

**SAN ANSELMO PLANNING COMMISSION
MINUTES OF SEPTEMBER 18, 2000**

ROLL CALL

Commissioner's Present: Vice-Chair House, Commissioners Jochum, Wittenkeller and Zwick
Commissioners Absent: Commissioner Couture
Staff Present: Senior Planner Wight, Planning Technician Chambers

CONTINUED ITEMS

1. **DR-0028 – Frank Gobar, 120 Ross Valley, A/P 6-212-26, Design Review to add a 2,262 square foot two-story addition to an existing 1,197 square single story house, on property located within the R-1 Zoning District. (above 150 msl) (Staff: Feagans) CONTINUED TO 10/2/00**
2. **U-0005/V-0018/DR-0022 – Henry Foulk, 30 Carlson Court, A/P 5-062-72 – Design Review and Use Permit request, and side yard setback variance to construct a two-car garage with a second unit above. The structure is proposed to be within 4' of the rear property line (20' required) and 6' of the side property line (8' required) in the R-1 Zoning District. (Staff: Feagans) CONTINUED TO 10/2/00**
3. **DR-0022/U-0006 – Alaris Group, 1509 Sir Francis Drake Boulevard, A/P 5-153-03, Use permit to install three wireless panel antennas to be mounted and concealed within a false chimney with a maximum width of 2'-6" and maximum height of 28'-11" above grade. The equipment will be housed inside the main building. The project site is within the R-2 Zoning District. (Staff: Feagans) CONTINUED 10/2/00**
4. **ER-0002/V-0019/DR-0021 – Ned MacDonald, 14 and 20 Greenfield Avenue, A/P 6-251-07 and 08, environmental review, demolition of an existing building at 14 Greenfield Avenue, construction of a new office building, with potential to be used for retail, install new site utilities, install landscaping, install paving as required for parking, construct new sidewalk/curb. 330 Sir Francis Drake Boulevard, (Tam Building), A/P 6-251-04 and 06: construct raised parking deck and ramp. Application includes a proposal to transfer title of the two public easements, one on Greenfield Avenue, and one on Smith Lane. The existing Tam Building is 9,500 square feet and the building floor area of the new building will be 18,430 square feet, necessitating a total of 62 on-site parking spaces. Planning applications include design review, and parking variance for some of those spaces to be in tandem and some to be substandard in size, and to have a total of 59 spaces, on property located within the C-3 (General Commercial) Zoning District. (Staff: Wight) CONTINUED TO 10/2/00**
5. **ER-0003/PS-0001/V/PDP-0001/DR-0029 - Tommy Kennedy, Between 41 and 43 Tomahawk Drive, A/P 177-250-31, environmental review (Negative Declaration), parcel split (with a street frontage exception as access will be over an easement), precise development plan, and design review of a single family dwelling, on property located within the R-1 (above 150 msl) zoning district. (Staff: Wight) CONTINUED TO 10/2/00**
6. **DR-0031 – B. J. Acker and J. L. Hitta, 49 Canyon Road, AP7-064-17, design review of a 75 square foot uncovered deck on the top floor of the east side of the dwelling, and the addition of a California-framed roof over the existing dormer on the north side of the existing roof, on property located within the R-1 Zoning District (above 150 msl). (Staff: Wight) CONTINUED TO THE MEETING OF 10/2/00**
7. **V-0027 – Rob and Judi Evans, 58 Madrone, A/P 6-082-25, side and rear yard setback variance to allow a 190 square foot addition to the existing single story house. Proposed setbacks are 17'-3" rear yard (20 feet required); 3'-6" interior side) yard (8 feet required) and 4'-0" street side yard (12' required), on property located within the R-1 Zoning District. (Staff: Feagans) CONTINUED TO 10/2/00**

CONSENT AGENDA

1. Minutes – September 5, 2000 – Continued to 10/2/00

PUBLIC HEARING

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1. **V-0028 – Anne and Larry Butti, 49 Belle Avenue, A/P 7-302-02, side yard setback variance to construct a 315 square foot garage within 10" of the side property line (8' required), on property located within the R-1 Zoning District. (Staff: Feagans)**

Ms. Chambers presented the Staff Report.

