

**TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES OF NOVEMBER 3, 1997**

The regular meeting of the San Anselmo Planning Commission was convened at 7:30 p.m. in the Council Chamber by Chairman Wittenkeller.

A. CALL TO ORDER

Commissioners Present: Wittenkeller, Harle, Dowd, Zwick, Israel
Commissioners Absent: Cronk
Staff Present: Planning Director Chaney, Senior Planner Wight, Planning Associate Griffin

B. OPEN TIME FOR PUBLIC EXPRESSION

No one spoke during this time.

C. CONSENT AGENDA

1. MINUTES: October 20, 1997 - Continued

2. V-9733/DR-9725 – Dan Hilken, 11 Terrace Avenue, A/P 6-213-17, Design Review of a 918 square foot second story addition to an existing 800 square foot single story house. A Variance to raise the building height 3' from its existing height, within 4' of the northerly side property line (8' required), on property located within the R-1 Zoning District.

Members of the audience asked that Item C.2. be removed from the consent Agenda and placed on the Agenda for discussion.

M/s Harle/Zwick, and unanimously passed (4-0) to remove the item from Consent Agenda and place on the Public Hearing.

D. CONTINUED ITEMS

1. V-9732 - Hank Hallowell and Jane Cunningham, 15 Medway Road, A/P 5-154-15, Variance to build a 180 square foot addition within 10' of the rear yard setback (20' required), on property located within the R-1 Zoning District. (Staff person: Griffin) **CONTINUED TO NOVEMBER 17, 1997**

2. DR-9713 – Mr. And Mrs. Edward Heavey, 405 Sequoia Drive, A/P 6-117-08, Design Review of a new single family dwelling; setback variances: a) rear yard and north side yard variances to construct a parking deck for a third parking space within 3' of the rear property line and within 0' of the north side property line; b) rear yard, north side yard, and south side yard variances to construct a dwelling within 12' of the rear property line, within 5.5' of the north side property line, and within 10' of the south side property line (20' rear required; 12' street side required); and c) a north side yard variance to construct a covered porch within 3' of the north side property line on property located within the R-1 Zoning District (above 150' mean sea level) (Staff person: Wight) **CONTINUED TO 11/17/97**

3. V9742 - Jocelyn Olivier, 34 Elm Avenue, A/P 7-053-02, a Variance request to build an accessory structure (studio) within 1'6" of the rear property line (20' required) and within 3'8" of the southerly side property line (8' required), on property located within the R-1 Zoning District. (Staff person: Griffin) **CONTINUED TO 11/17/97**

E. PUBLIC HEARINGS

(Taken from the Consent Agenda)

V-9733/DR-9725 – Dan Hilken, 11 Terrace Avenue, A/P 6-213-17, Design Review of a 918 square foot second story addition to an existing 800 square foot single story house. A Variance to raise the building height 3' from its existing height, within 4' of the northerly side property line (8' required), on property located within the R-1 Zoning District.

Mr. Griffin presented the staff report. He noted that the concerns of the neighbors are based on views and privacy.

Dan Hilken, applicant, 11 Terrace, stated that the house is approximately 1/3rd built but hopefully they can work out any problems with the neighbors. There is currently a grape stake fence with some vegetation. He is proposing to address the privacy issues by extending the 6' fence to 6' in height and by adding additional landscaping. The fence dividing the property at 17 Terrace is low and they will rebuild the fence up to 6' with a 2' lattice with landscape. They have eliminated one window on the lower floor and there are no windows on the second floor. The neighbor across the street is very much in support of the project.

Tom McClour, 400 Greenfield, said he is satisfied with the raised window, with privacy glass and landscaping. He wondered however, if a one story building addition would have been approved if the neighbors would have been properly noticed.

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Bonnie Bebee, resident, stated that she was angry that she did not originally receive a notice about the project. She has lost her sunlight and lost her view from her kitchen and deck and this house is overbuilt for the neighborhood. If she had been part of the open hearing she would have made changes.

Yolanda Fletcher, 16 Terrace Avenue, stated that the addition does not impact her but she would have liked to have been noticed.

Aubra Burkson, 34 Terrace Avenue, stated that since the building began, there is someone living in the house and it seems eerie.

Dan Hilken stated that his brother-in-law is staying there for security reasons. A number of neighbors have been supportive of this project and the house will be an improvement in the neighborhood. Although he does not reside in the house, he has owned it since 1988.

Commissioner Zwick stated that it was unfortunate the neighbors were not apprised of the project and wanted staff to review the findings of this project.

Commissioner Harle stated that it was unfortunate about the noticing but his evaluation is the same as before and he is in support of the project.

