

**TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES OF JULY 21, 1997**

Chairman Wittenkeller convened the regular meeting of the San Anselmo Planning Commission at 7:30 p.m.. Staff present was Planning Director Ann Chaney and Senior Planner Lisa Wight.

COMMISSIONERS PRESENT: Harle, Israel, Wittenkeller, Dowd, and Zwick

COMMISSIONERS ABSENT: Cronk

B. OPEN TIME FOR PUBLIC DISCUSSION

No one spoke during this time.

C. CONSENT AGENDA

1. MINUTES: July 7, 1997

2. V-9726/U-9709 - Paul Rambke, 25 Durham, A/P 5-205-07, Use Permit to legalize an existing second unit in "San Francisco Boulevard" neighborhood and an "After-the-Fact" Variance to: a) allow the existing 2-story, second unit/storage area building within 10' of the rear property line; b) allow a parking space within 4' of the easterly property line (8' required) and within 8' of the rear property line (20' required); and c) replace a non-conforming 205 square foot studio within 2' of the easterly side property line (8' required), on property located within the R-1 Zoning District.

3. V-9729/DR-9725 - Greg Korst, 20 Raymond, A/P 7-171-08, Design Review to add a second story addition, above a new 2-car garage, and 2) Variance to locate the new 2-story garage addition within 7' of the north side property line (8' required) on property located within the R-1 Zoning District.

A member of the audience asked to have 25 Durham removed from consent.

M/s Harle/Israel, and unanimously passed (5-0), to approve Consent Agenda Items C1 and C3. The audience was advised of the ten-day appeal period.

D. CONTINUED 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. **CONTINUED TO 8/4/97**

E. PUBLIC HEARINGS

Taken from consent.

2. V-9726/U-9709 - Paul Rambke, 25 Durham, A/P 5-205-07, Use Permit to legalize an existing second unit in "San Francisco Boulevard" neighborhood and an "After-the-Fact" Variance to: a) allow the existing 2-story, second unit/storage area building within 10' of the rear property line; b) allow a parking space within 4' of the easterly property line (8' required) and within 8' of the rear property line (20' required); and c) replace a non-conforming 205 square foot studio within 2' of the easterly side property line (8' required), on property located within the R-1 Zoning District.

Commissioner Dowd asked about the easement rights. Staff stated that the property lines go to the center of the easement and the second unit shall continue to have access.

Commissioner Harle stated that the owner has had a history of non-compliance and wondered if staff is comfortable monitoring the conditions. Staff responded that the applicant will be required to have a building inspection prior to a final for the building permit to ensure compliance.

Bob Keast, 7 Santa Barbara, was concerned about the location of the parking place that is adjacent to the easement and the road. Staff stated that that area is to be returned to a landscaped area and not used for parking.

M/s Harle/Dowd, and unanimously passed (5-0), to approve Resolution 9702. The approval is subject to a ten-day appeal period.

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); and 4) design review of a new single family dwelling on property located within the R-1 Zoning district. (Above 150' mean sea level).

Ms. Wight presented the staff report.

Mr. Heavy explained that the roof has been changed to a gabled roof, which will lower the height by 7'. The finished floor of each level was lowered by one foot. The decks have been squared off and do not run around to the west side. The house was moved over 8'. Because it is cantilevered, it only goes out 6' and the deck posts have been eliminated. They have introduced a horizontal band

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and have darkened the exterior color. The house has been stepped back 4'. The house was moved 8', which will remove it an additional 2' from the road. The landscaping was changed to provide more screening. They have also provided a turn out for the fire department in the event of an emergency. The south elevation has been broken up to provide more articulation. He stated that he met with the neighbors and they seemed relieved with the changes.

The hearing was opened to the public.

George Hall 149 Sequoia, felt the house was too big for the lot.

