

TOWN OF SAN ANSELMO  
PLANNING COMMISSION MINUTES  
SEPTEMBER 15, 1997

The regular meeting of the San Anselmo Planning Commission meeting was convened at 7:30 p.m. on September 15, 1997 in the Council Chambers

**Commissioners Present:** Harle, Dowd, Israel, Zwick, Wittenkeller

**Commissioners Absent:** Cronk

**Staff Present:** Planning Director Chaney, Senior Planner Wight, Associate Planner Griffin

**B. OPEN TIME FOR PUBLIC DISCUSSION**

No one spoke during this time.

**C. CONSENT AGENDA**

1. MINUTES: July 21, 1997, August 4, 1997, August 18, 1997, September 2, 1997

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) and within 6' of the westerly side property line (8' required). Parking variance to allow 2 of 3 required spaces to be substandard in size at 9'x15' (9'x19' required), on property located within the R-1 Zoning District.

3. TOWN OF SAN ANSELMO - Ordinance amendment relating to administrative appeals and official reviews by the Planning Commission or Town Council, whichever is applicable.

Denice O'Neill, owner of 18 Summit, wanted to discuss the conditions of approval for her project.

M/s Harle/Israel, and unanimously passed (5-0), to approve Consent Agenda 1 and 3 and removed Item 2 from Consent for discussion. The audience was advised of the ten-day appeal period.

**D. CONTINUED ITEMS**

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. **CONTINUED TO 10/20/97**

2. V-9732 - Hank Hallowell and Jane Cunningham, 15 Medway, 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. **CONTINUED TO 10/20/97**

**E. PUBLIC HEARINGS**

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) and within 6' of the westerly side property line (8' required). Parking variance to allow 2 of 3 required spaces to be substandard in size at 9'x15' (9'x19' required), on property located within the R-1 Zoning District. (Taken from Consent)

Ms. O'Neill stated that she would like to discuss the need to remove the shower in the recreation room if she records a deed restriction.

Mr. Griffin explained that the deletion of the shower is required so the area will not constitute a second unit. The deed restriction is required so any future buyers will know that the area cannot and shall not be used as a second unit. He presented a brief staff report, noting that it really does not matter to staff if the shower or wet bar is removed from the room, as long as one is.

M/s Israel/Harle, and unanimously passed (5-0), to approve the application based on the staff report and conditions and that the applicant can work with staff to decide if the wet bar or the shower is to be removed from the recreation room. The audience was advised of the ten-day appeal period.

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.

Scott Hochstrasser, Consultant representing the applicants, stated that they basically concur with the staff recommendations but had a few remaining issues that are in his

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letter to the Commission dated September 15, 1997. With regard to the driveways, the Public Works Director was in support of leaving the length of the driveway in, and therefore supports Option Number 2 of the Staff Report. There is no objection for fire access, it is shown on the map. With regard to Option #2, and the alternate building envelope, they think it is redundant because a Precise Plan would be required anyway. Therefore he would recommend striking the 4<sup>th</sup> line. Regarding Staff Report page 7(i), they object to providing access to the other neighbor. Also, the Broderick property already has a specific location for the driveway. Want the finding modified as stated in his letter, to encourage the property owners to work together. With regard to Condition #4, they want it to be eliminated because they do not want the adjacent owners to have rights of access. Condition 27 requires removal of the steep concrete driveway. The owner feels the driveway will be a major asset and could be used as parking for guests, storage of vehicles or an alternate emergency exit. The area is not even particularly visible from across the street and he is not sure who would be negatively impacted by it.

In response to Commissioner Israel, Mr. Hochstrasser stated that Condition 4 encumbers and clouds the property because it will be recorded.

The hearing was opened to public testimony.

Jonathan Braun, 479 Scenic, stated there are serious conflicts with this project and the General Plan and Bald Hill that have still not been answered. He found 17 points that have environmental ramifications. It appears that the General Plan states that any grading shall be minimized for any project in the hillside, tree removal shall be limited, retaining walls should be minimized and landscaping is a requirement. This plan challenges those requirements. Specifically, 55 trees will be cut, there will be 525' of retaining walls up to 10' tall, the project will involve massive grading, and visual impacts have not been thoroughly analyzed. The only landscaping will be 6 redwood trees and some ivy. He suggested the Commission work with staff's Option 2, with retain walls and site grading to be more in keeping with the Town policies. There is a proposed condition that would require them to restore well site number one and he feels that is important.