Commissioner Dowd was not sure he would have approved the project knowing what he knows now. He does not think the project can be revisited, it is unfair to the owner, and hopefully they can work with the neighbors with landscaping.

Commissioner Israel stated that it is very unfortunate, but the second story is set back and articulated to try to brake down the mass. This is not a very ambitious undertaking, the house is only 1,700 square feet and the owners were diligent in breaking up the mass. He would have listened to the neighbors about windows and landscaping but unfortunately views cannot be protected according to State law. He has extremely strong sympathy for the surprise to the neighbors, but given all the input, he felt he would have come up with the same decision.

Chairman Wittenkeller echoed the other Commissioners and publicly apologized to the neighbors and the applicant.

Mr. Griffin explained that the second hearing on this project was to eliminate the variance. This house was raised three feet because of the grade, therefore the variance was for one foot. He noted that it was the Planning Commission's suggestion that the project be continued to allow for the one-foot variance to allow for articulation.

Chairman Wittenkeller stated that in this case it might be worthwhile to purchase large specimen trees - 15' to 20'.

M/s Israel/Harle, and passed (4-), to approve **V-9733/DR-9725 - Dan Hilken, 11 Terrace Avenue, A/P 6-213-17**, Design Review of a 918 square foot second story addition to an existing 800 square foot single story house. A Variance to raise the building height 3' from its existing height, within 4' of the northerly side property line (8' required), on property located within the R-1 Zoning District. Approval is based on the staff findings and conditions. This project is consistent with the previous meeting action. Added conditions are: Staff shall work with the applicant and the neighbors to come up with a mutually agreed upon landscape plan; and a transom window shall be added.

Commissioner Israel was not sure a specimen tree was adequate because it may encumber the light and air of the neighbor. He would like to have staff work with the neighbors and the owners.

The consensus of the Commission was to have staff work with the applicant and the neighbors to come up with the landscape plan and that specimen trees are not a requirement.

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

1. **U-9713 - San Francisco Theological Seminary, for Ann Walker Catering, 40 Kensington Road, A/P7-292-03**, Use Permit to allow a food catering service to operate from the kitchen at Alexander Hall. This service will serve the Seminary's food service needs, groups using Seminary property, and clients off-site, on property located within the SPD (Special Planned Development) Zoning District. (Staff person: Chaney)

Commissioner Zwick stepped down from this application.

Ms. Chaney presented the staff report.

Chairman Wittenkeller stated that the May date may not be realistic. Ms. Chaney explained that it was an arbitrary date and could be changed by the Commission.

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Commissioner Israel stated that he would like some discussion about what caused the unusually loud noise that has not be identified.

Scott Shaefer, applicant, stated that they have always used the deliveries off of Kensington Road and after the last meeting they have rethought the deliveries. He noted that there is a lot of traffic on Kensington Road unrelated to the Seminary. They are comfortable with the May 1998 date as suggested by staff.

John Colteaux, 55 Kensington Road, stated that staff is suggesting a temporary use permit but he has not seen anything within the Ordinance. He would be happy if this matter is simply continued since it has been in operation for over a year. He would be happy if this was referred to the committee because this is really an amendment to the Master Plan to allow for some commercial uses. He provided a series of photographs that showed several delivery trucks. If continued, he will not have to go forward with any legal actions. However, if a decision is made, he will have to continue his opposition of the project.

Neighbor, 54 Vineyard, stated that he has never heard any noise or seen much traffic in the neighborhood related to the Seminary. He has observed however film trucks are in the neighborhood.

Hellie Robertson, 38 Austin, wanted to wait until the Seminary Advisory Committee is formed before a decision is made rather than granted a temporary use permit.

Mr. Shaefer said they were open to spending the money for a noise study and the study proved there is not much noise. He is not opposed to a continuance, and will have a revised Master Plan prior to May, 1998.

The hearing was closed to public testimony.

Commissioner Israel stated that this project would be better seen in the full light of the master plan and would support a continuance.

Commissioner Harle stated that the use of Kensington Court, if monitored, does take care of a great deal of noise. He supports a continuance.

Chair Wittenkeller and Commissioner Dowd had nothing further to add.

Commissioner Israel further stated that it would be further helpful to do an appropriate job of monitoring the situation to see how successful the Seminary is in diverting traffic away from Kensington Court.

M/s Harle/Dowd, and passed (4-0-1 Zwick to abstain), to continue and refer to the Seminary Master Plan Committee U-9713 – **San Francisco Theological Seminary, for Ann Walker Catering, 40 Kensington Road, A/P7-292-03**, Use Permit to allow a food catering service to operate from the kitchen at Alexander Hall. This service will serve the Seminary's food service needs, groups using Seminary property, and clients off-site, on property located within the SPD (Special Planned Development) Zoning District.

