

**TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES OF OCTOBER 5, 1998**

Commissioners Present: Harle, Zwick, House, Dowd, Wittenkeller
Commissioners Absent: Israel, Cronk

Staff Present: Planning Director Ann Chaney, Senior Planner Lisa Wight, Assistant
Planner Chip Griffin

A. CALL TO ORDER

B. OPEN TIME FOR PUBLIC EXPRESSION – No one spoke at this time.

C. CONSENT AGENDA

1. Minutes – September 14, 1998
2. **DR-9835 - Mahdi Al-Jamal, 241 San Francisco Boulevard, A/P 5-204-32, Design Review to build a first story bathroom addition within 6' of the southerly, side property line. Addition continues the existing setback. Project is an after-the-fact request as the change was made in the field. Project also includes a 399 square foot second story addition on property located within the R-1 Zoning District (Staff person: Griffin)**
3. **V-9845 – Neil Whitbeck, 7 and 9 Myrtle Lane, A/P 7-172-07, a variance to increase the roof height of the front dwelling 4'2" above the existing height and located within 3' of the west side property line (Code permits a 2' extension within 0' of the side property line, but this roof exceeds the 2' allowable height increase within 3' of the side property line) on property located within the R-1 Zoning District. (Staff person: Wight)**

M/s, Wittenkeller/House, to approve the consent agenda, excepting item 1, minutes of September 14, 1998. Ayes: All.

D. PUBLIC HEARING

1. **ER-9701/PDP-9803 - Curtis Eisenberger, A/P Nos. 5-031-35, 5-081-07, and 5-081-19, Review of Negative Declaration regarding Environmental Impact and Precise Development Plan to subdivide a 21.66-acre parcel of land into four home sites on 5.95 acres and dedication of 15.71 acres for public open space. The project site is located at the end of Traxler and Valley Roads and covers the steeply sloping hillsides on either side of the drainage course, on property located within the R-1-H Zoning District. (Staff person: Wight)**

Senior Planner Lisa Wight presented her staff report. The density determination was not in the wording of the noticing for tonight, so no action can be taken although the item can be discussed. Regardless, the Planning Commission must decide how many houses would be on this site. The key issues are soils, drainage and aesthetics. The applicant has put out story poles for the four proposed homes. The next hearing date for this item will be October 19 and it will be renoticed.

Commissioner Zwick asked about the different rules applied to the design of the four homes. He also asked about the proposed bridge and building in the ridge zone. Ms. Wight said the bridge is needed to cross the culvert. Building in the ridge zone is allowed if you cannot find an alternative location.

Commissioner Harle asked how the ridgeline is determined.

Ms Wight said the ridge zone is measured 50 feet below the ridgeline on either side or lies within 150 feet when measured perpendicularly from the ridge line, whichever results in a lower elevation. No development in ridges is allowed if outside the ridgeline is not feasible. The maximum is no more than 18 feet above the ridgeline if buildings are allowed.

Curtis Eisenberger, Applicant, said he has an agreement to sell the entire parcel to the town. He needs the density determination for tax purposes. He had proposed four homes, granting the bulk of the property to open space. He had the model made as if there were going to be houses, based on the Town's code. Two of the homes used the standard height limits and two used the Bald Hill height limits. They don't mean to propose that these houses would be the ones built if ever houses were to be built. This was actually to study which limit to impose. What they want tonight is a density determination, hopefully for four lots. The 22 acres are being sold for considerably less than market value. The four lot determination will enable him to claim a larger tax write off. Regarding drainage, some type of dam must be created to allow runoff to join the

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drainage system at Valley and Traxler. The roadway bridge would be their preferred way of doing this.

Commissioner Wittenkeller asked how the drainage would be handled if the sale of the property goes through. Ms. Chaney said her assumption is that if there is no development, a hydraulic study may show that you can leave things just as they are.

Alison Pollack, 170 Camino de Herrera, said the agreement is subject to getting the money together and if it doesn't come together the deal will fall through. In case it does fall through, the neighbors want to be sure the houses are not extraordinarily large or troublesome. She would like a square footage limit considered for any development. She was very surprised to see how high the top story pole is from her home. She'd like the commission to limit the maximum building height because it has a very large impact on her home and on 166 Camino de Herrera.

Beverly Jago, 166 Camino de Herrera, said the story poles seem very tall. She would like to see some limitation on the height, as it will block the upper valley from her home. In case the deal falls through, she hopes the Commission can put limitations on this.

