

**TOWN OF SAN ANSELMO**  
**PLANNING COMMISSION MINUTES OF AUGUST 4, 1997**

**CALL TO ORDER**

**Commissioners Present:** Harle, Israel, Zwick, and Wittenkeller  
**Commissioners Absent:** Dowd, Cronk

**B. OPEN TIME FOR PUBLIC DISCUSSION**

No one spoke during this time.

**C. CONSENT AGENDA**

1. MINUTES: July 21, 1997 – CONTINUED TO 8/18/97

**D. CONTINUED HEARINGS**

1. V-9727/DR-9713 – Mr. And Mrs. Edward Heavey, 405 Sequoia Drive, A/P 6-117-08, 1) a rear yard variance and a north side yard variance to construct a parking deck for a third parking space within 3' of the rear property line (20' required) and within 0' of the north side property line (12' required); 2) a rear yard variance and a south side yard variance to construct a dwelling within 12' of the rear property line (20' required) and within 10' of the south side property line (12' required); 3) a south side yard variance for an uncovered deck to be within 5' of the south side property line (10' required); 4) north side yard variances to construct a dwelling and bridge within 2.5' and 0' of the north side property line, respectively; and 5) design review of a new single family dwelling on property located within the R-1 Zoning District. (Above 150' mean sea level). CONTINUED TO 8/18/97

2. V-9731/DR-9726 - Denice O'Neill, 18 Summit, A/P 7-026-03, Variance and Design Review to build a two-story office/recreation room (895 square feet) below existing parking deck within 8' of the front property line (20' required), on property located within the R-1 Zoning District. CONTINUED TO 8/18/97

**E. PUBLIC HEARINGS**

1. Environmental Review/TM-9703/PDP-9704/Density - Paul Nave/Andrew Bachich, near 555 Oak Avenue, A/P 7-201-08, Request for Density Determination, Vesting Tentative Map, and Precise Development Plan to create two lots (home sites) on a 5.47 acre site, on property located within the R-1 H Zoning District.

Ms. Chaney presented the staff report. In response to Commissioner Zwick staff stated that the ordinance allows up to a 5,000 square foot house on each lot.

Scott Hochstrasser, Planning Consultant representing the applicants, stated that they have been working diligently to provide the information asked for by staff. He provided a response to staff's questions in a letter dated August 4, 1997 as well as a concept plan that indicates the location of the building envelope, homes and retaining walls off the driveway easements. He noted that there is no proposal for homes at this point, only a driveway to future homes. There is a small triangular spot on the lot but they are not proposing that envelope because this area will not enjoy views. Trees have been marked to indicate where a house would fit. The Vesting Tentative Map has a cross section that shows the retaining walls. With regard to visual analysis, they looked at the close range views because the story poles couldn't be seen from Red Hill or the HUB. They took photographs from 500 South Oak Avenue that showed there is significant vegetation that would screen the properties. Also, photographs were taken from the water tank and the building site could not be seen. The story pole could be viewed from 535 Oak Avenue but the photo of 555 Oak Avenue indicates that there is no potential for view blockage. He was hopeful that the Commission could take action on the negative declaration tonight. He noted that the most logical location for the house location is inside the house building envelope in the field.

In response to Chair Wittenkeller, Mr. Hochstrasser stated that the driveway is proposed in the current location rather than where the triangle portion of the proposed Bachich property is because the Ross Valley Fire District does not allow the driveway to exceed 25% slope.

The public hearing was opened.

Stuart Jacobson, 500 Oak Avenue, stated that his concerns have been addressed to the Commission in a letter. He noted that he also owns two other sites on Bald Hill. It was determined during the Bald Hill meetings, that the neighborhood is adverse to additional density and is concerned about emergency access. Open space has also increased the vehicular traffic and there are erosion control problems in the area. He explained that much of the vegetation on the site is deciduous and therefore it might be possible to view the buildings in the winter. He

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would like a continuance for about 6-8 weeks to do more research.

Harold Nachtrieb, 555 Oak Avenue, stated that he submitted a letter to the Commission dated August 4, 1997. He has no problem with the development of the Bachich property however the property that has the story pole outside the envelope, is five feet from his office and has concerns about this and would like more information. The envelope on the bottom left seems much too large. He would like to work with the neighbors but wants all the information about the project.

Andy Bachich, applicant, stated that the Town is requiring that they widen the road. The drainage is proposed to go to the opposite side of the lot. He stated that the neighbors have known since they purchased the property that this project has been on going for eleven years. He said that they are only asking for a lot split and one house on each lot. He noted that his neighbor at 555 Oak has two dwelling units on one lot.

Jonathan Braun, 479 Scenic, wanted to extend the continuance for another month because new information has been submitted and he has not had time to evaluate the project. With regard to the retaining wall and additional landscaping, the Bald Hill Plan requires retaining walls to be screened and that information has not been submitted. He has additional mitigations that he will bring up at a future time.