Cathy Sanders, 310 Redwood Road, had concerns about grading and tree removal. The houses will have a highly visual character in the hillside and she strongly recommends not having the infrastructure approved, and would not want the stub only. She felt Option 3 was the most appealing option now. Policies 9.4 and 9.6 of the General Plan are in conflict with this project because of excessive grading. She felt a decision should be made on the lots and was opposed to alternative 2.

Andy Bachich, applicant, stated that they have spent years trying to find ways to minimize the grading.

Paul Nave, applicant, stated that he has no problem removing alternate site two.

Linda Hoch, Sequoia Avenue, wanted the Commission to analyze the visual impact.

Ms. Chaney stated that it was her intent to restore the landscaping around the disturbed water well. Also, there may need to be a variance on the upper retaining wall. Regarding condition number 27, the Fire Chief stated that they would not use the concrete driveway because it is too steep but they would like a small turnaround. Regarding Condition 4, she understands the applicant's concern, and maybe should add "that it doesn't preclude access..." but she may have to talk to Town Attorney. Regarding the last concern, it is there for clarity.

Mr. Nave stated that the concrete driveway has been there for years and he wants it retained.

Mr. Hochstrasser stated that the initial study indicates that the cut and fill has been significantly reduced from the 1989 project. Also, only 14 trees will be removed.

Ms. Chaney noted that the tree survey was taken prior to adoption of the Bald Hill Plan.

The hearing was closed to public testimony.

Commissioner Harle did not understand why staff is suggesting to block off the concrete driveway. Commissioner Israel stated that he was the one who initially suggested it because of safety and drainage issues but he is changing his mind about it now.

Commissioner Harle stated that he was primarily in agreement with the staff report and resolution. He did not feel there was any overwhelming reason to eliminate the concrete driveway and did not think it was necessary to introduce the access to the Broderick property; it would be a limitation on their property rights by requiring them to maintain it.

Commissioner Zwick stated that he found the research very thorough and the staff report very complete. The applicant is essentially asking that the Commission grant permission to build two homes on this parcel without knowing the exact location, size or

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configuration of the proposed homes. From the applicants' point of view, they have done more than is necessary to justify their position. The applicants have made an investment of resources and time in pulling this project together and yet, there are still unanswered questions. Where will the driveway be placed? What will the slope of the driveway be? What elements are being incorporated to screen the cut/fill required to allow for the driveway? How many trees will be removed and how many will be replaced? What will be the configuration of the landscape/civil engineering plan that envelopes all of the concerns? He went on to say that the site could become a wonderful place to build two extraordinary homes that are well integrated into the landscape. This would not be easy and would require a thoughtful design based on the groundwork prepared to date. The applicant is asking that the Commission grant permission to build two separate homes on two separate lots, because this site contains so many components that are workable only with focussed attention (e.g. site access, slope, vegetation, fire safety, height, bulk, and ultimately design), his decision is to vote against the subdivision unless the home designs are incorporated as part of the application.

Commissioner Israel stated that he has less concern now about the concrete driveway but would like some kind of turnaround. With regard to access to the Broderick property, he is comfortable with Mr. Hochstrasser's wording. He could vote in favor of Option 3 as stated in the staff report. He believed that through a more detailed evaluation, the project could be approved. Option 3 will allow the applicant to go forward with the lot split with a significantly less investment. He would never support a variance for a driveway on a parcel this large. This plan calls for significantly less grading than originally proposed, and wants to know that he has the opportunity to review the alternative plan.

Commissioner Dowd stated that he did not have a problem with Option 2 or 3, and had no problem with the driveway. He could also support tighter wording regarding the access.

Ms. Chaney explained that to build a house below the road would take some infrastructure and staff is uncomfortable with houses above. The level of detail of these plans is inadequate in staff's standpoint, so when the development plans are done, it should come back to the Commission. That is why the condition would apply to any improvements, both below and above.

Commissioner Dowd decided he would prefer Option Number 3.

Chairman Wittenkeller said that any building will have an impact on Bald Hill. Two sites below the driveway would be preferable to him and is not sure that is still not feasible. However, he will not force the issue now. He would like to eliminate the alternate site. Any development above the driveway will be environmentally development. He would like to have more information about access to site 1 but was leaning toward Condition 3. There was no reason to remove the concrete driveway but suggested that it be gated or signage placed on it that states it is private property. He wanted a statement about the restoration of the water well included in the resolution. The section detail on the tentative map has a comment that concerns him. It states "...the uphill wall could be reduced or eliminated...". He does not mind it occurring but does not want additional trees to be removed and does not want additional slope laid back. Also, the applicant has always granted a fire easement but it is not on the tentative map and therefore should be a condition of approval. He felt comfortable with a tentative driveway to the Broderick property but does not want it to infer an easement. He is not uncomfortable with Staff's wording.

