

**TOWN OF SAN ANSELMO
PLANNING COMMISSION MEETING OF JUNE 7, 1993**

The regular meeting of the San Anselmo Planning Commission was convened at 8:00 p.m. in the Council Chamber by Chairman Mihaly. Staff present was Planning Director Ann Chaney and Associate Planner Lisa Wight.

A. CALL TO ORDER

Commissioners present: Harle, Julin, Kroot, Hayes, Israel, Mihaly
Commissioners absent: Sias

B. CONSENT

1. **V-9315 - Laurent Recollon - 36 Canyon Road, A/P 7-062-09, a variance to construct an 8'6" retaining wall along Canyon Road beyond the front property line (within the right-of-way) in order to help stabilize the slope supporting the house; and 2) a retaining wall within 4' of the east side property line, on property located within the R-1 Zoning District (above 150' mean sea level).**
2. **V-9319 - Ted and Diana Jorgensen, 64 Oak Springs Drive, A/P 5-252-06, a variance to construct a deck 9' from the rear property line where 14' is required, on property located within the R-1 Zoning District (above 150' elevation).**

M/S Julin/Kroot to approve Consent. Conditions of approval are:

36 Canyon

1. Prior to the issuance of a building permit, the applicant shall obtain a revokable encroachment permit issued by the Public Works Director. 2. The wall shall be constructed in accordance with the plans date stamped received May 7, 1993 by the Town of San Anselmo. 3. The applicant shall submit a landscape plan for this portion of the retaining wall to be reviewed and approved by the Director of Planning. 4. That if this development which has received discretionary approval has not begun within one year from the date of the final action, the permit shall become null and void. However, this discretionary action may be reviewed by the Planning Director for a maximum period of one year provided the applicant places such request in writing to the Director showing good cause prior to the expiration of the discretionary action.

64 Oak Springs

1. That applicant shall obtain all necessary development permits and conform with all adopted standards of the Building and Public Works Department. 2. The new deck shall be installed according to the plans date stamped received April 1, 1993 by the Town of San Anselmo. 3. That if this development which has received discretionary approval has not begun within one year from the date of the final action, the permit shall become null and void. However, this discretionary action may be renewed by the Planning Director for a maximum period of one year provided the applicant places such request in writing to the Director showing good cause prior to the expiration of the discretionary action.

Motion unanimously passed. Audience advised of the ten day appeal period.

C. PUBLIC HEARINGS - CONTINUED

1. **PS-9201 - Tony Richards for Viking Leon, Between Forest Avenue and Vista Lane, south of Lansdale Station Park, A/P Nos. 7-021-07, 7-021-23, and 7-021-24, 1) environmental review; 2) parcel split to legalize the 1954 creation of three separate building sites, each of which is currently undeveloped. **CONTINUED TO THE MEETING OF JUNE 21, 1993****
2. **V-9240/DR-9218 - Tony Richards for Viking Leon, 5 Vista Lane, A/P 7-021-24, 1) design review of a single family dwelling; 2) a 17' frontyard variance to construct a dwelling within 3' of the front property line; 3) a 3' rear yard variance to construct bay windows within 17' of the rear property line; 4) a 20' frontyard variance for driveway retaining walls to be within 0' of the front property line; and 5) a 13' frontyard variance to construct an uncovered deck within 1' of the front property line. **CONTINUED TO THE MEETING OF JUNE 21, 1993****
3. **PS-9301/LLR-9301/ER (Environmental Review, Parcel Split, and Lot Line Relocation, - Andrea Sandvig and Stuart Jacobson, 500 Oak Avenue, A/P 7-191-06 and 07, 1) environmental review; 2) a parcel split**

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to legalize the 1946 creation of two separate parcels, one which is currently developed; and 3) a lot line relocation for an approximately 5 acre piece of property located within the R-1-H Zoning District. No development is proposed as part of this request. **CONTINUED TO THE MEETING OF JUNE 21, 1993**

4. **NU-9302/DR-9120 - Th.E. Posthuma, 379 Oak Avenue, A/P 7-241-61,** 1) a use permit to establish a second unit; and 2) an amendment to an existing design review approval to allow the construction of a new detached structure to accommodate the second unit, on property located within the R-1 Zoning District. **CONTINUED TO THE MEETING OF JUNE 21, 1993**

D. PUBLIC HEARINGS

1. **DR-9306 - Harry Kraft, 35 Pasadena, A/P Nos. 5-202-02 and 03,** consideration of exterior house color for property located with the R-1 Zoning District (above 150' mean sea level). An addition to this house was previously approved through the design review process.