Commissioner Zwick stated that he could approve the rebuilding of the garage in the proposed location and concurs with the Staff Report that there is no need for the entire length of the garage except that it would allow for some additional storage.

Commissioner Wittenkeller stated that he can support the garage in the proposed location with the proposed size because it is just rebuilding of a structure that was previously in the same location and that they are demolishing the current garage.

Commissioner Jochum stated that he could support the application as proposed.

Vice Chair House stated that she could also support the application as proposed, noting that the structure is set back quite far from the front of the property and the adjacent neighbors do not oppose the project.

M/s Wittenkeller/Jochum, and unanimously passed (4-0), to approve the application as proposed based on the findings that the storage area is of a diminutive nature and is being located behind the garage that was existing. This approval is based on the Conditions as listed in the Staff Report (Delete Condition 1).

2. **V-0029/DR-0032 – Bob and Maureen Sena, 137 Humboldt, A/P 7-033-21, setback variances: to construct a lattice screen up to 8' above grade on a landing within 6' of the north side property line (Code setback: 8' if higher than 6'); a gate up to 8' above grade within 7' of the front property line (Code setback: 20' if higher than 6')(Foothill Road is the shortest street frontage, so it is considered the front property line); and to construct a fence up to 8'9" within 0' of the south side property line; design review amendment to change the exterior colors; design review amendment to the landscape plan: terraced retaining walls, uncovered decks, stairs, screens, trellises, fences and gates, and plantings; and review of a conceptual proposal for a future design review amendment to the dwelling: living area additions: a 70 square foot terrace level infill of an enclosed, but unimproved, floor; a 145 square foot mid-level addition to replace an existing uncovered deck, and a 145 square foot upper level addition to replace an existing uncovered deck; on property located within the R-1 Zoning District (above 150' msl). (Staff: Wight)**

Ms. Wight presented the Staff Report.

Bob Sena, applicant, stated that they have read the Staff Report and wanted to note that the edge around the windows is white vinyl. They would like to come back with a range of colors for the deck. The walls on the Foothill side are in large part, replacing walls that are crumbling. They have a range of drainage issues that they would like to fix. The wall on Foothill is a total of 6' in height. They have sixteen neighbors that support the project. They would like to maintain a woodland setting and would use drip irrigation. The plants in the front are Japanese maple, Dogwood and Bougainvillea. The bays were removed because they fell.

Dan Grinell, attorney for Mrs. Fritz, the owner of 139 Humboldt, presented a letter from five neighbors who were opposed to the application. Mrs. Fritz's deck was very well screened by the bay trees. The same thing happened to the bushy tree in the rear of the property. The tree was pruned and then it was determined that the tree was unsafe and was removed. Prior to last week, in return for moving the fence during Ms. Fritz's occupancy, the Senas would keep the two cypress trees and allow the redwood trees to grow up that were planted by Ms. Fritz. The devastation to her view caused by the loss of the bay trees, now make the cypress trees critical for the privacy of his client. As a condition, he would want the cypress trees to remain at least until the redwood trees are tall enough to provide the necessary privacy. One of the few conditions of approval in 1994 state that the siding shall be of a natural wood. On behalf of his client, he is asking that the deed restriction be kept in place. His client would also like to take the plans to an architect for review so they want a continuance of the project.

Ms. Fritz, 139 Humboldt, presented photographs that were taken from various places on her lot.

Commissioner Wittenkeller stated he noticed that there is dense vegetation beyond the trees. He asked what the species of trees were. Ms. Fritz responded that the density is the result of the redwoods that she planted. There is also one cypress on her property. The crowns of all the trees are what create the greenery.

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Leslie Simmons, landscape architect representing the applicant, stated the change of material of the building is for a future proposal and not part of this project. She felt that 10 years was a little long to keep the cypress trees and she would rather see it stated that until the redwood trees can be used as a screen, but not place a specific time frame on the trees. The owners are very concerned about fire safety.