Commissioner Israel commented that he wanted to make sure the deadlines are adhered to or the applicant should ask for a time extension.

2. **Environmental Review/LLR-9701 – Ted Strodder**, APN's 7-241-49, 7-241-51, and 7-241-501) Negative Declaration ND-9710; and 2) Lot-Line Adjustment LLA-9702 augmenting the lot sizes as follows:

	LOT 1 (Strodder) A/P 7-241-49	LOT 2 (Strodder) A/P 7-241-51	LOT 3 (Bott- Nelson) A/P 7-241-50
Lot Size	222,604 s.f.	46,119 s.f.	50,765 s.f.
EXISTING	5.1 ac.	1.06 ac.	1.16 ac.
Lot Size	114,781 s.f.	161,099 s.f.	43,607
PROPOSED	2.6 ac.	3.7 ac.	1.001 ac.

On property located in the R-1-H Zoning District. (Staff person: Griffin)

Mr. Griffin presented the staff report.

Staff was advised by the Commission that they did not receive the plans of the proposed project, only those for a proposed dwelling. Mr. Griffin stated that the Commission should not have been given the house plans because that portion of the project has been withdrawn and apologized that the necessary drawings were not included in the packets.

Commissioner Israel asked why the roadway easement is shown if there is no roadway easement in the tree protection area. Mr. Griffin stated that they are not sure where the roadway easement is at this point.

Chairman Wittenkeller stated that he is not comfortable with the location, not having had

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the location map of the project.

Ted Strodder, applicant, also wondered why there was no Exhibit A. The proposed footprint of the house may approach or go into the lined area of Exhibit A. With this type of restriction, he thought it was going to be a very simple process. Even in the tree protection zone, it approaches the public sewer into South Oak.

Commissioner Harle said the tree protection zone as shown includes part of the building envelope; it looks like it is 8' outside of the shown road easement. Mr. Strodder responded that he is not sure where the road is but he is not planning to encroach on the road easement.

Commissioner Israel wondered how the easement for the sewer line was configured. Mr. Strodder stated that it was an area previously surveyed for sewer laterals and where the property meets Oak Avenue at the base of the entire parcel.

Mr. Strodder provided a background on the parcel. He bought the land in 1993 and met with staff. He talked with Bott/Nelson about their mutual needs. The biggest issue has been the sewer line and was told he could get private sewer laterals for each parcel. That has now been changed to allow for one sewer lateral and build a sewer easement and give it to the Sanitary District.

David Bott, applicant; wondered if the map could be amended to be part of his building envelope, which will still provide the adequate setback. He cannot proceed with his project until this lot line has been done.

Jonathan Braun, 479 Scenic, stated that the whole issue of screening for the Bott/Nelson project was very important. It is very important to transfer those thoughts to this project to make sure no screening is eliminated.

Ms. Chaney explained that the row of trees, across the street on the Bott/Nelson property became very essential. In meeting with Mr. Strodder he understood staff wanting to retain the screening and did not want to take away from his easement. The responsibility needs to be switched from one property owner to the new owner. Perhaps staff needs more information to get the fine details on the location of the trees.

Commissioner Harle stated that the logical thing would be to transfer the tree protection to the new owner. On the other hand, the purpose for the split is to create access to the south lot. If the tree protection is going to interfere, it should be rethought. Rather than make an assumption, it should be surveyed and specify which trees cannot be taken out.

The public hearing was closed.

Commissioner Dowd felt it should be continued for more information.

Commissioner Israel wanted a landscape plan to see the location of the trees and the road relative to the property lines. He wanted to know how close the house would be built to the roadway. In addition, the rationale behind the lot split is thoughtful in that it follows the sewer line. But he is nervous that the route may not take into consideration the implication of trees in that zone. Wants to make sure the route of the sewer location is also shown.

Commissioner Zwick wanted to see contours, and who would be served by the additional sewers. He was also concerned about the setbacks and wanted to know the location of the trees and wants them preserved.

Chairman Wittenkeller concurred with his colleagues. He also wanted to know if dedicating a private sewer would provide additional growth. He would like to see a topographic map overlaid on the street map to get an idea of location.

Commissioner Harle asked if the Sanitary District has stated that this is feasible. Ms. Griffin stated that the Sanitary District wants the sewer built prior to the development.