Scott Hochstrasser stated they would like to see the additional mitigations in writing so they can have adequate time to respond to it. They want to divide the lots so the two owners can go their separate ways. At no time during the Bald Hill hearings were these two lots not allowed to be split. We do not object to the building envelopes being reduced to the dark lines on the map but they are not proposing the houses at this time.

The public hearing was closed.

Ms. Chaney stated that staff is not suggesting that action be taken on the negative declaration tonight. Staff will re-circulate the negative declaration checklist. In response to the Commission she stated that a small portion of Upper Road West does pass through the property.

Mr. Hochstrasser stated they do not want to grant access to the upper lots but would be willing to provide fire access.

Commissioner Harle did not feel it was important at this time to pinpoint the location of the building sites at this time if they do not want to develop, especially since the other lots might be developed first that could have an impact on these sites. Ms. Chaney responded that the Commission can comment only if they are unsuitable.

Chair Wittenkeller stated that any development in the hillsides dramatically affects the future of San Anselmo. If he had a preference, he would like one house on the lower right site; if two homes were appropriate, he would select the two lower sites. It is imperative that the driveway is fully developed, however, the owner, on his own, could get funding from the adjacent owners. He would like to require fire access across the upper road.

Commissioner Zwick stated that because there are several drainage issues for the lot there may only be a few locations to build; perhaps two houses is not viable. One house is viable but they need to test the sites, if they want more, they would have to do more testing. The 22% slope of the driveway means the site is even more constrained. The building envelopes are way too large. If two sites are to be allowed they should be located to the inner locations of the building envelopes, rather than to the edge of the lots. The hydrology needs more work. If two lots are approved, he would only like to see two single-family homes with no extra buildings.

Commissioner Israel supported the public works and fire department requirements for roadway improvements however the cost should not be born entirely by the applicant. He suggested that a pro rata share be assessed to adjacent properties when they are developed. He would like to see conditional language that the building (house) envelopes are there but can be reduced during the precise development stage. He did not want a future owner to believe they can develop the entire building envelope. He has a hard time approving the tentative map with the long driveways. Would like to see them stubbed out to the property and do not want to be obligated to the locations. He felt there could be another solution for the envelopes that could further reduce the amount of retaining walls. If the Commission does want to approve two units, he would like to see that no second units are allowed. He wanted to know the proposal for the existing concrete driveway because he was worried about the run off of drainage. The application should show all the trees that are approximate to the retaining walls, and an arborist report should be provided to indicate that the trees would be protected. The environmental checklist states there is an impact to fire but there is no mitigation and he would like staff to comment on that. He said that the Fire Department keeps stating that this area is already over developed and congested. If the driveways

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are not shortened, he would like to see how it could be extended to the Broaderick property. He does not think a photomontage would be necessary because the sites cannot be viewed from afar. The driveways are very steep and would want the most reasonable grade; does not want to see more than the 25% slope. There are too much retaining walls on the plan and they should be mitigated by terracing or by meandering. He would like to make sure that any paint used to mark the areas is water-soluble and can wash away.

Commissioner Harle stated that he wanted to see any of the developable roadways that are to be used as fire access to be developed, regardless of who will pay for it. He would like to see a master plan from the Fire Department for driveways and access for all hillside projects. He would like to see the easement for the upper road continued as an easement for fire access. Regarding density, the determination was made after much sole searching, these lots were plausible. If the lot split is not warranted now, he would like to have sufficient evidence to see why it is not.

Commissioner Zwick wanted to see the easement shown on the plan, both PGE and sanitary. Leaving the driveway as a stub does not indicate that the plan can be done. Would like it explored, even if left off the final map.

M/s Israel/Harle, and unanimously passed (4-0), to continue the application to the meeting of 8/18/97.

2. V-9728/DR-9723 – Sutton and Alisa Cunningham, 58 Karl Avenue, A/P 6-051-14, a west side yard variance to construct a 905 square foot second story addition within 4' of the west side property line (8' required); and design review of the second story addition, on property located within the R-1 Zoning District.

Ms. Wight presented the staff report.

Sutton Cunningham, applicant, stated that he is pulling the second story back from the street. The redesign is brought back to the five-foot property line. The shed roof adds a bit of architectural design to the neighbor. In response to Commissioner Israel, Mr. Cunningham stated that the roof over hangs are being reduced by 4".

There being no comments for or against the project, the public hearing was opened and closed.

Commissioner Harle stated that he could support the application because the redesign fits with the spirit of Ordinance 984 and the 5' setbacks. Also, the lot is very narrow and there are other second stories in the neighborhood on narrow lots with 5' setbacks. Therefore approving the application would not be a grant of special privileges.

Chair Wittenkeller concurred with Hale, adding that this is the kind of development that San Anselmo will be having in the future.

Commissioner's Zwick and Israel had nothing further to add.