Commissioner Harle suggested eliminating the alternative site if everyone was in agreement.

M/s Israel/Harle, and passed (4-1 Zwick: no), to approve the application as shown on plans dated 9/11/97, with the resolution attached with the following amendments:

- Add the following statement to the map as shown in Option 2:
  - *"Improvement Plans shall be reviewed by the Planning Commission for informational purposes. If the Planning Commission believes public discussion is needed on the matter, it should direct staff to schedule the item for a public hearing. However, it is not intended that this matter interfere with the ability to ultimately construct two houses on this 5.47 acre property."*
- Alternate building envelope for Parcel 2 to be eliminated and that following statement be on the map:
  - *"No development shall be permitted on Parcel 1 until a precise development plan amendment and design review for a house and driveway have received approval from the Town of San Anselmo."*
- "i" in the Findings Section be modified as suggested by the applicant to state: *No developable land exists beyond the subject property where it is appropriate to extend public roads and easements. Adjacent property owners may seek private driveway*

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*access and/or common easements for access over the subject property to mitigate environmental impacts associated with individual access development. The Town encourages private property owners to work together to minimize driveway, development by creating common shared driveways where appropriate.*

- Condition 27 be modified to allow the existing concrete driveway to remain with a turnaround to be provided or signage that states: "No outlet" or "Steep driveway" or "Private property - no trespassing."
- Modify the VTM sheet one, to state that any increase in grading beyond what shown on the approved map is subject to the review and approval of the Planning Commission prior to any grading.
- Add a condition about restoration of the landscape adjacent to the parcel one well site.
- Delete Condition 4 regarding access to Broderick parcel.

The audience was advised of the ten day appeal period.

2. V-9735/DR-9728 - Cameron Sears, 116 Crescent Road, A/P 7-221-57, a south side yard variance to construct a new carport within 3' of the south side property line (8' required); a north side yard variance to construct a new single family dwelling within 4'6" of the north side property line (8' required); and design review of a new single family dwelling with an 1,163 square foot second story on property located within the R-1 Zoning District (below 150 mean sea level elevation). Note: the existing dwelling is proposed to be demolished.

Ms. Wight presented the staff report.

Commissioner Harle commented that the north indication on the map is wrong and the language should be revised.

Commissioner Zwick thought the adjacent building should be shown on the map especially because of the closeness of the properties. He would also like to know the lot coverage.

Steve Murch, architect representing the applicant, said he will correct the north arrow on the map. He stated that the house was severely damaged by redwood trees during the January 1997 storm when the trees fell onto the house. As a result, the neighbors to the east now have a lot of light that they did not have before. They have worked with them to retain the light that they have gained. They have worked very closely with the neighbors since March. The neighbor at 112 Crescent has no problem with size, or the fact they would be looking at the elevation, but wanted the house far enough back on the site so it would not be seen from their living room. As a result, they have moved the house back a little bit. The applicant feels the craftsman style will blend with the neighborhood. The site is irregular in shape and narrow towards the rear. The side yard variance is because of the narrowness in the rear. Due to the location of the existing neighboring houses they wanted to keep the design towards the east, in the same location of the present house. Because the other house is only 2' away, it was important to keep the corridor as wide as possible. The existing carport is about 1.6' from the property line and the owners of 112 Crescent wanted the carport moved over. That is the reason for the variance on the sideyard. There is an accessory structure in the rear yard that is not shown on the plans. The scale of the house is in keeping with the neighborhood. There is no opposition from the neighbors because they worked so diligently with the neighbors to come up with a plan that would satisfy everyone. Sloping the roof, minimizes the size. They feel the second story does not need to be set back. The full second story is not recognized because of the peaked roof. The irregular shape of the lot and the way the house is placed on the lot are special circumstances for granting the approval. Also, the house will not adversely affect the adjacent neighbors.

Commissioner Harle did not understand the need to encroach into the setback for the carport. Mr. Murch responded that the main thrust for moving it is esthetic in nature and they can identify with the porch and dormer on the house. However, they might entertain moving the storage.

Commissioner Dowd asked the applicant to comment on staff's suggestion that the second story be moved 2' toward the south property line.

Cameron Sears, applicant, stated they have worked long and hard with the neighbors. He retained signatures of support from his neighbors on Crescent and has addressed the concerns of the Kippermans at 112 Crescent. The plans are representative of numerous input. An arborist recommended that the redwoods be removed and it radically changed the lot. The new flow of light was taken into consideration with the placement of the house. He felt the storage area was in the best location because of the cement wall but would remain open to alternatives from the Commission.

