

**TOWN OF SAN ANSELMO  
PLANNING COMMISSION MINUTES FOR MARCH 7, 1994**

The regular meeting of the San Anselmo Planning Commission was convened at 8:00 p.m. on March 7, 1994 in the Council Chamber. Staff present: Planning Director Ann Chaney, Associate Planner Lisa Wight and Consultant Planner Delvin Washington

**A. CALL TO ORDER**

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

**B. CONSENT**

1. Minutes - February 28, 1994
2. **V-9408 - Peter Beckham, 286 Redwood Road A/P 7-095-32**, a variance to construct a two car garage from an existing open parking deck that will be 0' from the front property line (20' required) and 1'6" from the side property line (8' required), on property located within the R-1 Zoning District (above 150' mean sea level).

M/S Julin, Harle, to approve consent.

Ayes: Harle, Julin, Sargent

Abstain: Mihaly

Motion carried. Audience advised of the 10 day appeal period.

**C. PUBLIC HEARINGS-CONTINUED**

Dorthea Shaw, Raymond Avenue, wanted to make sure that the discussion for design review in the flat lands not put on the back burner. There is an inter city intrusion next to her house and does not want anyone else to experience that in San Anselmo. It is very distressing and did not want this issue to be dropped. There was an article in the Ross Valley Reporter and she has since received several calls from people who are interested in this issue.

1. **V-9328/DR-9329 - Edmund Coyne, 25 Canyon Road, A/P 7-064-14**, a design review and variance to construct a new single family residence 11'0" from the front property line (20' required), and 4' from the west side property line (8' required), and to remove three (3) redwood trees having trunk sizes of 24", 24" and 26" in diameter, on property located within the R-1 Zoning District (Above 150' mean sea level). CONTINUED TO THE MEETING OF MARCH 21, 1994.
2. **V-9406 - Michelle Chouinnard, 208 Sequoia, A/P 6-114-01**, a variance request to: 1) allow the applicant to relocate a spa within 1' of the rear property line (8' is required); 2) a trellis and arbor to remain with 0' of the rear property line (8' is required); and 3) to allow portions of a fence to be 8' in height where 6' is permitted; on property located within the R-1 Zoning District. (After-the-Fact) Note: The spa and portions of the fence and trellis currently encroach into the adjoining property). CONTINUED TO APRIL 4, 1994

**D. OPEN TIME FOR PUBLIC DISCUSSION**

There was none.

**E. PUBLIC HEARINGS**

1. **V-9401/DR-9401/ER - Scott Hochstrasser for Viking Leon, 5 Vista Lane - A/P 7-021-24**, 1) Setback variances: Garage to be within 15 feet of the rear yard property line at the northwest corner and 11.5 feet from the rear property line at the northeast corner (20' is required); House to be within 10 feet of the front property line and rear property line (20' is required); Bay window to be within 8 feet of the rear property line (20' is required); Deck to be within 9 feet of the rear property line and 10 feet of the front property line (14' is required); 2) Parking for a third tandem parking space will be standard 20 feet in length from the front property line; 3) Design review of a new dwelling and 4) Environmental Review on property located within the R-1 Zoning District.

Mr. Hochstrasser and Tony Richards were present to represent the owner.

Ms. Wight presented the staff report.

Commissioner Julin did not think the Commission would have adequate time to evaluate the tree protection plan since it was just handed out tonight. She also questioned condition number 2, thinking the tree protection plan should be part of the approval process. Ms. Wight stated that the details will be followed during the building permit stage.

Commissioner Sargent asked about the 36" tree. If the root system is caused to die from construction, what will the recourse be. Ms. Wight said that an arborist could be located on the site if required by the Commission.

