respectfully submitted,  
Nancy Harris