

**SAN ANSELMO PLANNING COMMISSION
MINUTES OF FEBRUARY 28, 2000**

CALL TO ORDER

Commissioners present: Chair Cronk, Commissioners Wittenkeller, Zwick, House and Jochum

Staff present: Planning Director Feagans and Senior Planner Wight

OPEN TIME FOR PUBLIC EXPRESSION

Chair Cronk welcomed David Jochum as the new planning commissioner.

WORKSHOP ITEM

Millennium Playground - Workshop to review the conceptual design plans for the proposed Millennium Playground. (Staff person: Nyberg)

Dean Nyberg, Parks Director, provided an overview of the proposed Millennium playground at Memorial Park. He explained that this idea started about two years ago when the Town went to the public and asked what they wanted in a playground. The plan was developed from these ideas. The playground will have a treated wood structure that is made of southern yellow pine. They are also using Trex for the decking surfaces, which is slip resistance. They want to incorporate a dinosaur theme and train theme. The construction for the playground will happen during a five-day period at the end of May. Bob Leathers and Associates, has designed and built over 1,600 community projects all over the United States in the past twenty year; eight of which are in the Bay Area. The amphitheater will be used for puppet shows, and they are also adding a water play area.

Jennifer Clark, chairperson, Millennium Playground, explained the overall plan and stated the committee is reaching out into the community. There are only two entries into the play area and the playground will be surrounded by a four-foot high fence. There will also be a haunted tower maze that will be the focal point of the playground.

Deborah Cichocki, Millennium Playground, stated they are using the California, State and National Codes.

Robert Guernsey 46 Elm Avenue, asked about the safety aspects of the playground, adding that the idea sounds wonderful.

Commissioner Wittenkeller stated that he is impressed and proud about the amount of community input and he wished them well.

Commissioner Jochum stated that he was impressed with the community input and how quickly this could be accomplished. As an aside, he commented that the graphics are hard to read and it would be more understandable if they were clearer.

Mr. Nyberg noted that they would have construction details within the next few weeks and will bring it back to the Commission at that time.

Chair Cronk stated that the project is wonderful and she fully supports it.

CONTINUED ITEMS

1. **V-9938/DR-9947 – William Johnson, 148 Oak Avenue, A/P 7-273-30 and 31, Design Review of a new single family dwelling; Height Variance for the garage, chimney, covered stair, and covered parking deck to be up to 39' above average grade (Code maximum: 35'); and Setback Variance requests: 1) for a driveway approach ramp and partially covered stairs to extend over the front property line (necessitating an encroachment permit from the Town Engineer) (Code: 20'); 2) for the garage and a trellis-covered parking deck to be within 0' of the front property line (Code: 20'); 3) for a covered entry deck to be within 8.5' of the front property line (Code: 20'); and 4) for main level living area to be within 5' of the front property line (Code: 20'), located within the R-1 Zoning District (Above 150' msl) (Staff person: Wight)CONTINUED TO 3-6-00**

CONSENT AGENDA

1. **Minutes – February 7, 2000**
2. **U-0004 – Bay View Bank – 305 San Anselmo Avenue, A/P 7-282-20, Use Permit to install 8 panel antennas 4' (length) x 6" (width). 4 antennas will be on the south elevation (Ross Avenue) and 4 antennas will be on the north elevation (Woodland Avenue) of the bank, located within the C-2 Zoning District. (Staff person: Feagans)**

Commissioner Zwick asked to remove Item E2 from the Consent for discussion.

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M/s House/Zwick, and unanimously passed (5-0), to approve minutes of January 18, 2000.

PUBLIC HEARING

- 1A. U-0004 – Bay View Bank – 305 San Anselmo Avenue, A/P 7-282-20, Use Permit to install 8 panel antennas 4' (length) x 6" (width). 4 antennas will be on the south elevation (Ross Avenue) and 4 antennas will be on the north elevation (Woodland Avenue) of the bank, located within the C-2 Zoning District. (Staff person: Feagans) (Taken from Consent)

As per the Ordinance, Commissioner Zwick wanted to make sure they maximize the number of vendors on a particular cell site to minimize the number of antennas.

Ms. Feagans responded that there are already some on that building and there is another application to add another one.

M/s Wittenkeller/Zwick, and unanimously passed (5-0), to approve the application based on the findings and conditions as set forth in the staff report.

Chair Cronk advised all parties of interest of the ten-day appeal period.

1. V-0001/DR-0001 – Elissa and Scott VanDeursen, 51 Foothill Road, A/P 7-053-19, Variance for a 0' front yard setback to construct a 192 square foot trellis above the parking deck within the required front yard (20' code requirement) and a variance to increase the maximum allowed FAR by 6% to add 391 square feet and add 276.5 square feet of deck area, on property located within the R-1 Zoning District (Staff person: Feagans)

Ms. Feagans presented the staff report.