Mr. Hochstrasser put up a drawing of the site to indicate why the house was not placed in the location where it was originally approved several years ago. It does not allow the same amount of parking, and there were geotechnical problems by flipping the house as well as increasing the garage height. Therefore, they tried to narrow down the problems as stated by the neighbors. He felt the 36" oak would be saved, and that they felt by pushing the garage back a few feet, it allow three parking spaces without Variances. The purpose of providing the arborist report is to respond to the neighbors concerns about saving the tree. He felt a driveway could be built without loosing trees. Regarding the backing out, he agrees with the Public Works Director that if the driveway is flared cars will be able to back out of the driveway successfully. They tried to angle the driveway so people will not back out onto Vista Lane. Regarding the variance for the garage, it will now be 13' maximum. He thought they have bent over backwards to accommodate the neighbors, by reducing the house size, reduced the variances, pulled the deck back to save the 36" oaks, modified the trim of the house and saved the other two oaks.

Tony Richards demonstrated to the Commission how the new driveway will work so vehicles will be able to exit onto Vista lane without having to back out to Humboldt.

Robin McDonald, thought the Architect should be commended on the project and is in favor of the location of the garage because it will help break up the facade. She was also pleased to see parking space for three vehicles. The parking egress is no less workable than what is now happening for all the people in the neighborhood. She is concerned about the color of the roof shingle and would like something that has variegation and of a different color. The relocation of the 4 water meters should be resolved. If there are relocated uphill it will decrease their water pressure, but will increase pressure if located down hill. She would like a plumber to see what would be in her best interest. She is concerned about the construction schedule and would like to see that the road is not closed at any time before 10 a.m. or after 4 p.m. or on weekends.

Lois Linderman, 8 Vista Lane, was please that the two oaks will be saved, and is pleased about staff's recommendation to further protect the trees. she asked what the recourse will be if during construction trees are damaged. Will there be a replacement ratio? Will the orange x's be removed from the trees that are now being saved? She was glad to know that shingles will be used as siding but would like to see the roof shingles changed from green to an earth tone. She is not happy that the garage not have two small garage doors. The paint should be kept to a minimum at the street level. She suggested adding coloration into the concrete because white will be very shocking. Regarding the water meters, she echoed her neighbor's concerns about the meters. She passed out a photograph that depicted the drain area and suggested that the easement may need to remain on the Town lot because of the location of the drain. If this is to be retained as a walkway she wondered who will pay for the engineering and the building of the stairs. She did not want to see any trees removed for the stairway. Mrs. Linderman presented a petition signed by 70 neighbors that support continued public access from Humboldt to Forest Avenue. She would like to see permanent public access prior to building permit issuance.

Commissioner Israel asked if there could be another location for the easement. Ms McDonald said it would be a very steep grade by her property but it is really no steeper on either side.

Caroline Nakayama, 124 Humboldt, presented photographs of the neighborhood. She does not like the forest green color of the garage door and does not think the driveway will be workable as proposed. She liked the idea of putting rocks into the driveway pavement. She Concerned about the spray painting of the trees, saying that it was disrespectful. She was extremely concerned about protecting the trees and proposed a dollar value on each tree that would be removed by accident.

Mr. Pat McGreggor 100 Humboldt, was concerned that during construction trees could be damaged. He asked who will monitor the project to ensure that all the conditions are met? He is also concerned about retaining the access. He is also concerned about the drainage as has been demonstrated by the run off on 11 Forest.

Ron Basker, 106 Humboldt, thought it is difficult to evaluate the project without elevations. He wondered if it is necessary to move the garage back to build the garage. He would like to see the house shingled in a natural color. He objects to the green shingled roof. He would still like to see the roof line lowered and he questioned flaring of the driveway on the Humboldt side. He questioned the ability to work on Sundays. He questioned some of the types and placement of plants that are being proposed. The relocation of the water meters are a concern. He did not want any trees removed by MMWD to relocate the meters. He also thought about providing the access farther down Vista

Lane

Bill, 42 Humboldt, T 1-11 siding is the cheapest shingle and wanted to see if the entire house could be shingled. He would like to see a penalty for removing trees that have not been approved.. He has used the trail and would be willing to help work on it with the neighbors.

Bruce Linderman, 8 Vista Lane, stated that there are other neighbors willing to help on the trail. He would like a more earth tone color for the roof tone and does not want to loose water pressure or pay for the moving of the meters. He wants all the conditions monitored. The trail issue is very important and supports the continued use of it.

