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1
2 **Planning Commission Minutes**
3 **February 12, 2002 – 7:00 PM**

4
5 Commissioners: *Present:* Barrett, Dargie, Glass*, Monteschio, von Raesfeld, Vouri
6 *Absent:* O'Brien

7 * Chair

8
9 Staff: George White, Planning Manager
10

11 **ROLL CALL**

12 **PLEDGE OF ALLEGIANCE**

13 **APPROVAL OF MINUTES:** Minutes of January 22, 2002 unanimously approved as
14 amended. M/S Barrett/von Raesfeld

15 **PUBLIC COMMENT:** None.

16 **DIRECTOR'S REPORT:** Noted that packet delivery would be delayed one day due to
17 holiday per staff memo.

18 **COMMISSIONER'S REPORT:** Commissioner Glass spoke of the upcoming
19 supervisor's forum.

20 **CORRESPONDENCE:** Letter from Pop Warner Football re: Kenilworth site/project,
21 flyer regarding the Planners Institute, e-mail from Gary Thomas re: Tentative Parcel Map
22 findings and conditions on consent calendar.

23 **APPEAL STATEMENT:** Was read.

24 **LEGAL RECOURSE STATEMENT:** Was noted on the agenda.
25
26

27 **NEW BUSINESS;**

28 **PUBLIC HEARING;**

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30
31 **CONSENT CALENDAR** – The following item is non-controversial and has been
32 reviewed by the Planning Division and will be enacted by one motion unless a member of
33 the Planning Commission has a question regarding an item and asks that the item be
34 withdrawn from the Consent Calendar.
35
36

1 **I. THOMAS FAMILY PARCEL MAP, 100 Douglas Street**
2 **AP NO. 008-161-007**
3 **FILE NO. TPM01004; VAR01001**
4 **Planner: Kim Gordon**

5
6 The item was unanimously removed from the consent calendar. M/S Monteschio/Dargie.

7
8 The applicants, Gary Thomas and Nancy Thomas, spoke regarding the strict limitations
9 placed on the tentative approval of the Variance and the Parcel Map and the difficulty of
10 obtaining financing for planned improvements. Thought that future development would
11 be limited only by existing building footprint, not by existing height.

12
13 **Planning Commission discussion:**

14
15 **Commissioner von Raesfeld:** Not comfortable with changes to the approval. Could
16 impact neighbors if limitations are reduced. Changes would affect the fabric of the site
17 and neighborhood. May not have made motion if plans for future development were
18 known.

19
20 **Commissioner Glass:** Neighbors were notified that no changes would occur as part of
21 the approval.

22
23 **Commissioner Vouri:** Required findings make it difficult to approve without limitations.
24 Financial considerations can't be the basis for findings.

25
26 Motion to approve staff prepared findings and conditions of approval as submitted. M/S
27 Barrett/Vouri.

28
29 Commissioner Barrett: Yes
30 Commissioner Dargie: No
31 Commissioner Monteschio: Yes
32 Commissioner O'Brien: Absent
33 Commissioner von Raesfeld: Yes
34 Commissioner Vouri: Yes
35 Chair Glass: Yes

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37
38 **OLD BUSINESS;**
39 **PUBLIC HEARING;**

40
41 **II. BRIAN HEIM APPEAL**
42 **FILE NO: APL01001**
43 **Planner: George White**

44
45 The appellant requests that the Planning Commission overturn a staff
46 determination regarding accessory dwelling units.
47 (Continued from January 22, 2002)

1 George White presented the staff report.

2

3 Brian Heim presented his appeal arguments for his planned second accessory dwelling at
4 his Edith Street property related to General Plan Consistency, Zoning Ordinance
5 Consistency, “smart growth” concepts, lack of clarity in City’s definitions and Density
6 calculations.

7

8 **Planning Commission Questions:**

9

10 **Commissioner Dargie:** What is on lot now (2 single family dwellings and an accessory
11 dwelling).

12

13 **Commissioner Glass:** Is accessory dwelling to be in existing building? (Yes).

14

15 **Commissioner von Raesfeld:** Why not just split the lot to get an additional unit?
16 (Answer not clear.)

17

18 **Commission Vouri:** Why isn’t this like an apartment building? (Staff indicated that the
19 density calculation would include all units in a multifamily apartment building while
20 accessory dwellings are exempt from the density calculations).

21

22 The appellant’s architect, Brent Russell, presented the site plan for the existing conditions
23 and proposed project.

24

25 **Public Hearing was opened.**

26

27 Dianne Riley Torres spoke regarding the State Law that requires disclosure of campaign
28 contributions and submitted written materials to staff.

29

30 **Public Hearing was closed.**

31

32 **Planning Commission discussion:**

33

34 **Commissioner von Raesfeld:** Was on the Commission when the provision in question
35 was added to R-C zoning. Was adapted from R-1 language. Recollection was only one
36 accessory dwelling per lot. Not in agreement with appellant’s interpretation of the
37 applicable code sections. Thought that the Commission’s intention in 1994 was for one
38 accessory dwelling per parcel. Agrees with staff determination.

39

40 **Commissioner Vouri:** Took no exception to staff’s interpretation but under current
41 circumstance with housing shortages etc., it may be in the public interest to allow
42 accessory dwellings per the appellant’s arguments. Infill needed because of Urban
43 Growth Boundary. Would be fine with all Use Permits of this type coming to Planning
44 Commission for approval. Not willing to say no to appellant. Would overturn staff
45 determination.

46

1 **Commissioner Barrett:** Supports staff determination. Would like to see findings for
2 existing accessory dwelling on this site. City would be surprised at the number of
3 additional accessory dwellings that would be possible under appellant's argument.
4 Potential increase in units would increase intensity in established neighborhoods. Need
5 sensitive infill. Would advise appellant to split the lot to achieve goal of an additional
6 unit.

7
8 **Commissioner Dargie:** Agreed that code language was ambiguous and subject to
9 interpretation. Saw the need for sensitive infill and supports staff determination. Should
10 be clarified in Code update.

11
12 **Commissioner Monteschio:** Agreed with Commissioner Barrett/Dargie/von Raesfeld.
13 Would need community input if appellants argument were to be supported. Save for
14 code update. Supports staff determination.

15
16 **Commissioner Glass:** Appellant should explore lot split to achieve goal. Appellant has
17 provided a service by presenting the issue. Referred to difficulty and controversy of the
18 Smith/Price accessory dwelling project. Potential number of units that could be created
19 under appellant's argument could have a huge impact on neighborhoods and would
20 increase intensity.

21
22 Motion to deny the appeal and uphold staff's determination as the official interpretation
23 until the Zoning Ordinance could be updated. M/S Monteschio/Dargie.

24
25 Commissioner Barrett: Yes
26 Commissioner Dargie: Yes
27 Commissioner Monteschio: Yes
28 Commissioner O'Brien: Absent
29 Commissioner von Raesfeld: Yes
30 Commissioner Vouri: No
31 Chair Glass: Yes

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34 **III. LIAISON REPORTS:** None.

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36 Adjournment: 8:55 PM

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