Mr. Strodder stated that they are just applying for a lot line adjustment, we are not asking for any sewer approval. We were just asked to show the future sewer information. He thought that this is going much further than a lot line adjustment.

Chairman Wittenkeller stated that the Commission does not take lot line adjustments lightly because it affects the land and potential development.

Mr. Strodder stated that he does not care where the sewer line is. He wanted to make these parcels closer to three acres each. Also, divide the parcels to allow for areas to be built on the stable portion of the land.

M/s Israel/Zwick, and unanimously passed (5-0), to continue the application to December 1, 1997, to have the applicant respond to the comments, including the most likely location of the sewer and would like to see the location flagged for the lot line.

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3. PDP-9402/DR-9407 Amendment – Karen Benke, 65 Summit Road, A/P 7-031-28, amendments to the 1994 approved Precise Development Plan and Design Review for a new single family dwelling, on property located within the R-1H Zoning District (above 150' elevation) (Staff person: Wight)

Ms. Wight presented the staff report.

Karen Benke, applicant, stated that the house was never built and she is submitting a new design. She liked the stucco, Mediterranean homes that blend into the landscape. She does have three acres, and is not requesting any variances. The removal of oaks is about the same from the last project. Her three adjoining neighbors are in support of her project and she submitted letters of support. They now have tile roofs that will not provide glare. She does not feel a photomontage is necessary because the present location is most logical place to build and she would rather put the money into additional planting.

Mark Becker, Architect representing the applicant, stated he was trying to draw the worst case scenario. His client wanted a true Italian villa; we went with the green clay roof and two-tone tope affect and will go as dark as needed until vegetation can grow. They want to crease a shadow affect with recessed windows and patios. The upper floor is approximately 2' above grade and stepped down 7' to the courtyard. He presented a ¼' drawing relative to the new house that is proposed. It is not as deep on the lot but is taking more width. He overlaid it to the new to show the difference. It has more height but less width and he has eliminated the accessory structure; there is a basement underneath the house. He also provided photographs of previous homes he has done. They want to use the most fire retardant materials because of the location of the site. He would like to discuss the professional photomontage. He feels the rendering has provided that information. Regarding the massing, he provided the ¼" scale model of the approved model vs. the proposed model. They are open to any landscaping recommended by staff and can work out the lighting details with staff. He would like to get approval in concept and work with the planners on the other issues.

Jonathan Braun, 479 Scenic, stated that he was present during the previous discussions. This house will be located on Bush Hill and is very visible from San Anselmo Avenue. Looking at the elevations and the location of the house, the vertical face of the house will be 40' to 50' and he is very concerned about the appearance of the elevation. The analysis of the trees is a bit of a concern. There are other methods short of cutting trees down and he would like to see alternatives. Drainage is also a concern on this site from Summit Road down to Scenic. The landscape plan does not indicate whether the trees are new or existing in the southerly location. He would like to see panels put in place after construction to view the color, similar to what was done on south Oak. He also said the house has 11' ceilings that add to the bulk.

Andrew Carver, 100 Summit, stated that he would like to withdraw his name from the approval because he is concerned about the size of the structure. He would like to see some changes in the height and the width. He would like a written guarantee that the trees will not be removed between the applicant's house and his house. He was not aware of the pool location and wants assurance that there will be no removal of vegetation on the western side of the house.

Cathleen Saunders, 310 Redwood Road, was concerned about the western elevation and about the colors. It will be visible from most of San Anselmo; gray does not blend into the environment but the green roof would work very well. The house is large and there is room to reduce the square footage and still articulate. She would like to see what the area will look like after the trees are removed.

Bob Reynolds 80 Summit Road, stated that the house will be built under his bedroom window. He is not opposed to the design. He was however concerned about drainage, the retaining walls and excavation of the site. He is also concerned about the turn-around for the fire. He would prefer the fire access rather than extending the road to Fairfax. He would allow some access onto his property to do that. The house is much lower and he has no problems with the trees that are to be removed because they do not look healthy.

Mr. Becker stated that the carved out basement space is the reason for the additional square footage. He did not think the house scales to 50' in height but the lot is very steep. They are more than happy to plant trees, in fact will do that prior to construction. They can go deeper and darker with the colors if necessary. The pool location has not moved since the last application. If trees are an issue, they will work with Dr. Carver to move the pool so as not to lose any trees. Regarding the fire road, they are open to working with the Fire Department. They have had discussions with the owner of the Fairfax lot to extend the road but that has not been decided.

The public hearing was closed.

Commissioner Dowd stated that he has no major issues on this project. The colors and

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the tile blend into the area. It is a big home but there are other houses on the hill that are large. He likes the design and is in support of the application.