Scott Hochstrasser said they have no problem with MMWD moving the meters prior to construction, or having a gray roof. They will replace or bond trees if necessary. They have no objection changing the garage door from green although he thought green was a good idea that had been suggested at a previous hearing. He proposed natural shingle siding, perhaps stained. They see no opportunity to make a better walkway other than what is now being used. The owner is opposed to giving any property right to the neighborhood for an easement.

Commissioner Israel is still concerned about the driveway being too close to the tree trunks. the reality is that the trees are in the way and it will not work because there can be no maneuvering until the car is out of the garage. He would like to see the driveway angled more to allow more maneuverability for the car out so it will then go forward. He would not object if the garage could be moved farther back. In summary, he cannot support the concept and the project. He has no problem with the design of house, although the color of the roof could be overbearing and would like to see it changed; He felt that if the house were flipped it would be more workable and all the trees could be saved and the house would be no further away from the slump or closer to it that the design previously approved. The stain should be semi transparent stain and there should be a replacement protection for trees. With regard to the trail alternative, there is an opportunity to bring it down the side of the property but it would also impact other properties and the Commission can not make a decision on that. He explained to the audience that they are the enforces of the condition and that they should call staff if there is a violation.

Commissioner Harle stated that if staff feels the driveway is workable if it is flared they he will go along with staff although he shares Commissioner Israel's misgivings. He wants the roof color changed, and was concerned about the walkway but it seems to be a dilemma with no present solution. The existing right of way cannot be used because of the drainage pipe, but he would like the applicant to make a contribution for the walkway along with the neighbors if a walkway is feasible.

Ms. Wight asked if the garage would be workable if it was pulled back towards the rear property. Commissioner Israel thought it might be workable and he would be comfortable having staff work with the applicant to make sure the driveway is workable.

Commissioner Julin is not willing to support the application. she appreciated the comments about the backing out of the driveway by Commissioner Israel. The responsibility of the water pressure should be pinned down now and handled as a condition if it is the applicant's responsibility. The colors in the building material are difficult to imagine without seeing a color rendering. Most of the comments on the arborist's report is really not site specific and do not really apply to the site, therefore she cannot say with confidence that this will work. She would like to see a plan that has been field checked for accuracy. Also, the landscape plan does not really tie into the conditions of the site as to what is being proposed. Finally, she is surprised about construction on weekends and would like to see construction allowed only on Monday through Friday.

Commissioner Sargent admired the concerns about the neighborhood. He supports Israel's concern about the driveway and wanted the applicant to consider moving the house back two feet. The neighborhood has shown such strong belief about the easement that they should pursue the matter because of the acknowledged right of way. He agrees that there might be a contribution into the walkway by the applicant. He would require bonding for trees that are removed inadvertently, and would suggest an arborist that makes a preconstruction report as well as doing inspections during construction to ensure that trees and landscape remains. It is difficult to approve the project without really seeing the exact sample board of colors.

Commissioner Israel said the situation would be improved in the driveway if the garage is moved back two feet, but it is very close to the tree.

Chairman Mihaly stated that the applicant wants a decision tonight but is really concerned about whether or not staff should be responsible for the last details that have been discussed tonight. The Public Works Director will have to determine that there will be no drop in water pressure; a construction schedule will have to be prepared; a bond amount will have to be established for the roadway as well as tree replacement; and the driveway will have to be taken on by the Director to allow some fluctuation on the driveway. Planning will have to deal with the protection plan for trees; He thought he could imagine the house with the proposed colors. There are no rear elevations, and no floor plans.

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Ms. Chaney stated that most of all the items are handled at the building department stage however she is uncomfortable about the driveway plan.

Ms. Wight stated that she is concerned about the elevation plans not having been submitted as well as the driveway issue.

Commissioner Israel realized that everyone has difficulties with parking but has real concerns about the oak, especially when it grows.