Melissa Saldi, 83 Valley Road, said the environmental document is not well done and will not stand up in court. In the event the deal falls through, the neighbors will be stuck with the number of houses that is decided here. Density determination should come after environmental review. Regarding a five-foot dam crossing the little stream, she believes it will impact the environment. The assumption of the environmental document is that there is no drainage impact.

Michael Leperi, 83 Valley Road, referred to Ms Wight's August 10 letter to Mr. Schwartz, asked if a study was submitted or is it a guess. Ms. Wight said the letter was all that was submitted by Schwartz.

Jonathan Braun, Scenic Avenue, said he feels confident that the sales deal will go through. The house design will determine if you have a low impact effect, but it's good to have flexibility built into the plan.

Curtis Eisenberger, Applicant, said the story poles were set for a worst case scenario.

The public hearing was closed.

Chair Zwick noted that because the Town may purchase this land, the Commission's decision tonight is a potentially moot point and working on this prior to knowing the answer is a waste of the Commission and staff's valuable time. Additionally, the Commission will not be as focussed on the density determination if it is possible that zero houses will be built. Yet if we decide on four units and the deal falls through we will be commented to four houses. In this regard, he felt that this is putting the cart before the horse.

Ms Chaney said the application is before the commission and we must continue to process it. The question before the Commission is the number of units. The Commission can continue processing these various things. The minimum that the applicant needs is a density determination for tax purposes. The question is how many lots are allowed based on drainage, or from a physical standpoint. If things fall through on the sale, the applicant would come back with the Precise Development Plan with building envelopes. That step would still have to take place.

Commissioner Zwick said there have been a lot of good questions raised tonight. Why are we doing this now? For the sale to take place another appraisal has to take place to determine the value of the property. The appraiser will ask how many units this property will accommodate. Perhaps we can talk with the property negotiator and see if the General Plan determination of 5 units is sufficient for his purposes.

Commissioner Wittenkeller said he has similar concerns. The primary reason for this density determination is to determine the value of the land. But the commission may be sticking its neck out to make such a determination before they have the salient facts.

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There is a strong staff recommendation of four units, he feels an appraiser would take that word. He feels it should be discussed with the appraiser and the negotiator.

Commissioner Dowd cautioned that a decision at this stage might affect value. He would rather see the pending contract move forward with the information that is already out there.

Commissioner Harle agreed with Commissioner Wittenkeller. This is a mock decision as if it really were going to be done, to be used to validate negotiations to prevent it from ever being done.

Commissioner House asked if a decision were to be made of four lots tonight, and if the deal fails, are we stuck with those four lots. Chaney answered affirmatively.

Commissioner Wittenkeller said he would be happy to continue this. In the long run, he could probably support four units with the proper backup materials.

Commissioner Harle asked about the status of the environmental review that was brought up by Ms Saldi.

Senior Planner Wight said the neighbor's letter is being reviewed by the Town Attorney.

Commissioner Zwick said all the Commissioners seem doubtful that this decision can be made without all the necessary information in hand absent the "deal". If there were actually going to be houses built on those four lots, he believes a greater number of neighbors opposite the project would be here tonight.

Commissioner Wittenkeller said the year old appraisal didn't have any density determination and it was good enough to get a signed sales agreement.

Commissioner Zwick said among the concerns raised tonight are that 4,500 square feet is big, the height is too high, the number of lots may or may not be appropriate, the dam and drainage culvert are also a concern.

M/s, Wittenkeller/Dowd, to continue this item to November 2, 1998. Ayes: Harle, Dowd, House, Wittenkeller. Noes: Zwick. Absent: Cronk, Israel.

2. V-9842/U-9834 – Erik Bjorkquist, 526 Red Hill Avenue, A/P 6-091-60, 1) Parking Variance to reduce the total number of spaces from 8 required to 0; and 2) Use Permit to allow a residential unit in an existing building (formerly San Anselmo Printing) to accommodate a live/work arrangement, on property located within the C-3 Zoning District. (Staff person: Griffin)

Planning Director Chaney presented her staff report. This item was continued for more information and improved plans are available tonight. The parking issue is the most significant as there is no parking whatsoever at this property. Staff supports some type of parking variance. However, now that it will be converted back to a residence this becomes more of a problem. Staff asked the applicant to consider reconverting the former garage back to some parking. There are some physical constraints to doing this but it is possible. Another alternative would be to seek out some shared parking arrangement with other businesses in the immediate area. The applicant has secured a written agreement from the dentist two doors down to allow an overnight parking arrangement. The document is handwritten but the Town Attorney feels it is fine. Staff is supportive of a shared parking arrangement, but because it could dissolve at any time, some conditions were fashioned to instill a little more permanency to the scheme. Staff wonders what might happen if the property is sold. Perhaps these conditions should be recorded.

