

**TOWN OF SAN ANSELMO PLANNING COMMISSION
MINUTES OF SEPTEMBER 19, 2011**

Commissioners Present: Vice-Chair Zwick Commissioners Brasler, Krebs,
Overberger, Schinner
Commissioners Absent: Chair Sisich and Commissioner Brown

CALL TO ORDER

Vice-Chair Zwick called the meeting to order at 7:00 p.m

OPEN TIME FOR PUBLIC EXPRESSION

Eric Warner, 220 Crescent Road, explained that he was required to go through the Design Review on his addition nine months ago. His next door neighbor, Jeff Kroot, opposed the project on the grounds that the project did not meet the required findings in terms of aesthetics, noise impacts, privacy and scale. Jeff Kroot designed an addition to his home that intentionally and systematically avoided any design review by the Town or the Planning Commission. Then he deliberately concealed the addition by not notifying the neighbors and not posting the permit. Although the project met the letter of the law, the spirit of the law and the Town culture was violated. The Kroots did not notify their neighbors and the project has taken away his privacy. He requests the Commission call a public hearing for the next agenda to discuss the design review process. Mr. Warner would like to invite members of the Planning Commission to view the Kroot addition from his home. Mr. Warner stated that he would like the following: 1) The Kroot project be sent through the Design Review process; 2) All residents or certainly all town officials be required to notify neighbors of all second story additions and significant single story additions; 3) Unify the municipal code to provide a single set of criteria for additions both above and below 150 mean sea level 3) Strengthen the code so that two story projects of this size require review by the Planning Commission.

Kirstin Alston, 218 Crescent Road, said that all other communities in Marin review projects for visual impact. The Kroot addition has a visual impact on her privacy and she would like this to be reviewed in the future.

Richard Tracy, 228 Crescent Road, said he was told by Mrs. Kroot that they were going to add a small studio addition and now there is a two story addition, and there are two upper story windows facing his windows on the second floor. The project impacts his privacy from his patio.

Barbara Tracy, 228 Crescent Road, lives to the left of the Kroots. She is very concerned about the conflict within the neighborhood and she has never seen this over the last 35 years. Many of the lots on Crescent Road are pie shaped with views of the Seminary. She wants the Commission to closely look at privacy, height and impact to neighbors. If these impacts were reviewed, we would not be here this evening.

Vice-Chair Zwick asked staff if this should be placed on the agenda. Interim Planning Director Henderson said she will talk with the Town Manager, Debbie Stutsman, to see

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if, and when, this item should be heard by the Planning Commission or the Town Council.

PLANNING DIRECTOR'S REPORT

Henderson advised the Commission that several months ago staff received the Master Plan of the Seminary. The environmental review has now been completed and a draft Mitigated Negative Declaration has been prepared. Staff is hoping to get this to the Commission in November. Due to the volume of the material, it will be submitted to the Commission well in advance of the meeting.

Henderson said that Kurt Botnhas been hired as the new Permit Services Technician (the position previously held by Nancy Harris who is now serving as Accounting/Benefits Technician.) She invited the Commission to stop by and meet him at Town Hall.

Senior Planner Boyle asked if the Commission would still prefer to get the Seminary data electronically. The Commission stated they would prefer electronically, with a paper back up for their review if necessary.

CONSENT AGENDA

Minutes of Planning Commission Meeting of July 18, 2011

M/s Brasler/Krebs, to approve the Consent Agenda.

Ayes: Zwick, Brasler, Krebs, Overberger, Schinner
Noes: None
Absent: Brown, Sisich

PUBLIC HEARING ITEMS

1. **GPA-1101, DR-1106, UP-1105, GP-1101, VAR-1101, Laura Kehrlein, Spaulding Street and Luna Lane (the parcel has not been issued an address number) APN 006-091-65:** The application includes a request for: 1) A General Plan Amendment to change the existing land use designation from Open Space to Limited Commercial (the Zoning Designation of Residential Single Family (R-1) will not change); 2) Design Review for a proposed 12 space, ±4,000 square foot parking lot with retaining walls ranging in height from 2 feet to 6.5 feet and associated landscaping; 3) Front Setback Variance for parking spaces and retaining walls over 4 feet in height; 4) Use Permit for an off street parking area in a residential zone and: 4) Grading Permit to cut and fill over 100 cubic yards of earth or material. To comply with the California Environmental Quality Act (CEQA), a Draft Initial Study and Mitigated Negative Declaration have been completed by Town staff (Staff person: Boyle). **THIS ITEM HAS BEEN CONTINUED TO A DATE UNCERTAIN.**