Mr. Hochstrasser stated that the rear elevation only faces the house on 11 Forest and it faces the rear wall. Therefore, it will not impact anyone. The colors have been changed to suit the neighbors; the driveway is workable but would be willing to work with the Public Works Director to fine tune it. He requested a decision tonight on his project.

Chairman Mihaly was interested in preserving the work that has been done and wanted to take action with additional conditions. If the conditions cannot be fulfilled then it comes to the Commission.

Commissioner Julin said that Staff is limited in the amount of time they can spend on this. She would rather see the burden placed on the applicant.

Commissioner Sargent thought the burden should be placed on the applicant, including information from a traffic engineer and arborist's.

There was more discussion as to the merits of approving the project or denying it.

M/S Mihaly, Harle, to approve V-9401/DR-9401/ER - Scott Hochstrasser for Viking Leon, 5 Vista Lane - A/P 7-021-24, 1) Setback variances: Garage to be within 15 feet of the rear yard property line at the northwest corner and 11.5 feet from the rear property line at the northeast corner (20' is required); House to be within 10 feet of the front property line and rear property line (20' is required); Bay window to be within 8 feet of the rear property line (20' is required); Deck to be within 9 feet of the rear property line and 10 feet of the front property line (14' is required); 2) Parking for a third tandem parking space will be standard 20 feet in length from the front property line; 3) Design review of a new dwelling and 4) Environmental Review on property located within the R-1 Zoning District. The approval is based on staff's recommendations which are:

1. Approval is based on the site plan and landscape plan date stamped as received on February 25, 1994, subject to further amendment of the driveway approach bridge to provide a flare to the bridge. This shall require approval by the Public Works Director.
2. The applicant shall submit a report by a qualified arborist or biologist which evaluates the existing trees proposed to be retained and the future health of any tree to remain whose canopy drip line is located within the building foundation. The arborist or biologist shall prepare a Tree Protection Plan for those trees to be retained on the site. Should it not be possible to retain those trees marked to remain, then it will be necessary to bring the landscape plan back to the Planning Commission at a public hearing for further consideration.
3. Two: 15-gallon Ceanothus Ray Harthman shall be planted southeast of the deck and kitchen nook to provide screening between the dwelling at 8 Vista Lane and the proposed dwelling at 5 Vista Lane.
4. The sizes of all proposed trees shall be increased to 15-gallon. The sizes of all shrubs shall be increased to 5 gallon.
5. All proposed plantings shall be irrigated and maintained.
6. The colors and materials shall be as follows:

Siding:

Upper portion of dwelling and garage: shingles  
Lower portion of dwelling: T 1-11 plywood with 1 1/2 groves @ 12" O.C; cedar shingles; and 2"x12" belly bands

Color:

Shingles: Natural Stain/T1-11: Forest Green

Trim:

2" smooth stock; Color: Forest Green  
Corners: 1" x 4" resawn cedar

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Fascia and Barge Rafters:

2" X 10" smooth stock. Color: Forest Green .

Gutters:

Forest Green

Windows:

Milgard or equal: white aluminum sash

Garage Door:

Raised panel sectional Color: Forest Green

Roof:

Class A Composition Shingles (3-tab). Color: Forest Green

The roof color is shown on the color board dated February 7, 1994. The applicant shall submit a color sample and code of the shingle stain and siding color prior to building permit issuance.

7. Lighting: No exterior lighting has been proposed and none is herein approved. Any future exterior lighting shall be permitted for safety purposes only, must consist of low wattage fixture, and must be directed downward and hooded.
8. Hours of construction activity shall be consistent with the schedule approved by the Public Works Director.
9. The applicant shall be responsible for ensuring that the number of construction vehicles shall be limited to the minimum number necessary to complete the project.
10. The applicant shall be responsible for ensuring that all construction vehicles, equipment, and materials are stored on-site and off the street so that pedestrians and vehicles can pass safely at all times.
11. The truck route shall be from San Anselmo Avenue to Humboldt Avenue, thereby avoiding Center Boulevard.
12. Trees: Only those trees shown on the site plan as proposed to be removed, if any, may be removed. No other existing trees on the subject property shall be removed except to comply with local and State fire safety hazards to people and property.
13. These conditions shall be recorded in a Deed Restriction with the County Recorder prior to Building Permit issuance.