Paul Nichols, 21 Crescent Lane, was in support of the project.

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The hearing was closed to public testimony.

Ms. Wight responded to Commissioner Zwick's earlier question that the lot coverage is 28%.

Commissioner Zwick stated that the design is very nice and it was thoughtful that the applicant has met with his neighbors but he felt the house was too big.

Commissioner Israel stated that it is hard to support the carport variance because there are too many alternatives. The project is extremely well designed but he cannot grant variances or allow the maximum lot coverage. Therefore, he cannot support the house in its current configuration. It would be appropriate to show the setbacks for the second story headroom. He supports staff for the first story but given the bulk of the house, cannot support it intruding into the setbacks.

Commissioner Dowd agreed with Commissioner Israel. He would like to see the storage it in the rear of the carport so it will not be seen. The design is nice but would like the second story pulled in to decrease some bulk.

Commissioner Harle felt that it was a big house for the size of the lot. He could understand granting a variance if the house is existing and there is a request to add to the existing structure but when the structure is entirely new, as much as possible should be done to meet the setbacks.

Chair Wittenkeller agreed with his colleagues. If he were going to consider a variance, it would have to be justified. The 4' setback is less than the old 5' setback and does not make sense if this is a new structure. He would want a minimum of 5' setbacks on all sides. The design is very nice and he is very impressed that the neighbors are in support.

Commissioner Israel stated that the impact would be less if the second story is pulled back. He couldn't support approval on less than 5' setbacks for a new structure on the ground floor.

Commissioner Zwick concurred, because this is a new building, it should conform more. He stated that 8' is the required sideyard setback and the house should comply to that. The house is too large and there is no need to encroach into the setbacks.

Commissioner Harle stated that he would not oppose the 5' side yard setback because the neighborhood was built on the 5' setback. He did not want to impose standards on a 7,500 square foot lot for a substandard lot. He would require the carport to meet the 8' side yard setback.

M/s Israel/Harle, and unanimously passed (5-0), to continue the application to October 6, 1997 to allow the applicant time to make modifications.

3. V-9734 Dian Allen, 115 San Francisco Boulevard, A/P 6-021-16, Variance to allow a bathroom addition to an accessory structure within 4'6" of the southwesterly side property line, located within the R-1 Zoning District. (AFTER-THE-FACT)

M/s Israel/Dowd, and unanimously passed, to continue to 10/6/97 because the applicant was not present.

4. V-9713 - Seidelman Associates for Geoff Koblick 6-42 Red Hill Avenue and Jeffrey Johnston, 22 Island Drive, A/P 6-201-02 and 6-201-54, proposal to construct a 15' high, 142' long retaining wall across a portion of 22 Island Drive (no variances needed for this section). Rear yard Variances are required to construct: 1) an 88' long west "side" retaining wall, varying in height from 15' (as it connects with the upper wall) to 0' (as it connects with the lower wall) located within 0' of the rear property lines for 22 Island Drive and 6-42 Red Hill Avenue (20' setback required); 2) a 46' long east "side" retaining wall, varying in height from 15' to 0', located within 0' of the rear property lines for 22 Island Drive and 6-42 Red Hill Avenue (20' setback required); and 3) a 136' long, 5' high "tie-back" retaining wall located within 1' of the rear property line of 22 Island Drive on property located within the C-3 and R-1-C zoning districts.

M/s Israel/Harle to continue to 10/6/97 because the applicant was not present.

**F. WORKSHOP -- CONTINUED TO 10/6/97**

1. Conceptual design review workshop to evaluate possible design scenarios for a Jiffy Lube facility at 631 Sir Francis Drake Boulevard (former HUB Unocal Station), A/P 6-101-05. No application for a use entitlement has been filed. Purpose of review is to provide comments to potential land purchaser. Property is in the C-3 (General Commercial) Zoning District.

**G. GENERAL DISCUSSION**

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Discussion about the need for a special Planning Commission meeting in lieu of 9/2/97 cancelled meeting. Suggested date: 9/29/97

The Commission decided that they did not want a special meeting.

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

- Laurence Bartone, 40 Tomahawk will be heard at the next Town Council meeting.
- Teds Bar, 218 SirFrancis Drake Boulevard, was heard at the Town Council meeting and the Council remanded it back to the Planning Commission because the noticing never reached the most affected neighbors

**I. ADJOURNMENT TO SEPTEMBER 29, 1997 OR OCTOBER 6, 1997.**

The regular meeting of the San Anselmo Planning Commission was adjourned at 11:00 p.m. to the next meeting on September 29, 1997.

**BARBARA CHAMBERS**