Gilbert Iwanaga, 409 Sequoia, presented the following issues:

- The project will damage his property and he will seek damages from the Town and the applicant.
- The applicant should curb and pave and add guard rails.
- The applicant should reimburse each owner on a pro rata basis for the paving that was done on Sequoia.
- A mirror on the road required by the Public Works Director means that the developer and the Town will be responsible for all accidents. .
- A deed restriction should be placed on the property so future owners know what the restrictions are.
- The variances are clearly unacceptable.
- The footprint of the lot should be recalculated and questioned the placement of the house on the lot.

Thomas Herington, 39 Madera, stated that as the downhill neighbor, he was significantly concerned about privacy. The story poles give him the illusion that the property will loom over his house.

Dave Strassman, 555 Sequoia, thought the developer has done a good job in modifications since the last meeting but it is still a large home. He concurs with the letter submitted to the Commission by the Barths at 548 Sequoia.

Richard Lucas, 506 Sequoia Drive, made the following comments on behalf of himself and the Barths of 548 Sequoia:

- The modifications are an improvement but the house still looks very large and should be reduced..
- The developer should pay \$ 1,050 into the Sequoia Road repaving.
- The garage should be reduced to one car or none at all.
- The road bond should be in place for 3 years.
- Water and drainage issues should be discussed.
- There should be a 48-hour notice for road closure and should not be closed more than 3 hours.
- The neighbors should review the landscaping and color palate.
- The site should be kept clean

Peter Hoch, 250 Sequoia, was surprised about the size of the project and is concerned about the potential for slide on the property. The telephone pole on the lower part of the property has moved over a period of years, which means there is continual movement.

Steve Carlson, 232 Sequoia, wanted assurance that the road bond also covered damages to lower Sequoia. He is also concerned about downhill drainage during the winter, noting that he has to sandbag his property every winter.

Martha Lucas, 506 Sequoia, was concerned about the road way in the area of the retaining wall because it wasn't properly restored when the road was paved. Ms. Wight responded that there will be certain drainage conditions placed on the owner by the Public Works Director.

Bill Turner, 25 Alto, stated that the house is too large for the lot.

Resident, 515 Sequoia, stated that the size of the house and the steep slope of the lot is too large.

Mr. Heavy responded to the comments as follows:

- There is bedrock exposed on the site and the piers will go into the rock.
- The slide area as shown on the topo is settling at the top of the wall.
- He spoke to the contractor who put in the wall and was told it has nothing to do with the wall installation; it has to do with the road improvements.
- It is his understanding that the road repair and maintenance will be decided by the Public Works Director during building permit issuance.
- The landscape planting will be drought and deer resistant and will touch the bottom of the deck.
- He has no problem discussing the color with the neighbors.
- He has no problem with conditions of road closure of more than 3 hours and with a 48-hour notice. He suggested placing the hours on a barricade to notify the neighbors.

In response to questions by the Commission, Mr. Heavy stated that if he moved the house he would

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have to remove the oak trees and also wants to retain the views of Mt. Tam. In addition, the oak trees hold back the hill. He noted that there was another plan submitted to staff and modifications were made from that plan based on staff comments.

The public hearing was closed.

Commissioner Zwick stated that there were concepts that he was hoping to get across but did not. The house is still too large. It is an odd lot and has trees on it, which reduces the amount of allowable square footage. He would like to see the house stretched out.

Commissioner Israel made the following comments:

- Requested that the Town Attorney be present at the next meeting since the Town has been put on notice.
- The applicant is very close to the FAR for the lot but he is more concerned about scale than size. This site has such visual presence and may need to be more stepped.
- Would like to see some of the under utilized areas be taken advantage of.
- The guard rail and roadway improvements seem like a neighborhood issue but wants staff input.
- With regard to the blind curve, the Public Works Director should comment on it although he does not think the owner should be responsible in perpetuity.
- It seems easy to flip the plan but it would have a detrimental impact on 409 Sequoia because it puts the living space facing 409 Sequoia.
- Requested that staff recheck the area calculations.
- Wants landscaping that will protect and be a screen for the property owner below and was not sure that what is proposed will accomplish that.
- There is no reason to impose tighter restrictions on the road bond.
- Was opposed to the deck being cantilevered off the kitchen because it is too large.
- Agreed that as many trees as possible should be saved on the site.