Modifications to conditions are as follows:

1. roof shingles to be brown materials,
2. Siding to be natural shingles, with T1-11 cedar,
3. Driveway color to be darkened,
4. Relocation of the water meter:
  - A. The Public Works Director shall approve of the location of the water meter installation, which shall be determined prior to issuance of the building permit.
  - B. The Public Works Director will not issue the building permit unless the pressure is the same, if not better than what currently exists.
  - C. The neighbors affected by meter will be noticed.
5. The Public Works Director will determine a construction schedule, with the recommendation from Commission that there be a limited time of closure, that actual notice should be given to the neighbors on Vista Lane , (he will not restrict the weekends) and there not be a closure prior to 10 a.m. or after 4 p.m.
6. Tree Protection.
  - A. The Public Works Director have an arborists be present on site to supervise at the expense of the applicant.
  - B. A bond be required for any trees that are damaged or replaced during

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construction no matter whose fault it is.

- C. That this come back to the Commission if necessary.
- D. The Public Works Director should ensure that the x's are removed on those trees that are not to be removed
- E. The applicant to provide a complete and adequate tree protection plan that ensure the protection of all the trees on the lot.
- F. The Public Works Director shall consider the massing of plants and distribution of plants and modify the landscaping plan as appropriate.

7. Driveway:

- A. The applicant is to provide data from specialists that the driveway is workable or they can work with the Public Works Director to make minor changes in the shape of the driveway are within the scope of the approval.
- B. The driveway will be located so that the 13" and 19" trees will not be impacted and will allow reasonable room for growth. If it cannot work, it should be brought back to the commission.

8. The missing elevations be supplied.

9. Approval is in reference to plans dated may 1993, site plan dated February 25, 1994.

With regarding the path, although this is not part of the motion, Chairman Mihaly would like to see the path worked out but did not think there was a legal way through this application. The neighbors should discuss this with the town to see if a solution can be worked out. Someone should work out the cost of the stairs.

M/Bond to amend the motion to add: to recommend to the Public Works director that a bond be in place a year after construction for maintenance of trees and landscaping.

That was agreeable to Chairman Mihaly and Commissioner Harle.

Commissioner Israel did not know how staff could evaluate the rear elevation when it has never been presented

Scott Hochstrasser stated that he has confidence that they could work with staff and would like a decision on this project tonight.

Commissioner Julin stated that the Commission is assigning a considerable amount of work for the Public Works Director.

Ms. Wight stated that the only extra burden that is not typical would be the garage and driveway.

Ayes: Harle, Sargent, Mihaly, Israel

Noes: Julin

Motion carried. Audience advised of the ten day appeal period.

Mr. Hochstrasser said he would be willing to pay for the additional time spent on studies for the driveway if required.

Chairman Mihaly stated that staff should pass along to the Public Works Director how important the issue of trees is and that they should be very closely monitored during construction.

Commissioner Israel stated that if there is no level of comfort with additional studies the driveway should be brought back to the Commission.

There was a 10 minute break. Chairman Mihaly left for the rest of the meeting. at 11:10 p.m.

- 2. DR-9316 - Wyn Hoag, 22 Magnolia Avenue, A/P 7-212-34, Appeal of an Administrative Decision to retain three windows on the east elevation (previously approved). Applicant wishes to delete these windows. Planning Director was unable to approve change administratively therefore applicant is appealing that decision. The property is located within the P (Professional) Zoning District.

The applicant was present.

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Ms. Chaney presented the staff report. The applicant's intention is to remove two windows that face the parking lot so as to gain privacy.