Robert Guernsey, 46 Elm Avenue, is concerned about the drainage. He also wanted clarification on how far the new deck will come out. He does not have a problem with the new addition but does have a problem with the fence. He wants the fence repaired or replaced. He would also like the new fence moved to where it was originally discussed with the owner.

Wendy Possard, architect, stated they have agreed with the neighbor on a mutually agreed upon fence. They have also addressed the drainage issues. They wanted to make the proposed addition to the house to make the house more livable. They are only adding approximately 400 square feet to the house and they have full support from both the adjacent neighbors. They thought the trellis would be a softening aspect.

Commissioner Zwick asked if a structural and soils engineer have reviewed the plan.

Ms. Possard responded that they are working with John Hom and Berry Welliever. She knows that they will need some grade beams and there will be some seismic upgrade.

Commissioner Zwick said that when the engineer reviews the deck, the applicant should be advised that it would look a little different when constructed because of the structural requirements. Also, the neighbors are not opposed to the project but there are quite a few windows at the staircase. With regard to the proposed colors, he noted that he generally has a problem with light color trim. He is still not certain he can approve the additional square footage over the already exceeded FAR.

Commissioner House asked about the parking space that goes into the roadway. She was pleased however that there would be an additional parking space. She asked if the house could be seen from across the valley. In anticipation that it could be seen, she would like to see a dark green house with dark green trim so it would blend into the hillside. This color change could be reviewed at the staff level. It will be very important to require a drainage report and structural report required prior to issuance of the building permit. She noticed a lot of water runoff from Foothill to Elm Avenue. It also looks like it would be possible to put a door from the parking level into the top floor. That also could be reviewed at the staff level. The house is attractive for the limitations of the house.

Ms. Feagans responded that two parking spaces are in the right-of-way but Foothill Road is a very narrow street. She also noted that she did not view the project site from across the valley.

Commissioner Jochum stated that overall the project is a serious upgrade and he liked the idea that it will have a presence on the street. He was struck by how many windows are on the south elevations but he did not know the impact on those neighboring houses. However, when the other houses are upgraded, he felt they would be limited by windows because of the proposed windows at 51 Foothill. With regard to the underside of the deck, it will be quite visible from 46 Elm and should be looked at. He was not happy about the white trim but has no problems with the other proposed colors.

Commissioner Wittenkeller stated that he had concerns about drainage and structural issues. The colors are a personal preference and he has no objection with them because this is not a high profile site. The trellis softens the front façade and creates some shadow lines. The trellis is a de minimus variance and on that basis, he could approve it. The upgrade is within scale of the neighborhood and nicely done.

Commissioner Zwick wanted to know how this project would be addressed if this becomes a tear down. He said that if it becomes a tear down he would like to know that prior to the building stage so the Commission

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could re-evaluate it. He does not want to approve this project as a tear down but he could approve it as a remodel and small addition as presented.

Ms. Possard stated that they have a very thorough drainage study and thorough structural study. They are going to leave each floor. It will not become a tear down based on the information they have and besides the owners cannot afford to tear the house down. In terms of shear value, they are maintaining as much of the walls as possible.

Ms. Feagans commented that the Commission could continue the application until they get answers from the structural engineer about the building integrity.

Commissioner Zwick stated that he could support the application as presented and would leave it up to staff to get the information from the structural engineer prior to building permit issuance.

Scott Deursen, application, stated that they do have extensive information from Berry Welliever and the only thing lacking are the calculations.

Chair Cronk said she is in general agreement with what has been said. She does not have a problem with the proposed colors on this particular site but she would like a darker trim. The trellis is a nice addition and she could support the variance for it. The statements on drainage and structural issues are of concern to her. She concurred with Commissioner Zwick that she does not want to approve a tear down.

Commissioner Wittenkeller commented that the owners in good faith are proceeding in the right direction. If they find going into construction that there is severe termite damage, they should not have to be burdened with coming back to the Commission

Commissioner Zwick said that this type of situation does come up from time to time and is not precedent setting. The Town will see more and more requests for tear down in the future

Senior Planner Wight stated that 39 Belle Avenue was a remodel but became a tear down. It had to come back before the Planning Commission for a parking variance because it was then viewed as a new dwelling.

In response to a question from Chair Cronk, Ms. Feagans stated that without having any structural work done, this project is a remodel. Both the building inspector and plan checker are aware that if more than 50% is remodeled, it would require a complete upgrade to all the codes. If it gets close to that, she could have them advise the planning staff.

M/s House/Wittenkeller, and unanimously passed (5-0), to approve the application based on the findings and conditions as set forth by the staff report. Findings for approval of the variance for the trellis are based on the fact that the trellis is de minimus and it adds articulation to the façade and it is not a detriment to the neighborhood. An additional condition of approval is that the applicant provide structural calculations and geotechnical information prior to the time of building permit submittal.