M/s Harle/Wittenkeller, and unanimously passed (4-0) to approve the variance and design review. The design review findings are based on the staff report. Regarding the second story affecting light on adjacent property, the adjacent properties are not that close together to affect light and air and there are other similar houses in the neighborhood.

At the request of Commissioner Israel, Ms. Wight explained the intent of Ordinance 984, noting that in staff's interpretation, this project does not fall into this category.

Comments in support of the project by the Commission are that the second story is being moved back from the street but it would be more aesthetically pleasing if there were a two-foot roof overhang and something to mitigate design, such as a trellis, on the east side.

M/s Harle/Wittenkeller, and unanimously passed (4-0), to amend the motion to require a 2' overhang, and perhaps a trellis on the eastside, to break up the façade.

3. TM-9704 – Edward Tarrant – 1312/1314 Sir Francis Drake Boulevard, A/P 5-311-21, environmental review and parcel split (the two living units will continue to be for the following persons: Lot 1: Physically disabled persons; and Lot 2: Below market rate unit) on property located within the SPD R-3 Zoning District.

Ms. Wight presented the staff report.

Commissioner Harle said there should be some wording in the CC&R's about the below market

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housing and handicapped.

Richard Tarrant, attorney and brother of the applicant, stated that he will work with Housing Authority. A family member occupies the disabled unit. There is no problem with the notations by staff and will provide plans to staff. He is in agreement to reduce the outside area which will preserve an area along the creek that will be available to the upstairs unit. He would like the 4 parking spaces to be for the disabled, and 2 for the below market; if not acceptable, have the extra available for guest parking. Each property should have no common areas and each should be completely separate. With regard to the landscaping easement, he is reluctant to make it any more complicated than it already is but will be happy to tighten up the CC&R's regarding the below market unit.

There being no public testimony for or against the project, the public hearing was closed and brought back to the Commission.

The consensus of the Commission was to support the staff report.

M/s Israel/Harle/ and unanimously passed (4-0), to continue the project to the meeting of August 18, 1997, at which time it is to be placed on consent.

4. DR-9725 – Dan Hilken, 11 Terrace, A/P 6-213-17, Design Review of a 918 square foot second story addition to an existing 800 square foot single story house, on property located within the R-1 Zoning District.

Mr. Griffin presented the staff report, noting that it is his understanding that the applicant is proposing a redesign .

Dan Hilken, applicant, stated that they redesigned the corner so a variance would not be required. To maintain the 8' side yard setback and not raise the building more than 2', they have created a shed type roof. It looks better because it adds another dimension to the roofline.

There being no public testimony for or against the project, the public hearing was closed.

Commissioner Israel supported staff's recommendation and could also support the variance, because it was diminimus.

Commissioner Harle supported the staff recommendation, with the recent modifications to remove the variance.

Commissioner Zwick concurred with Israel.

Chair Wittenkeller agreed, he would like to see the roofline carried around the house even though a variance is required.

Mr. Hilkin stated that if the Commission would rather have a variance he would have no objection to that.

M/s Israel/Harle, and unanimously passed (4-0), to continue the application to 8/18/97 to notice for a variance, and place it on consent.

5. U-9710 – Ted Janko, 218 Sir Francis Drake Blvd., A/P 6-252-02 and 03, Use Permit Amendment to remove an existing condition for Ted's Bar that currently restricts the rear patio for use as "storage only." The proposal is to use the patio for seating and recreational activity, on property located within the C-2 Zoning District.

Ms. Chaney presented the staff report.

Ted Janko, applicant, stated that he operated the patio for many years and never had complaints. He would like to have brunches and on nice evenings, have outdoor dining. There will be no music outside.

There are other restaurants in San Anselmo that are abutting residential neighborhoods.

Commissioner Zwick stated that he supports the application.

Commissioner Israel stated that there is now an open lattice fence and would rather see a solid fence and/or vines growing on the fence that would help muffle the noise. He was opposed to amplified music.

Commissioner Harle supported the proposal with Option 2 in the staff report, with a restriction of

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evening dining and no amplified music and would review the project within a certain time.

M/s Harle/Israel, and passed (3-0-1 Wittenkeller to abstain), to approve the staff report, with Option 2 and the additional conditions: 1) that no amplified sound be permitted; 2) that no additional lighting be permitted; 3) a 6' solid wood fence be required; and 4) the use be brought back for review if there are complaints within a one year period.

**F. GENERAL DISCUSSION**

Commissioner Israel stated that Bomarc Design on Greenfield Avenue has a neon sign which was not approved by the Commission and asked staff to research it.

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

Staff stated that 61 Sais and 109 Spaulding have been appealed and will be heard on 8/5/97 Council meeting.

**H. ADJOURNMENT**

The regular meeting of the San Anselmo Planning Commission was adjourned at 11:00 p.m. to the next meeting on August 18, 1997.

BARBARA CHAMBERS