Mr. Hoag said they have a mixed use and there is a big economic issue and a number of cuts were made for that reason. However, the reality is that they also need to have some privacy. He presented photographs, both day and night shots, which show the headlights of cars in the Town parking lot shine directly into their window. Therefore, the windows will not be functional because they will always need to be closed and covered. The lattice over the fence will help with the privacy as well as being attractive. Regrettably a tree had to be removed because it was dying but he will work with staff on choosing the right type of tree as a replacement.

Commissioner Harle stated that in a marginal way the presence of the windows cut down the blank wall effect but he is willing to entertain the removal because it is next to a parking lot which is not attractive. Therefore, he supports the proposal.

Commissioner Sargent agreed with Commissioner Harle, however, they are losing a situation for cross ventilation if the window is removed and the opportunity to having a view of vines growing onto the fence.

Commissioner Julin stated that there is also an issue of light with the removal of the windows as well as the cross ventilation as Commissioner Sargent stated. Landscaping can hide a lot of architectural sins however in this case the building is wonderful and it would be an architectural omission to remove the windows.

Commissioner Israel supported Commissioner Julin's concerns. He made many concessions during the original approval and in this case would like to see the applicant obtain the privacy by providing landscaping without the removal of the windows.

M/S Julin/Israel, to deny DR-9316 - Wyn Hoag, 22 Magnolia Avenue, A/P 7-212-34, Appeal of an Administrative Decision to retain three windows on the east elevation (previously approved). Applicant wishes to delete these windows. Planning Director was unable to approve change administratively therefore applicant is appealing that decision. The property is located within the P (Professional) Zoning District.

Ayes:           Julin, Israel  
Noes:           Harle  
Abstain:       Sargent

Application denied. Audience advised of the ten day appeal period.

3.     **V-9405 - James King, 25 Waverly Road**, A/P 7-264-02, a request to construct an addition that will be located 3' from the side property line (8' is required) and 2) a request to construct a new deck and stairway that will be 3'8" from the property line (14' is required) on property located within the R-1 Zoning District.

The applicant was present.

Mr. Washington presented the staff report. A slight change was made and the deck will come within 3'8" of the front property line. He presented the plan change as well as photographs of the site.

Mr. King said that there is a 6' fence with an English flower bed on each side with a passage. The staircase will go up about 3' and will not be viewed from the street because of the fence. Regarding the deck, he thought it was complimentary that and that it integrated with the trees as well as being functional. The original house was built in the late 1800's and therefore does not have the legal setbacks. He is maximizing the usage of his property and making it more functional.

Commissioner Sargent had no problem with the sideyard setback, and the neighbors were in support. The building is located in an odd way on the site and the addition will have no visual impact on the street scape therefore he supported the project.

Commissioner Julin stated that the side yard is acceptable but felt the deck will be seen from the street. The deck will be noticeably close and perhaps unnecessarily intrusive. Mr. Washington stated that the original deck was larger but it was set back further.

Commissioner Harle could make the finding for the side yard setback for the addition but could not make findings for the deck. He understood the value of the deck but it does not seem to be a necessary structure given the encroachment on the setbacks. The issue of the fence being present is not important because at some point in the future the fence may not be there.

Commissioner Israel was not able to make the findings because they are close to the property line and the covered front porch which will be is very San Anselmo. They are many wholesale changes being

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made.

Mr. King stated that it was just a porch that was enclosed years ago.

Commissioner Harle thought that it was just two small rooms that were being modified, not the entire interior.

M/S Harle/Julin to approve a portion of V-9405 - James King, 25 Waverly Road, A/P 7-264-02, to construct a stairway and landing and an addition that will be located 3' from the side property line (8' is required); *1. Due to special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the controlling zoning ordinance or regulation deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification, and the granting of a variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.* The rooms on the interior are very small and this is the only direction in which an addition can be constructed to enlarge the rooms. Construction is such that this placement of the building on the property is necessary for property rights. *2. The granting of the variance, under the circumstances of the particular case, will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the property or the applicant and will not be detrimental to the public welfare or injurious to property or improvements in such neighborhood.* The granting of this variance will not affect the light, and air, or the residence to the west because of the distance between the two structures. But it might have an impact on the privacy if the vegetation and fence between the two properties is removed. With regard to the deck and landing, this is only a substantial replacement of the original steps and landing with the setback no greater than the stairs and landing that were previously there.