Commissioner House asked if this would be a home office as well. Ms Chaney said the applicant would have an office and rent an office to a friend, and the applicant would live there.

Commissioner Wittenkeller asked why we wouldn't pursue getting at least one space in the old garage opened up.

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Commissioner Zwick asked if the mezzanine built in the old garage was done with a permit.

Commissioner House asked about the hazard of having to back out into Red Hill Avenue. We should avoid that situation whenever possible. Converting the garage may be a potential hazard.

Ms Chaney said she pursued this question with the Police Chief and Public Works Director. This is just a residence and there is enough of a break in traffic that you can pull out without creating a hazardous situation.

John Knott, Agent for Mr. Bjorquist, said he discussed the parking with Town Attorney Roth. They are adding a residential space to a business. The dentist was very kind to consider this and say all right. He hopes this will be satisfactory.

Commissioner Zwick asked if the mezzanine meets code. There are signed and stamped drawings with the mezzanine included and the plans and photos to not appear to be to Code. He is concerned that they are doing work without permits now. He requested the Building Inspector to carefully review the extent of work that they are doing.

Mr. Griffin said the permit history has a minor permit for electrical work and to sheet rock the garage. There appears to be no mention of the mezzanine work:

Commissioner Wittenkeller said the original building had room for one car to park, residential use and workspace down below. If you turn the stairway and cantilever a support post over, you can have a usable parking space.

Commissioner House said she would be more comfortable if people didn't have to back out on Red Hill Avenue. She'd be in favor of turning it back to a one car parking space.

Commissioner Harle agreed.

Commissioner Dowd said the property should function with a garage and stressed that the garage door be widened to standard codes, not just for a motorcycle.

Commissioner Zwick agreed, but he would like to ensure that the various components of the building are brought up to code. He would like it reviewed by an architect, the plan checker and the building inspector and all deficiencies brought up to code.

Commissioner House asked what would happen if bringing this house up to code is too expensive for this applicant.

Commissioner Zwick said he is reassuring himself that we are addressing the problem of the applicant's haphazard approach to the process. If it's too expensive the applicant will probably come back.

M/s, House/Wittenkeller, to approve the request, subject to conditions of approval, and to require the applicant to bring the property up to code, and to create a one car garage downstairs. Ayes: Wittenkeller, Zwick, House, Dowd, Harle. Absent: Israel, Cronk.

Conditions of Approval:

1. That the request for a Use Permit (U-9834) to allow a residential use in the C-3 zoning district and Parking Variance (V-9842) to reduce the required onsite parking spaces from 10 to 1, be approved: a) In accordance with plans date stamp received by the Town on September 30, 1998, except that the plans shall be revised, and building alternations made, to include a regular sized parking space within the lower floor. Proper building permits shall be obtained to make necessary modifications to the interior space and widening the carriage doors at least 9' to accommodate a car.
2. Any additional use, intensity of approved use or change of use, beyond that described in the Use Proposal dated March 17, 1998 and letter from Erik Bjorkquist faxed to the Town on August 6, 1998, will be subject to review by the Planning Department and possible amendment to the Use Permit. The additional, extra, or new use will be evaluated for items including, but not limited to, its increase of on-site customer or resident traffic. For example, if the upstairs office expands to include sales of software or

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- on-site education of systems use, this will be an increase of traffic and is not allowed through this Use Permit.
3. The applicant is encouraged to improve the building for aesthetic purposes. This type of improvement includes new paint and minor façade changes. Any new signs will require Sign Review.
 4. This permit and each condition contained herein shall be binding upon the applicant and any transferor, or successor in interest.

3. V-9846/DR-9836 – Sean OHeidhin, 324 Scenic Avenue, A/P 7-024-16, Design Review and Variances to build a new, 1755 square foot, 3-story house. House is proposed within 0' of the front property line (20' required) and is 42' tall (35' maximum allowable), on property located within the R-1 Zoning District (above 150' msl) (Staff person: Griffin)

Assistant Planner Griffin presented his staff report. Staff would like to hear the Commission's and neighbor's concerns about this project so the applicants will know what might happen. The main concerns are height, 42 feet with maximum allowed 35 feet. The front property line variance findings can be made because of the slope and the distance from the property line to the pavement. The building would require removal of several bay and oak trees, but there are many on the lot that will remain. The applicant was asked to lower the house and staff gave some suggestions on how that might be done.

Commissioner Dowd asked if applicants are given clear direction on the rules before they go out and get plans done.

