

**TOWN OF SAN ANSELMO PLANNING COMMISSION MEETING
July 16 2012**

COMMISSIONERS PRESENT: Chair Sisich, Co-Chair Brasler, Commissioners Krebs, Overberger, Schinner, Sisich, Zwick

COMMISSIONERS ABSENT: Commissioner Brown

CALL TO ORDER

Chair Sisich called the meeting to order at 7:00 p.m.

OPEN TIME FOR PUBLIC EXPRESSION

Phil Stafford, Camino de Herrera, asked what the municipal code indicates with regard to residents keeping chicken coops on their property. He observed that the chickens belonging to several neighbors are noisy and invite flies.

Senior Planner Phil Boyle explained that San Anselmo is governed by the Marin County Code with respect to chickens and that each household may have up to 12 chickens and no roosters. In response to a question from Commissioner Krebs, Boyle indicated that noise, be it from any source, is regulated in terms of allowable decibels and that issues of health and safety would be addressed by nuisance abatement regulations. Boyle advised Stafford to contact Animal Services at the county offices.

PLANNING DIRECTOR'S REPORT

Boyle announced that the next meeting of the Planning Commission is tentatively scheduled for August 13 and that there may or may not be a meeting on August 27. Due to a holiday, the only meeting in September is tentatively scheduled for September 17.

PUBLIC HEARING ITEMS

CONSENT AGENDA

Minutes of Planning Commission Meeting May 21, 2012 (continued due to lack of quorum). Minutes of Planning Commission Meeting July 2, 2012.

M/s, Brasler/Schinner, to pass the minutes of May 21 and July 2.

AYES: Brasler, Krebs, Overberger, Schinner, Sisich, Zwick

NOES: None

ABSTAIN: Krebs

ABSENT: Brown

REGULAR AGENDA

DR-1204, Scott and Sharon Hamilton, 18 Grove Lane, APN 007-161-04, Design Review application for plans to construct a new 2,362 square foot two story residence with a 400 square foot attached garage at 18 Grove Lane. The project site is located in the R-1 Zoning District. **This item is continued from the July 2, 2012 Planning Commission Meeting.** (Staff person: Boyle)

Krebs recused himself from the discussion as he lives within 500 feet of Grove Lane.

Boyle presented a brief report. The applicant has removed gables previously shown in the east and west elevations; additionally, evergreen hedges have been added between the applicant's property and the property on Madrone Avenue. Boyle has received an email message from a neighbor requesting that the restricted hours of construction described in Condition Four be kept in place.

In response to a question from Overberger, Boyle confirmed that a window previously missing from the east elevation, on the upper left, has been added.

Zwick asked to see the shadow study and the chart showing how the proposed project fits into the allowable parameters. He was referred to the July 2 staff report.

Sisich asked if any details had been provided with regard to the proposed landscape screening adjacent to Madrone Avenue.

Boyle responded that the plans call for evergreens.

In response to another question from Sisich regarding screening, Boyle explained that passage of final inspection is dependent on the project, including landscaping, meeting the approved plans; there is no mechanism for recourse by a neighbor once the approved landscaping has been installed and approved.

A brief discussion of the relative screening capability and cost of various plant sizes ensued.

As there were no further questions, Sisich asked the applicants to respond.

Architect Eric Layton described the changes to the plans including the addition of the previously omitted bathroom window, specification of two-gallon evergreens to match the existing plants for screening, and elimination of the gables on both sides of the proposed structure.

Sisich advised that he did meet with neighbor on Madrone Avenue regarding the privacy, bulk, and height issues and conveyed that her concerns remain the same.

Sisich invited the applicant to respond and the applicant declined; Sisich closed the public hearing.

Zwick asked about the existing building and whether or not it is included in floor area ratio (FAR) and lot coverage.

Boyle confirmed that the existing building is included in the FAR calculations, indicating that the plans call for the kitchen to be removed so that it becomes an accessory structure. He further noted that keeping the kitchen would necessitate reducing the size of the existing structure to 750 square feet, making it a legal second unit.

Overberger appreciates the changes and is pleased with the resulting plans. She noted that it is always difficult to place a two-story home next to a one-story home and observed that the degree to which the applicant can be flexible with the landscaping plan will have an effect on relationships with the neighbors. Overberger supports the project as presented at this time.

Schinner supports the project and feels that the proposed windows do not unreasonably impact the neighbors.

Brasler has no issues with regard to privacy. He also continues to believe the proposed structure is wide for a narrow lot; however, if the neighbors have no concerns with the bulk and mass of the structure, he has none either. Brasler supports the project as presented at this time.

Zwick believes the applicants will be pleased with the home and agrees with Overberger that it is always challenging when one proposes a two-story home next to a one-story home. He further feels that the applicants have made a concerted effort to mitigate the impact of the second story and supports the project as proposed.