2. **V-0003 – Richard and Diane Redmond, 47 Magnolia Avenue, A/P 7-213-15, setback variance to install a hot tub within 3' of the rear property line and within 2' of the southeast side property line (Code setback: 8' from rear and side property lines) on property located within the R-1 Zoning District. (Staff person: Wight)**

Ms. Wight presented the staff report.

Joyce Warnsman, manager of the apartment building at 55 Magnolia Avenue, said the hot tub is in the best location to so as not to negatively impact her building but she is concerned about the motor and excessive noise. She did speak to the applicant about the noise and was told they would place the motor in the tub away from her building.

Richard Redmond, applicant, stated that they would have to place the hot tub in the center of their lot without the variance and that would be very visible to their neighbors. The hot tub is 6 ½' in diameter with the motor built in. If it makes sense to do so, they will face the motor towards the bamboo side for additional baffling but they will still need to have access to the motor. The hot tub against the carport it would help mitigate the noise.

Commissioner Wittenkeller stated that if the filter system could be operated during the day, it would mitigate the noise to the neighbors.

Eleanor Mann stated her father is a tenant in the apartment building and she wanted to make sure lighting would not be an issue.

Mr. Redmond responded that there is no lighting plan.

M/s House/Zwick, and unanimously passed (5-0), to approve the application based on the findings and conditions as set forth in the staff report.

Chair Cronk advised all parties of interest of the ten day appeal period.

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3. **DR-0005 – Scott and Anne Scherr, 241 The Alameda, A/P 5-052-05, Design Review of a 494 square foot second story addition, located within the R-1 Zoning District. (Staff person: Wight)**

Ms. Wight presented the staff report.

Rick Rushton, architect representing the applicant, stated the first plan shadowed the neighbor's property by 6' so they changed the gable and also lowered the plate height to 6'6". The windows have actually been eliminated in the bathroom but have added a skylight.

Linda Roberts, 288 Butterfield Road, brought photographs that indicated the current impact of the neighbor's house from her house. She said she would never have bought her home if she knew there was going to be a second story. This will affect her light and the addition is in the area that would significantly affect her because she spends so much time during the day in that area. She works at home. The addition would affect her privacy, even if there were no bathroom windows facing her. She currently sees their roofline and there are also a lot of trees that make it dark now.

Mr. Rushton explained how the addition would affect the neighbor, noting that it would only be an additional 12 inches from what currently exists.

Anna Scherr, applicant, stated that she is sorry for any bad feelings. She would like to think they made a good faith effort to take her neighbor into consideration. They are starting with the roofline to make the addition and have changed the gable because of the shade/shadow study. There were a bunch of privets that they cut down, which was a benefit to the previous owner because it let more light in. She does not feel the addition would unreasonably impact the neighbor.

Commissioner House stated that the property owner has a right to build and this addition is being done without any variances and the property owners have done what they could to minimize the impact to the neighbor and the shadow study indicates that. It is unfortunate that one neighbor would not be happy.

Commissioner Jochum stated that he has not seen this house recently and is unclear of the configuration of the neighbor's house in relation to the applicant's property. His main problem with the presentation is that there are not new elevations submitted by the applicant. He does not have a problem overall on how he perceives the project.

Mr. Rushton provided the new elevations for the Commission's review.

Commissioner Wittenkeller said that this is a difficult one because he tries to be very responsive to the neighbors concerns. There is a certain legal right to build a second story and they have moved it as far away from the neighbor as possible and changed the roof angle. From the neighbor's point of view, they may not be a shadow issue but she will see a blank wall of a building. That cannot be eliminated all together without having a second floor all together.

Commissioner Zwick said that the applicants have put a lot of effort into making a difficult situation respected. He is in favor of the project.

Chair Cronk said that she is sympathetic about losing any sky outside her windows but the applicant's have done everything they can to minimize the impact. She is hopeful the trees will serve to soften the house for most of the year. For the property rights given the applicant, and the mitigations that have been done, the design is well done and she is in support of the project.

M/s Zwic/House, and unanimously passed (5-0), to approve the application based on the findings and conditions as set forth in the staff report.

Chair Cronk advised all parties of interest of the ten-day appeal period.

GENERAL DISCUSSION

Commissioner House said that she would like to talk about the information she received from Councilmember Kilkus regarding green sustainability codes.

Commissioner Zwick said there is a group in Palo Alto working on this through the building code process and it might be worth getting their data.

Commissioner Wittenkeller said there is an opportunity to add to a checklist. It should include landscaping with drip irrigation and deciduous landscaping on the south side of the house. In addition, he would like to see the Commission encourage, but not require it. He sees it more of an educational opportunity but we need to be cautious on how it is administered.

Commissioner Zwick said there is a building code that requires permeable surface based on permeability subject to flood. There is a handout that was prepared by MCSTOP that should be given to applicants.

REPORT OF UPCOMING APPEALS TO TOWN COUNCIL

No appeals at this time.

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ADJOURNMENT TO MONDAY, March 6, 2000

The meeting was adjourned at 9:15 p.m.

BARBARA CHAMBERS