Commissioner Israel stated that the trees that will remain will create a barrier but from looking up, the view is different. He was more concerned about the deck. He liked the solid decks and would like to see the kitchen and dining room pulled back. The left side of the house is a bit vertical. He supports the placement of the house. He would like to see the pool deck as part of the elevation because it is such a steep slope. The window recesses are an important part and would like to see a sample of the window system or a visual of how much the window can be recessed. He would like to see a little bit more projection in the eaves, which would help give more shadow line and definition.

Commissioner Zwick said the house was quite massive, at least 46' measured from grade, and the house has significantly increased. The color of the house is the least of his concerns. He agrees about the eaves and the windows but first wants the house reduced.

Commissioner Harle stated that his observation is that it is a very large building and the main visibility will be from the southeast, across the south end of San Anselmo and Ross, but will not be visible from downtown or the north end of town. This design is strikingly formal and will be more noticeable. The colors are pretty subdued and would therefore support it.

Chairman Wittenkeller stated that he fully understood the materials. The colors should be selected on site. The deep earth tones, with slight olive tones, would be less visible. He was concerned about drainage and proper fire access and about the road extending to Fairfax. He would like to see a photo montage, or computer generated picture, showing the proposed dwelling with the removal of the trees..

Dr. Carver stated that his house is 3,400 square feet and Mr. Reynold's is around 3,400 square feet. The proposed house is much larger than the average house in the area.

Mr. Becker stated that he will enlarge the eave detail to 24", going with the window depths, wouldn't be able to carry the deck around but could reduce the kitchen by 2'.

Commissioner Israel stated that he would feel more comfortable to have a few sections to see how the building comes down to grade; section through the kitchen or dining room area. He was not sure reducing the kitchen by 2' would be enough for him. He noted that there is an entitlement of up to 5,000 square feet house but it should fit the neighborhood. This project is not quite there but he did not feel there was a need to make it go down to the original approval. The color is nice and does a significant job of blending in. Material that grows on the building would be very nice. Although he is not suggesting a photomontage, it would be helpful to state whether the trees are providing the necessary screening. The roof color is fine

M/s Israel/Harle, and unanimously passed (5-0), to continue to the meeting, to November 17, 1997, to allow the applicant time to make adjustments and provide additional information to the Commission. Comments are: 1.) Some Commissioners do not need to reduce the size but do want to have the mass reduced; 2.) condition #5 as stated in the staff report; 3.) condition #6 as stated in the staff report; and 4.) provide a lighting plan. There is no need for story poles and the driveway materials should be reviewed by staff. Cut and fill are more associated with the grading plans and a requirement at the building department stage.

4. V-9743/DR-9732 – Erin Ryan, 54 Mountain View Avenue, A/P 5-223-18, Design Review of a lower floor storage area behind the existing garage and a main floor bedroom addition within 5'3" of the side property line (8' required); and a setback variance for an uncovered deck to be within 5'3" of the west side property line (6' required), on property located within the R-1 Zoning District.

Ms. Wight presented the staff report.

Erin Ryan, applicant, stated that she would rather add a trellis and plant a vine to screen, rather than to add bamboo. The hot tub will be in the ground.

The owner of 40 Mt. View Avenue stated that he was in support of the project but would prefer some other type of screening rather than bamboo.

Commissioner Israel supported staff's recommendation as well as the deck variance.

Commissioner Zwick supported the application as well as a trellis, which could be worked out with staff.

Commissioner Harle supported the project and the deck. The deck is diminimous. The screening should be optional. This is not obtrusive and not out of character with the neighborhood.

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Chair Wittenkeller did not feel the need to provide screening.

Ms. Wight noted that if they want a trellis, they would need to apply for an Administrative Variance. The applicant responded that she stated that she was not interested in the trellis at this time.

M/s Harle/Zwick, and unanimously passed (5-0), to approve V-9743/DR-9732 – Erin Ryan, 54 Mountain View Avenue, A/P 5-223-18, Design Review of a lower floor storage area behind the existing garage and a main floor bedroom addition within 5'3" of the side property line (8' required); and a setback variance for an uncovered deck to be within 5'3" of the west side property line (6' required), on property located within the R-1 Zoning District. Approval is based on findings and condition 2 as set forth in the staff report.

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

F. GENERAL DISCUSSION

Talk to the Council about decks.

G. REPORT OF UPCOMING APPEALS TO TOWN COUNCIL

H. ADJOURNMENT

The regular meeting of the San Anselmo Planning Commission was adjourned at 11:30 p.m. to the next meeting on November 17, 1997.

BARBARA CHAMBERS