M/S Harle/Julin, to deny the variance for the deck to be 3'8" from the front property line because there is no justification for the findings of approval for special circumstances.

Noes: Israel

Ayes: Harle, Julin, Sargent

Motion carried. Audience advised of the ten day appeal period.

4. V-9409 - Gail Koren, 79 Park Drive, A/P 6-042-13, a 4'8" west side yard variance to construct a first story living addition within 3'4" of the side property line (8' is required), on property located within the R-1 Zoning District.

The applicants and their Architect, Fran Halprin, were present.

Ms. Wight presented the staff report.

Bruce Koren, said they have lived in the house for 8 years. They very carefully considered all their options and felt this was the best location because the addition will not be seen from the street. They have considered the neighbors and do have support for their addition from the neighbors most affected. Special circumstances for granting the approval is that it is located at the top of the Park Street hill and has visibility from both approaches, especially all the way to Calumet Street to the east. He also presented a written rebuttal to staff's analysis. He also presented a petition from neighbors that opposed staff's recommendations but approved of their recommendation.

Gail Koren said they would create more of a bulk to the neighbor at 71 if the addition was placed there. Also, in talking to the neighbors, any addition to the front would be a negative impact on the neighborhood.

Commissioner Julin thought that this proposal would be a good solution for adding additional space, but understands staff's point of view. However, this will not have a negative impact on the neighborhood.

Commissioner Harle liked the design and felt it would be preferable to what is being proposed than in the front yard. However, it seems difficult to make the findings of necessity. He wondered why the addition couldn't be reconfigured by the BBQ or elsewhere. It is a good placement but the difficulty is making the findings based on the location of the lot.

Commissioner Sargent understood why the owners did not want to construct the addition in the front and why they were proposing it on ground level. The wall is a little long but the location of the fig tree poses a restriction because of the root system and therefore limits the ability to put the addition anywhere on the east side of the property.

Mr. Koren stated that there is a subterranean vent window.

Commissioner Israel would like to see more shape to the exterior wall. He said that the Commission



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has granted variances in the past so that the addition would be of a lesser impact than if they were to build within the setbacks. The french doors will look out to a wall as shown on the current layout that a similar situation could be made.

Mr. Koren showed the Commission a picture of the BBQ and stated that they do not want to give it up because of the historical significance.

M/S Sargent/Julin, to approve V-9409 - Gail Koren, 79 Park Drive, A/P 6-042-13, a 4'8" west side yard variance to construct a first story living addition within 3'4" of the side property line (8' is required), on property located within the R-1 Zoning District. *1. Due to special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the controlling zoning ordinance or regulation deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification, and the granting of a variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.* The addition cannot be located to the northeast of the house because of the large fig, firs, pines and manzanitas in the front and because of the historical character of the house and BBQ/fireplace, this the most logical place. *2. The granting of the variance, under the circumstances of the particular case, will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the property or the applicant and will not be detrimental to the public welfare or injurious to property or improvements in such neighborhood.* This addition will not have an adverse negative impact in the neighborhood, in fact the neighbors are in favor of the addition.

Ayes: Israel, Julin, Israel

Noes: Harle

Motion Carried. Audience advised of the ten day appeal period.

Commissioner Israel suggested that the closet be jogged. The architect concurred with this.

**F. GENERAL DISCUSSION**

Scheduling of Fraser and Oak Avenue projects.

Ms. Chaney asked the Planning Commission if they were in agreement with the proposed schedule. The consensus was that they were.

**G. REPORT OF UPCOMING APPEALS TO TOWN COUNCIL**

There was no discussion.

**H. ADJOURNMENT TO THE MEETING OF March 21, 1994**

The regular meeting of the San Anselmo Planning Commission was adjourned at 1:15 a.m. to the next meeting on March 21, 1994.

BARBARA CHAMBERS