The applicant and Hank Taylor, Architect, were present.

Ms. Chaney presented the staff report.

Mr. Taylor presented photographs of the site and of neighboring properties across the street that also are white houses. He said he understands the ordinance about blending in however this house is very well hidden and not very exposed. Also, the neighbors support the color. The white is a warm white and will look very nice with the green trim.

Commissioner Kroot stated that the neighbor below was very concerned at the first meeting about the color and he stated that it would loom and be bright. Mr. Taylor said that he has had a subsequent conversation with the neighbor and he has stated he did not have any objection to the color, but was concerned about the landscaping which has been modified. Unfortunately he did not get their approval in writing.

Mr. Kraft stated that his house is very secluded and should not be offensive to the neighbors.

Public hearing was closed.

Commissioner Israel stated that he did not know the house existed and has driven by the neighborhood on several occasions. Because this house is very secluded he had no objection to the proposed color and therefore the owner should have the right to paint the house white.

Commissioner Hayes stated that the Code specifies that it should be a low visual profile and blend in with the environment. Ms. Chaney stated that this property is traversed with the 150 foot mean sea level and therefore could potentially go either way and the could potentially offer some latitude. Commissioner Hayes stated that he had a similar reaction as that of Commissioner Israel although he does feel strongly about the intent of the ordinance. Because this house is not very visible and is split between the 150' mean sea level, as well as other houses in the neighborhood are white, he therefore was inclined to support this project as proposed by the applicant.

Commissioners Julin and Harle supported the color as proposed by the applicant.

Commissioner Kroot also supported the proposed color. He was only concerned about the neighbors but if they support the project, then he has no objection.

Mihaly preferred a darker color but would go along with his colleagues for the reasons previously stated.

M/S Kroot/Julin, to approve DR-9306 - Harry Kraft, 35 Pasadena, A/P Nos. 5-202-02 and 03, consideration of exterior house color for property located with the R-1 Zoning District (above 150' mean sea level). An addition to this house was previously approved through the design review process. Approval was based on the fact that the house is virtually screened on all sides; that the house is traversed by the 150' mean sea level, and that other houses within the immediate vicinity also have white exteriors and there is no objection from the neighborhood. Therefore, the exterior color of Navajo White with dark and medium green trim is approved.

Motion unanimously passed. Audience advised of the ten day appeal period.

2. **V-9320/DR-9310 - John Schreck, 137 Humboldt Avenue, A/P Nos. 7-033-20 and 7-033-21,** 1) a rear yard variance to construct a new dwelling

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within 0' of the rear property line (Humboldt frontage) (20' setback is required by Code); 2) a rear yard variance to construct uncovered stairs within 0' of the rear property line (Humboldt frontage) (14' is required by Code); and 3) design review of a new dwelling, on property located within the R-1 Zoning District

Luis Huerto-Rojo, Architect, was present on behalf of the owners.

Ms. Wight presented the staff report.

Commissioner Kroot asked about the controversy over the walk way. Ms. Wight stated that it was not part of the Planning Commission review. She stated that the applicants attorney has advised staff that the property owners of No. 135 Humboldt have "abandoned all claims to any use of the Schreck lot except for a nonexclusive easement (the) brick walkway, which was presented....to the Court of Appeals. No other claims against the Shreck property are being made, and there is absolutely no dispute as to any boundary line." This information was verbally confirmed by the attorney representing the property owner of No. 135.

Commissioner Israel asked about why Foothill is considered the front of the property. Ms. Wight stated that the Code defines it as such. . Commissioner Israel said that the Code also states that parking is required to have three on site parking in the hillside. Ms. Wight concurred with the three car parking requirement.

Commissioner Mihaly asked for a brief description of the walk way area. Ms. Wight stated that it connects with the neighbors property. He wondered if there would be any benefit in constructing the house in the middle of the property. Ms. Wight stated that the mass would be brought farther down the hill and would also call for a longer approach ramp. She also noted that the property at 135 Humboldt would be overshadowed if the property was brought farther down the hill.

Mr. Huerto-Rojo stated that he concurs with the staff recommendation. Moving the house farther down the hill would overshadow 135 Humboldt. He stated that he has court documents about the ownership of the walk way. He stated that they could be open to change the exterior color. With regard to the replacement of the trees, they have tried to be sensitive to the neighbors and would be willing to make any necessary changes as required by the Commission.