Commissioners Harle and Dowd had nothing further to add.

Vice Chair Wittenkeller stated that the rear yard setback variance of 8' is a concern because the neighbors object. A landscape professional should be retained for plants, using some native plants. The drainage issue is a deep concern. He would like the Public Works Director to consider on site drainage retention.

M/s Israel/Dowd, and unanimously passed (5-0), to continue this application to August 4, 1997.

2. V-9731 – John and Kirsten Miller, 44 Barber Avenue, A/P 6-191-04, A side yard variance request to build a 45 square foot entry addition within 4'3" from the northerly side property line (8' required), on property located within the R-1 Zoning District.

Ms. Chaney presented the staff report.

Kirsten Miller, applicant, stated that the only neighbor affected has consented to their project based on their modifications. The overall addition is 11 square feet.

There being no one to speak for or against the project, the hearing was opened and closed.

The Commission approved the application based on the staff report.

M/s Harle/Israel/ and unanimously passed (5-0), to approve the staff report. The audience was advised of the ten-day appeal period.

3. 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. She noted that she also has received a letter from Michael and Sharon Marron of 57 Karl, in support of the project.

Sutton Cunningham, owner, stated that the neighborhood used to be summer cottages along the railroad tracks and there are only a few of those left. He wanted to keep with the craftsman style. He brought the addition to the rear and kept the street elevation as low as possible. He could have built closer to the street and not have necessitated variances but wanted to have it set back from the street. He is proposing a gabled roof and cedar shakes and is adding the porch on the front with a trellis overhang, which will buffer the noise from Center Boulevard. He did not want the second story set back one foot to comply with the setbacks because it would not be aesthetically pleasing. He talked with the owner of 54 Karl who was in support of the project.

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

Commissioner Israel asked the applicant his opinion about staff's proposal about parking. Mr.

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Cunningham stated that they also want a carport in front of the garage but still plan on using the garage for parking.

In response to staff, Mr. Cunningham stated that he has not discussed the project with the adjacent property owner but did discuss it with her daughter.

Commissioner Harle stated that he has no real objections to the plan but does not see how he could make the special circumstance findings.

Commissioner Dowd echoed Harle's comments.

Commissioner Zwick stated that the setback variance would help the project be less bulky. Also, if the carport is built, it would increase the lot coverage.

Commissioner Israel stated that he is reluctant to approve it in its current state and would like to see the size and bulk reduced.

Vice Chair Wittenkeller stated that it looks like the type of improvement that will benefit San Anselmo. Unfortunately, the lot is very small and very restrictive. It could be improved however with some kind of side setback.

Commissioner Harle stated that he would have an easier time making the findings if it only had a five-foot setback, which was the first setback the Town required.

Commissioner Wittenkeller would be able to support the 5' variance because it meets the intent of the proposed ordinance.

Commissioner Dowd stated that one foot will not make that much of a visual difference, but could make a substantial difference in construction costs.

Mr. Cunningham stated that the rooms in the rear are 9' wide and would therefore turn it into a 5' wide room.

M/s Israel/Harle, and unanimously passed (5-0), to continue the meeting to August 4, 1997.

4. V-9730/DR-9724 – Jack Belgum and Annette Arena, 1388 Sir Francis Drake Boulevard, A/P 5-183-15, a lot coverage variance to cover 42% of the lot with the existing and new structures (existing: 48%; maximum allowed: 35%); and design review of a 521 square foot second story addition over a new garage, on property located within the R-1 Zoning District.

Ms. Wight presented the staff report.

Jack Belgum, applicant, explained that exiting onto Sir Francis Drake is very difficult and their solution will help and give them additional space. He also provided letters of support from the neighbors.