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2. UP-1106, DR-1107, Jason Osborne, AT&T Representative, 640 Sir Francis Drake Boulevard, APN 006-092-08: Use Permit and Design Review to upgrade an existing cellular facility by adding 3 new antennas and a new twelve-inch (12") cable tray on the east side of the building. (Staff person: Boyle)

Overberger recused herself because she lives within 500 feet of the project.

Senior Planner Boyle presented the staff report, explaining that this is an upgrade to the existing AT&T service and that staff was able to support the Use Permit and Design Review findings.

Jason Osborne, applicant, representing AT&T, was available to answer questions.

Commissioner Schinner asked for clarification on the location of the antennas, stating it was unclear in the photographs. Boyle responded that the antennas will not protrude above the parapet of the building.

Zwick opened the public hearing and hearing no discussion, he closed the public hearing.

Schinner noted that there was a lot of discussion a year ago regarding EMF on the 1509 Sir Francis Drake Boulevard proposal. Based on the discussion and concerns about this, the Commission placed a six month review and then a review every two years after that on the project. He asked if that was necessary on this project.

Brasler said he would have an issue placing restrictions on certain projects but is fine as long as it is Townwide.

Krebs said that he concurs with Brasler.

Henderson said it was her recollection that it was the cumulative effect of several carriers on the project at 1509 Sir Francis Drake. In this case, there is only one provider.

Kevin McMannis, EMI Consulting, stated he also wrote the report on 1509 Sir Francis Drake and the concern on that project was with many carriers and potential cumulative build out. With regard to the current project at 640 Sir Francis Drake, the cumulative impact is not an issue because there is only one carrier, AT&T.

In response to Brasler, McMannis said there could be different cumulative impacts on having multiple carriers versus one single carrier, because the frequency for each carrier differs.

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Brasler asks if they strive for exclusivity to sites. Jason Osborne, AT&T representative, explained that AT&T does not have exclusive rights to a site, but must require a 5 foot separation between antennas.

In response to Zwick, Boyle concurred that the Town Ordinance encourages co-location of antennas.

M/s Brasler/Schinner, to move the staff report.

Ayes: Krebs, Brasler, Schinner, Zwick
Noes: None
Absent: Brown, Sisich
Abstain: Overberger

Motioned carried. The audience was advised of the ten day appeal period to the Town Council.

ITEMS FROM PLANNING COMMISSION

Krebs said he has heard that the Kroots and Warners were meeting and the Town Council was facilitating.

Brasler said the Commission was copied on a letter written by the Warner's attorney stipulating the issues.

Zwicks and Schinner said they did not get a copy of that letter.

In response to Krebs, Henderson said there have been no fewer than five staff members that have reviewed the Kroot project very closely and the determined that the project meets all aspects of the Code.

Zwick said if the Council does hear the project, he would like to be informed.

Brasler said he has been in contact with both the Warners and the Kroots extensively and has been to both homes. He told Mr. Warner that if the project meets the Code requirements, no design review is required.

Krebs said he was also contacted by Mr. Warner by e-mail and that it sounds like the Council and staff has reviewed the project very closely and he has no basis for questioning staff.

Boyle stated that the Planning Commission meeting of October 3rd will not take place because of lack of items. There is an item scheduled for October 17th.

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Schinner presented an article that was in the Sunday Chronicle that spoke about planting mini gardens in parkway strips in San Francisco. He thought it was interesting and another way to replace concrete and become more green.

ADJOURN TO THE MEETING DATE OF OCTOBER 17, 2011.

Zwick adjourned the meeting at 7:45 p.m. The next meeting is tentatively scheduled for October 17, 2001.