Sisich appreciates the modifications to the roof and does not have an issue with the size of the house. He does, however, feel that the house has a large number of windows and would propose that the windows facing Madrone Avenue be reduced in width. Sisich would also propose that the screening trees be 10 gallon as opposed to 5 gallon trees.

Zwick noted that there is quite a distance from the proposed house to the property line and then further distance to the home on the adjacent lot. He believes the screening will provide enough privacy, adding that going from 5 to 10 gallon trees represents a nominal cost. He thinks the windows are fine as proposed.

M/s, Overberger/Zwick, to move the staff with report with the condition that the screening trees be increased in size from 5 gallon to at least 10 gallon trees.

AYES: Brasler, Overberger, Schinner, Zwick

NOES: Sisich

ABSTAIN: Krebs

ABSENT: Brown

Sisich reminded the applicants of the 10 day appeal period.

Krebs returned to the dais.

DR-1205, Jeff Lyons and Bonnie Hamilton, 1 Hillcrest Court, APN 005-092-35, Design Review for plans to construct a 402 square foot first floor addition and a 1,177 square foot second floor addition with a 477 square foot attached garage at 1 Hillcrest Court. The project site is located in the R-1 zoning district. (Staff person: Boyle)

Boyle presented the staff report.

Overberger asked for clarification of the exterior color and for the ceiling height of the proposed crawlspace.

Boyle clarified the proposed color of the exterior and indicated that the proposed crawlspaces will be between 6 and 7 feet; the municipal code states that if that space is 7'6" or greater, it is counted toward the FAR calculation.

Zwick noted the variation in height of the proposed crawlspace.

Schinner asked for clarification of hillside FAR requirements.

Boyle responded that the key figure is 7 ½' in height in defining potential living space.

Zwick asked for clarification of the determination of a story. He further asked what material the applicant was proposing to use in filling in the existing space.

Boyle responded that a story is determined by measuring from the floor of one level to the floor of the adjacent level and that this figure cannot be greater than 6'. He deferred the question of the filling material to the applicant.

Sisich observed that drawings of the existing home indicate stairs down to the proposed crawlspace, but that the stairs do not appear in the drawings of the proposed project. He asked how the crawlspace will be accessed and whether or not it will be accessed from the interior of the house

Boyle noted that no interior stairs or other interior access to the crawlspace is indicated in the plans; he is not certain of the building code requirements with respect to crawlspace access.

Zwick stated that the building code requires access to crawlspaces.

Sisich noted that it is not unusual to have a trapdoor in a closet for crawlspace access, nor is it unusual to have access to crawlspaces via exterior doors.

In response to a question posed by Sisich, Boyle confirmed that a shadow study was not conducted for the project because he determined that no shadows would touch adjacent structures. He further noted that there is no specific finding in hillside design review with regard to light, air, and/or privacy.

Sisich asked for clarification of the way in which a structure is evaluated in terms of meeting the maximum height requirement of 30'.

Boyle explained that a horizontal line is drawn at the midpoint of the grade beneath the structure; from that midpoint, a vertical line is drawn to indicate a distance of 30'. No portion of the building can exceed that 30' mark, although there are certain exceptions for chimneys.

As there were no further questions of staff, Sisich invited the applicant to describe the project and to answer questions.

Architect Bill Pashelinsky believes the ceiling height limit is 6' and will certainly confirm that with Boyle.

Pashelinsky noted that the existing height is 6 to 7' and that it would not meet the code requirement of 6' between floors; this is the reason for the proposed change to 5'10" in height.

Access to the crawlspace has not been called out in the plans as Pashelinsky planned to address the issue in the building design phase. There will be no stair access and the crawlspace will most likely be entered by a door going from the garage.

Pashelinsky noted that the design works well on the site with regard to neighbors. The proposed structure does not cast any shadows on adjoining properties or affect any views. None of the proposed windows threaten privacy. The project was designed around an existing front patio and maintains an existing view of Mt. Tamalpais.

In response to a question from Zwick, Pashelinsky observed that a 3" rat-proof slab is planned.

Krebs asked if all of the neighbors were approached regarding the project.

Applicant Jeff Lyons affirmed and provided written support from neighbors.

As there were no further questions from staff, Sisich opened the public hearing.

Bill Stafford, Camino de Herrera, shares a common driveway with the applicant and another property owner, has not been shown the project plans, and expressed a number of concerns and proposed contingencies including (1) a request that run-off drainage be properly routed; (2) a stipulation that adjoining fences be rebuilt; (3) a request that street damage caused by the applicant's Monterey pines be repaired and the trees removed; (4) a request that the driveway not be blocked at any time during construction; (5) a request that there be no overnight parking at the foot of the driveway; (6) a request that no large cement or dump trucks travel the driveway; (7) a request that construction hours be modified, that no construction occur on Sundays, and that Saturdays be reserved for interior work only; (8) an observation that windows on the east side of the upper story look directly into his master bath window; and (9) a request that existing construction debris be removed from the site.