John Arnold, Architect, stated that they came up with three different proposals, the current being the best solution. Regarding the special circumstance findings, he measured seventy-four lots in the neighborhood and the average lot is larger than the applicants. If the lot was average, the applicants would be well under the 35% lot coverage. Also, they are mitigating the very difficult traffic issue of backing onto Sir Francis Drake. The building is not any higher than it has to be and they tried to keep the footprint small.

The public hearing was opened.

Owner of 2 Broadmoor, stated he was in support of the project.

The public hearing was closed.

Commissioner Dowd liked the idea of not backing onto Sir Francis Drake although he did not think the second story blended with the neighborhood and did not have much character.

Commissioner Zwick liked the idea of turning the driveway around and agreed that the design needs more work. The placement of the addition could be successful, the outside of the house needs to be reworked and he was unable to support the lot coverage.

Commissioner Israel stated that the exiting onto Sir Francis Drake is very important and should not be under estimated. He could probably make findings that the site is smaller than others in the neighborhood. With regard to the architecture, it is clever taking the space and placing it over the garage - perhaps the rear facing elevations could be changed by a garden trellis or wood trim. From the front, the drawing portrays something that will not be a factor because it is placed well back.

Commissioner Harle stated he was in support of the project but felt the lot does not fit the building, not the building fitting the lot. Getting a turn around does not imply they can get a variance. If they did not have the garage, they could park there anyway. He had no objection to the garage.

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Vice Chair Wittenkeller thought the appearance could be improved but will not affect the neighborhood much. Some landscaping would probably be more effective and it seems that the neighbors are in support of the project. Traffic safety is critical on Sir Francis Drake and the fact that the property fronts on Drake is a special circumstance. Also, the lot frontage is quite narrow. Putting the addition to the rear is appropriate and will not be seen from Sir Francis Drake.

Mr. Arnold stated that if there is a car into the garage, the other car will have to back out.

Commissioner Harle stated that the garage is not required for a better turning radius.

Commissioner Israel was concerned that the Commission can support higher density on Sir Francis Drake, by adding a bedroom, which has the potential of adding another vehicle.

Mr. Arnold stated that they would still be over the lot coverage even if the old garage is removed and the new garage and arbor was eliminated.

M/s Wittenkeller/ Dowd, and passed (3-2 noes: Israel and Zwick), to approve the project based on the fact that the lot is unique in that it is smaller than the majority of lots in the immediate neighborhood; that the lot frontage is smaller than the five adjacent properties, and this lot is the only one of the properties that has the constraints of having access on Sir Francis Drake. This project will not impair access to light and air and will not materially adversely impact other properties. Approval is based on plans date stamped 5/2/97. The approval will require an all weather surface on the driveway and 3, 15 gallon, small to medium size trees, to be planted, subject to review by staff.

Commissioner Zwick stated that if the garage is removed the project will be under the allowable lot coverage.

Vice Chair Wittenkeller said that it would not serve the San Anselmo resident to reduce the garage.

Commissioner Israel suggested additional landscape as part of the condition of approval.

The audience was advised of the ten-day appeal period.

F. GENERAL DISCUSSION

1. Election of Chair and Vice Chair
2. Discuss alternate date of 9/2/97 instead of 9/1/97 Planning Commission meeting.

M/s Harle/Dowd, and passed (4-0) to nominate Brian Wittenkeller to finish out the remainder of the term.

M/s Dowd/Israel, and passed (4-0), to nominate Marty Zwick as Vice chair.

The consensus of the Commission was to hold the first meeting in September 2, 1997.

The Commission decided that the audience should be allowed only three minutes to discuss their issues during the public hearing because there are many items and people could be more concise getting their points across.

G. REPORT OF UPCOMING APPEALS TO TOWN COUNCIL

H. ADJOURNMENT TO AUGUST 4, 1997.

The regular meeting of the Planning Commission was adjourned at 11:00 p.m. to the next meeting on August 4, 1997.

BARBARA CHAMBERS