Mr.Griffin said they are.

Commissioner Wittenkeller asked about drainage improvements. Griffin said it's a natural ditch, but any improvements are not yet delineated. It will probably receive some treatment.

Commissioner Zwick asked about the floor area ratio. Griffin said you are allowed 35% of the lot for the floor area ratio and they are very slightly over, but that will be fixed.

Commissioner Wittenkeller asked about the neighbor's house above the garage on the plans. Griffin said staff asked that the neighbor's house be shown on the plans so it could be located. This is a substandard lot size in today's terms.

Commissioner House asked if there are any requirements for street improvements. Griffin answered affirmatively; street widening, relocating a fire hydrant, and accommodating a fire truck. A street improvement sheet is needed.

Mohamad Sadrieh, Architect, said they tried to follow the Town's guidelines as closely as possible. Three variances are required due to the size and slope of the lot. The house has two levels below street level. The garage roof is the highest point and it cannot be lowered more than 3 ½ feet due to slope of the driveway.

Jonathan Braun, Scenic Avenue, said many homes in this area are developed on substandard lots that could not be approved through today's standards. This problem should be addressed. Regarding drainage, a huge amount of water comes out the culvert at this lot during heavy winter rains. A proper catch basin should be built at the site and the ditch should be reinforced. The structure is too big and too tall – he'd like to see it smaller. He'd like to see a deed restriction to avoid more tree removal. There is no parking place on the site at present – how will contractors manage without blocking the road?

Roger Van Cranist, Humboldt Avenue, said his property adjoins this property. He is concerned about this house because it will be looming over the back of his property. The house is too large for the lot. He'd like the rear of the house moved up the hill away from his property. He'd like no decks be placed on the house in his direction. When the trees are removed he feels the house will be quite visible from his home. Don't fill in the spaces below to minimize size. He is concerned with the minimal parking on the street. He is very concerned about drainage because the creek runs right in front of his property

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and he doesn't want that flow increased by the building of this house." He would like a landscape plan that takes into account their vantage point. He'd like a deed restriction for cutting any other trees down on the property. He will be gone until the end of November and would like the matter delayed until they return. It is a substandard lot and a much smaller house is called for.

Gay Becker, neighbor, said it is difficult to turn around on their very narrow road. The house will be in one of the last forest corridors and she is concerned about displacing wildlife.

Sean Oheidhin, applicant, said the fire turnaround will help with turning around.

Commissioner Zwick said our zoning laws are based on maximums in ideal situations. And these conditions are not ideal. The height could drop more than the 3 ½ feet. He would support leaving the existing trees. A construction management plan is essential.

Commissioner Dowd said he is concerned about drainage and he would like to see the house lowered. He supports the deed restriction on tree removal.

Commissioner Harle had no comment.

Commissioner House said it would be essential to have the road widening.

Commissioner Wittenkeller said he agrees the house is somewhat large for the lot. Getting the garage lower would make the biggest difference, but it's very difficult with the slope problem. Lowering as described by the architect is needed. Drainage is paramount. The inlet culvert needs to be addressed. The downslope drainage on this lot needs to be addressed by Public Works. Regarding the construction management schedule, a parking pad for a staging area should be considered. He is nervous about tying landscape to title, because of the areas fire problems.

M/s, Dowd/Wittenkeller, to continue this item to the meeting of October 19, 1998. Ayes: All.

4. **DR9837 – Randolf Scott, 10 Tomahawk Drive, A/P 177-264-11, Design Review** to build a new multi-level metal deck at the rear of the house. Deck totals 1,413 square feet. Project includes removal of (2) existing wood decks, on property located within the R-1 Zoning District (above 150' msl)(Staff person: Griffin)

Assistant Planner Griffin presented his staff report. Staff looked at the impact to adjacent properties and the deck in relation to neighboring structures. There is a potential visual impact to the rear, but there is 80 feet between the two homes. The home at 11 Elkhorn may be more impacted. Some potential mitigation measures would be reducing the length or width of the deck. Regarding neighborhood scale, staff was concerned that the structure would be out of scale with the neighborhood. The mid level is the primary cause of the scale issue, but it is more than just a transition level. Staff suggests reducing the extension to just a landing and stairway and increasing the trellis material under the entire deck area and add climbing vines to soften the effect. Staff suggests a darker color for the deck. Staff recommends conditionally approving this with additional conditions to revise middle level, trellising, paint color darker and trellis landscaping.