Richard Posthuma, Skyline Road, has spoken with the applicant and seen the plans. He encouraged the Planning Commission to support the project.

Sisich stated that many of the concerns raised by Stafford are issues that need to be taken up with the building department. He invited the applicant to respond.

Lyons explained that he did not approach the Staffords with his plans as he was uncomfortable doing so. In response to the concerns and contingencies raised by Stafford, Lyons said the run-off will be addressed by bio swales to meet the zero-run-off requirement of the building code.

The fence mentioned by Stafford was not removed; it fell down. Lyons advised that he has made arrangements to remove the Monterey pines.

Lyons assured the Commission that the shared driveway will not be blocked and that there will be no overnight parking at the base of the driveway. Further, there will be no large construction trucks on the driveway.

The modified hours of construction are not a problem for Lyons.

Lyons offered that he will be working closely with a structural engineer on the project and that a vegetation management plan is in the process of finalization.

As there were no further comments, Sisich closed the public hearing.

Sisich asked Boyle to clarify the difference between a demolition and new construction vs. a remodel.

Boyle explained that removing more than 50% of the exterior walls of a structure constitutes a demolition. Whatever structure is built post-demolition must meet the current code in terms of setbacks, height, etc. In this situation, the existing home meets the setbacks and the proposed remodeled structure meets the setbacks as well. (Based on the proposed plans, Boyle does not consider this project a demolition.)

Sisich reminded all that questions related to the building code will not be addressed by the Planning Commission.

Brasler specified which of Stafford's questions and concerns will be addressed by the Public Works, Building, and Fire Departments, which would be worked out among neighbors, and which were under the purview of the Planning Commission. Most of Stafford's questions will be answered in a construction management plan which will be generated by the applicant and approved by the Public Works and Building Departments; hours of construction can be addressed by the Planning Commission.

Zwick believes the neighbors will be pleased with the home. The crawlspace is clearly a crawlspace and he feels confident the neighbors will work things out. He approves the project with the conditions presented in the staff report.

Brasler generally concurs with Zwick. He recommends careful consideration of access to the crawlspace and hopes the neighbors reach a consensus. From the planning perspective, he has no problem with the house and can support the staff report.

Krebs generally supports the staff report. The proposed structure is clearly a substantial improvement to the existing house. He believes the Staffords are merely trying to insure that they will be able to live through the construction. Krebs strongly advises the applicant to adhere to conditions set forth by the Building Department.

Krebs further believes the concerns expressed with regard to the proposed crawlspace have more to do with the number of stories in the proposed structure and not so much with FAR. He likes the design of the home and supports the staff report.

Schinner supports all the findings and believes the only issue Stafford raised that has not been addressed is with regard to privacy and his master bath window; Schinner does not see an issue there.

With regard to the crawlspace, Schinner would like some clarification on the FAR if the existing basement were living space. He supports the project and likes the design of the remodel. He is hopeful that the applicants and neighbors can work out the issues of mutual concern.

Overberger asked for clarification as to the difference between flatland FAR and hillside lot coverage.

Boyle explained that the significant difference between flatland FAR and hillside FAR is crawlspace/potential living space. In the flatlands, a crawlspace of any dimension is included in the FAR calculation. The definition of a crawlspace is an area that has a floor and that is tall enough for an adult to stand in.

Hillside FAR is easier to work with; a potential living space that is at least 8 x 10 in dimension and at least 7 ½' tall is counted in FAR calculations.

Boyle further explained that definition of a story is the same for both flatland and hillside structures. A story is at least 6' in height from floor to floor. In this case, the crawlspace is not a story.

In response to Schinner's request for clarification, Boyle observed that if the crawlspace were included in the FAR calculation for the proposed project, the project would exceed allowable FAR.

A brief discussion of the sliding scale for hillside FAR calculations ensued.

Sisich explained that his largest concern had to do with the height of the house which is being driven by the garage. He does not like the idea of a garage dictating design and wonders why the house cannot be stepped down. He cannot support the project and believes the home should be lowered.

Overberger initially shared Sisich's concerns before noting that the home sits on a knoll and does not present any privacy issues affecting adjoining properties.

Zwick looked at the story poles on site and did not find the proposed structure looming or intrusive.

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

AYES: Krebs, Overberger, Schinner, Krebs

NOES: Sisich

ABSTAIN: None

ABSENT: Brown

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

ITEMS FROM THE PLANNING COMMISSION

Brasler asked about the possibility of codifying requirements for shadow studies.

Discussion ensued with regard to costs and methodology of shadow studies.

ADJOURNMENT

Sisich adjourned the meeting at 8:40 pm.

Respectfully submitted,
Nancy Harris