Donald Harte, 135 Humboldt, stated that the walk way has gone to trial and was denied but they are now petitioning to the Supreme Court. The concrete patio is still in question. He has concerns about parking in the neighborhood. Also, the geological reports in the past stated that there is unstable land and that any house built should be built closest to the top of the property and that no trees, if possible should be removed. He felt the proposed size of the house was too massive for the neighborhood and would loom over his house. The view out of his window would be piers for the decking.

Veronica Basker 106 Humboldt, stated that she likes living on a wooded street. She felt the house was too large and massive, and looked like a fortress with too many garages. She also felt the color was too light.

Cary Meadows, 132 Humboldt, stated that her house is 90 years old and she has no parking and that there are other homes in the neighborhood that do not have off street parking and therefore was concerned about adequate parking. She also wondered why the garages for the project could not be built on Foothill.

Michael Krasny, 133 Humboldt, had concerns about parking on Humboldt and the size and bulk of the project. The neighborhood is rustic and the house is out of character.

Robert Claytor, 250 Scenic, stated all of his view will be affected by this project because his houses faces the project. His concerns are the vegetation. He would like to see alternate trees planted that would not exceed 25 feet. He also shared the same concerns of those already stated by his neighbors

Roger Van Craeynest 112 Humboldt, objected to the aesthetics, the grand style of the project, and wondered if the house could be pushed away from the street and have the garage on Foothill. He would like to see the house reduced and the look to seem less urban. He felt that a three car garage would be out of character with the neighborhood.

Hank Van Dyke, 16 Foothill, stated that parking was very severe. He noted that the homes on Foothill all have parking.

Ron Nakayama, 124 Humboldt, stated that parking will really be adversely affected because the development will reduce three currently usable on street parking spaces.

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Ron Basker, 106 Humboldt, stated that all the houses are very small and funky and range from about 600 square feet to 1,800 square feet. The neighborhood is really a wilderness and with the building of new homes in the neighborhood, many of the trees have already been cut and the character of the neighborhood has changed. He also stated that the land is unstable and that no trees should be removed.

Carol Harte, 135 Humboldt, wondered if the patio would remain with the construction of the house. She thought that there was going to be no construction over the patio. Her front and side doors face 137 Humboldt and therefore she will have no option but to look directly at the project. She felt the project will be an eye sore and that it should be harmonious with the lay of the land. She did not think that any vegetation could screen adequately. The volume of the house was hideous and the possibility of the parking to be on Foothill should be considered; her garden will be negatively impacted; the house was out of character in the neighborhood and that people who live in the neighborhood are bohemian type and like the rustic look; the 1980 soils report stated that the site was buildable but that no trees should be removed from the site. She has witnessed underground springs on the lot. She wondered if there are any provisions in the plans to remove the fence because a portion of it extends onto the lot of 139 Humboldt.

Mr. Huerto-Rojo stated that any new house should have adequate parking. The parking on Foothill is about ten feet wide and is barely adequate for two cars to go by at the same time. It is also impossible to turn around on Foothill. He stated that he has no objection to changing the oak trees to another type of tree to accommodate the neighbors view across the street. With regard to the rustic neighborhood, 121 Humboldt is very new, 133 Humboldt was recently enlarged, and 147 Humboldt is approximately 2,900 square feet. He stated that the visual impact is very minimum as viewed from the street and he has tried to mitigate additional parking and landscape. With regard to the soils report, there will be an updated report as required by law prior to development of the project.

Owner of 147 Humboldt stated that her property is approximately 3/4 acre.

The public hearing was closed.

Ms. Wight responded to the public testimony. She said that it was her understanding that the patio was not an issue. With regard to the soils report, the report stated that it should be constructed with conformity of grade. The Building Department will not issue a permit without a current soils report and it will also have an independent peer review. With regard to the current parking of five cars, they are hanging over into the 12 foot roadway. Existing at most would get three on site parking. Regarding the view across from the project, it is staff's opinion that the house is higher up and would overlook the project. The Code states there should be three off street parking, one of which can be in tandem. With regard to parking on Foothill, there would probably necessitate a lot of cutting into the hill and the roadway on Foothill is very narrow. The most logical parking would be on Humboldt for easy access to the house. It was her understanding that the fence between the two properties will remain. With regard to compatibility, there seems to be a mix in the neighborhood. 147 Humboldt appears to be about 1/3 acre. The applicants are proposing a house that is within the maximum allowable for the lot.