Steve Murch, Architect, said the issues raised are not insurmountable. Regarding the surrounding properties, the neighbors are not opposing the project. Pulling the deck more towards the west really doesn't make an appreciable difference. The decks are designed with a purpose and the mid-level deck is for a hammock on a stand in the sunshine. It is also the transition between the upper and lower decks. It also makes the connection with the yard. They are considering a steel deck for this structure. They could reduce the middle deck by three feet and still have the intended uses. They are willing to do plantings, like oleanders and crawling vines. If a metal deck is chosen, it would have metal lattice. They agree that more contrast would be nice on the deck and they will look at a darker color. He passed out a sample of a medium to dark gray. If they go with a steel deck, the decking material would be a steel pan and a concrete pour.

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Commissioner Zwick said he is satisfied with the applicant's offer to bring the deck in three feet. He prefers the wood deck to the metal deck.

Commissioner Harle said he is happy to go along with this as it isn't impacting anyone, but it is an awfully big structure. He doesn't feel the understructure needs the metal mesh.

Commissioner House confirmed that the applicant is offering to reduce the deck by less than staff wanted.

Commissioner Wittenkeller said the offered three feet satisfy him. Regarding color, the darker the better. He doesn't mind a metal deck at all. Vines on the metal are fine as well.

M/s, Dowd/House, to approve Design Review to build a 1,413 square foot, multi-level deck to the rear of the existing house at 10 Tomahawk (A/P 117-264-11), reducing the mid-level by three feet. Ayes: All. Absent: Cronk, Israel.

Conditions of Approval:

1. That the request for Design Review be granted to build exterior decks in accordance with the plans date stamped July 16, 1998 received by the Town of San Anselmo Planning Department with the following revisions: a) Revise the mid-level deck to reduce three feet of length. b) Plans shall be revised to show trellising along the entire lower structural portion below the lower deck.
2. Paint color shall be revised to be darker as follows: a) non-reflective, medium gray, medium dark, or a combination of these colors, as approved by the Planning Director.
3. Trellising shall be planted with a climbing vine such as a Morning Glory (Ipomea), or other vine, or combination of vines, that will cover walls. When mature, vines shall cover at least the entire southerly half of the proposed understructure. Vine chosen shall be a type requiring minimum water. Vines shall be irrigated via an automated system. These landscape items shall be shown on the plans submitted for building permits and shall be installed prior to final inspection of the Building Inspector.
4. Applicant shall apply for and pay all appropriate fees for building permits, plan checks and inspections.
5. This permit and each condition contained herein shall be binding upon applicant and any transferor, or successor in interest.
6. If construction is not commenced within one year from the date of final action, the permit becomes null and void. However, this discretionary action may be renewed by the Planning Director for a maximum period of one (1) year provided the applicant places such a request in writing to the Planning Director showing good cause prior to the expiration of the discretionary action.

E. CONTINUED ITEMS

1. **PDP-9505/Parcel Split-9503/V-9549/DR-9525 - Carlos Castro, 444 Redwood Road, A/P 7-191-10**, 1) Land Division, Precise Development Plan, Density Determination, and Design Review to split an existing property currently developed with a single family residence in order to construct a new house; 2) a Variance to construct a retaining wall a total of 60' long along the uphill side of Redwood Road (within 0' of the property line) in order to widen Redwood Road to 15' of paving for fire safety reasons; and 4) remove one heritage tree (30" bay) on property located within the R-1-H Zoning District (above 150' mean sea level) (Staff person: Chaney) **CONTINUED TO 11/2/98**

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2. **SR-9802 – Beacon Gas, 750 Sir Francis Drake Boulevard, A/P 6-091-40**, sign review of two internally-illuminated signs (channel lettering) on both the East and West facing sides of the canopy over the fuel pumps (Staff person: Wight) **CONTINUED TO 11/2/98**

3. **V-9844 – Peter Horn and Lizellen LaFollette, 33 Echo Court, A/P 7-231-43**, a Variance to: 1) convert the existing garage to a family room and locate the uncovered two-car parking area within 0' of the front property line (20' required); and 2) to construct an 8.5' trellis structure within 0' of the front property line (20' required), on property located within the R-1 Zoning District (above 150' msl) (Staff person: Wight) **CONTINUED TO 11/2/98**

F. GENERAL DISCUSSION

G. REPORT OF UPCOMING APPEALS TO TOWN COUNCIL – Ms Chaney said the project at 122 Brookside Drive has been appealed to the Town Council.

**H. ADJOURNMENT TO MONDAY, OCTOBER 19, 1998.
M/s, Dowd/Zwick, to adjourn at 10:50 p.m.**

Debbie Stutsman