Commissioner Hayes said that the impact on 135 Humboldt could be perceived as substantial. As they come out of their front door they would be viewing a 35 foot wall as well as viewing the piers of the deck. The walk in closet on one floor and a nook on another protrudes out to 135 Humboldt and it seemed to him that the elimination of those would move the house away from 135 Humboldt. Also, the third parking garage is also very close to 135. There is a net loss of three street parking spaces because of this development and wondered if the parking garage closest to 135 Humboldt could be eliminated, thereby granting a variance and trading a space that would be available to the neighbors. He felt that the design was aesthetically pleasing. He agreed that the neighborhood was unique, suggested that the size could be reduced somewhat and perhaps a different exterior and a darker color to blend with the foliage. The fence adjacent to 135 might close in the property even more. If the rear of the house was pulled further up the hill he did not think it would benefit 135 Humboldt.

Commissioner Julin stated that Commissioner Hayes' analysis was very good. She liked the idea of reducing the garage, using rustic materials and reducing the scope of the project.

Commissioner Harle was in support of the staff report. He did not think the house size should be reduced because the needs of the public is to have larger houses than those built years ago in San Anselmo. By pulling back the nook structure as proposed by Commissioner Hayes might give more space to the neighbor. Much of the responsibility of the current location of the house on 135 Humboldt is due to the lot split.

Commissioner Kroot said the project will give a very low impression from Humboldt and no impression from Foothill. The only negative impact will be to the owners at 135 Humboldt. Therefore, he agreed that the nooks could be reduced but a few feet should be left for some sort of a bump out for articulation. He agreed that parking could be reduced to accommodate an

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additional on street parking space. He felt the color was too light and should be darker, with perhaps natural siding. The oak trees should be exchanged for a tree that will not grow over 25 feet.

Commissioner Israel stated that this was a good example of why he did not agree with the side setbacks in the hillside. The elimination of the nook on the upper level could be removed but the closet on the lower level should remain to create articulation. He would like to see a natural siding, cedar or shingles. The location as proposed is the best. Parking off of Foothill is already heavily impacted street and parking is best suited on Humboldt. This house feels a little bulky on a thin long lot. He thought the house could still remain quite livable and yet be reduced in size. He was not inclined to force a variance for parking but could see a two car garage with a carport. If the bay trees were reduced, it would allow for two or three car parking on street. He would like to see the house stepped down the site but would feel uncomfortable in denying a house of this size on this lot.

Chairman Mihaly stated that this should be referred to the Town Attorney for response to whether or not the application can proceed while in litigation. It should be noted that if the Hares prevail in the law suit, this house could not be built as proposed. He wondered if the garage could be pushed back into the house to create more space in the driveway. He stated he would support a variance for one parking space. He thought the garage should be redesigned. The current design looks very suburban. He would consider a redesign to step back the house down the hill; the landscaping should be redesigned based on the public testimony and lateral parking should be maximized

Commissioner Israel stated that one of his concerns about allowing on street parking will probably mean that the bay trees will have to be removed. He also said that it really wont look very good to have strip parking fronting this house. Also, how will this impact future development on Humboldt?

Chairman Mihaly stated that it would be a good idea if the Architect could informally meet with the neighbors.

Commissioner Julin stated that she would like to see changes which would necessitate a reduction in size.

Commissioner Kroot would like to see the side on 135 Humboldt more articulated, similar to the other side of the house.

Commissioner Israel stated that the decks might be reviewed to see if an alternative could be made so that the piers were not so visible.

The consensus of most of the Commissioners was to support a two car garage with a variance for the third parking. Harle stated that it is totally against the intent of the ordinance and the only justification for granting this variance would be to give relief for 135 Humboldt.

M/S Kroot/Hayes, to continue V-9320/DR-9310 - John Schreck, 137 Humboldt Avenue, A/P Nos. 7-033-20 and 7-033-21, 1) a rear yard variance to construct a new dwelling within 0' of the rear property line (Humboldt frontage) (20' setback is required by Code); 2) a rear yard variance to construct uncovered stairs within 0' of the rear property line (Humboldt frontage) (14' is required by Code); and 3) design review of a new dwelling, on property located within the R-1 Zoning District to the meeting of July 19, 1993. Motion unanimously passed.

3. Cancellation of July 4, 1993 Planning Commission Meeting.

M/S Harle/Julin, to cancel the July 4, 1993 Planning Commission due to the holiday. Motion unanimously passed.

E. GENERAL DISCUSSION

1. Vacations:

Mihaly will be on vacation the last two weeks of August.

Kroot to be on vacation for the meeting June 21, 1993.

F. OPEN TIME FOR PUBLIC DISCUSSION

G. REPORT OF UPCOMING APPEALS TO TOWN COUNCIL

H. ADJOURNMENT

The regular meeting of the Planning Commission was adjourned at 11:10 p.m. to the next

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meeting on June 21, 1993.

BARBARA CHAMBERS