Mr. Sena responded that they did not want to cut the bay trees but it was necessary for safety. They did get a permit from the town. They loved the trees and yet they still had a great view from their dining room. Regarding the proposed expansion for the family room – it is literally on top of his bedroom and Ms. Fritz can not see it at all. The other one is on top of the deck and they can only see the lower portion of her deck. The enclosed deck would provide less of a view of her property. He would prefer that the Commission review the project and not wait until the neighbor has her architect review the project. The site plan clearly shows that the property line was different than the fence line when the property was developed by Norman Charles. The siding is curling and water is getting underneath it. They are proposing to put up a wood like vinyl siding and paint it, with Planning Commission approval.

Ms. Fritz said that she wants an architect to look at the plans because she did not have an architect during the construction of the house and was not knowledgeable about what was being proposed and she wants to make sure that there is nothing done that would be detrimental to her. She stated that when the Senas first moved in they stripped the bottom portion of the bay trees up to the canopies.

Mr. Sena stated that the deck is of redwood. The bays were trimmed up to 20' and thinned by an arborist. Unfortunately the trees were diseased. In addition, the trees had dirt around the base of the trees.

Ms. Wight stated that whether it is a wood fence, or screening of trees, there is a 6' height maximum. If the trees become so dense that they are considered a fence, they would either be required to be thinned out or remove some of the trees.

With regard to the additions, Ms. Wight stated that the additions are just conceptual and the applicants want the Commission's input on it. She was not aware of any color change.

Commissioner Wittenkeller said he does not have a clear recommendation from Staff therefore it is difficult for him to make a recommendation. He suggests the neighbors and applicant get together and work out a compromise. He does not feel comfortable taking action tonight. He is not swayed by the fact that the trees were planted on someone else's property. However, it would be a goodwill gesture to keep the cypress for a period of time. However, if the Sena's trees are removed, it would allow for more rapid growth and they would achieve a better screen. Regarding the native materials, there is no ordinance that would dictate that they require native plantings. He has no problem with the proposed landscaping that is being proposed by a design professional to create a woodland setting.

Commissioner Zwick asked about the replacement value of bays that was approved by the Commission when the house was constructed. Mr. Sena responded that they are planting at least twice as many trees as have been removed.

In response to Commissioner Jochum, Mr. Sena stated that he is proposing to remove the conifers and Ms. Fritz can remove any part of the tree that is on her property.

Commissioner Jochum stated that he has seen similar trees that have tried to compete with each other for sunlight and it stunts their growth.

Commissioner Zwick had nothing further to add.

Vice Chair House said that nicely landscaped trees and shrubs would be better than what is there now. She concurs that the project should be continued to allow the applicant and neighbor time to talk to one another. She does not want to discuss the future conceptual deck or color changes at this time.

Commissioner Zwick said stated that if Commissioner Wittenkeller has no problem with the non-native plantings then he would be okay with it.

Ms. Simmons stated that they wanted to get the permit for the retaining walls because they have already started the excavation. The decks are just conceptual and prior to the owners spending more money, they wanted the Commission's input.

Commissioner Wittenkeller stated that he would be willing to move forward on the retaining walls and continue the rest of the application.

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Commissioner Jochum stated that the only contention is the two trees. He suggested approving the project with the continuation of a decision on the cypress trees.

Commissioner Zwick said he could partially approve the project and was agreeable that the owners working with the neighbor regarding the trees.

M/s Jochum/Wittenkeller, and unanimously passed (4-0), to approve the variance and design review of the landscape improvements based on the following:

Setback Variance Findings:

1. *Due to special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the controlling zoning ordinance deprives the property of privileges enjoyed by other property in the vicinity and under an identical zoning classification, and the granting of the variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated:*

The variance is not a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in that other properties have the same type of outdoor structures.

2. *The granting of the variance, under the circumstances of the particular case will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the property or improvements in such neighborhood.*

The lattice and gate would not constitute a detriment to the neighborhood and would not impact any view and would improve screening.

Design Review Findings

- *Design review amendment to the landscape plan;*
1. *Is functionally and aesthetically compatible with the existing improvements and the natural elements in the surrounding area;*
Is located on the property and it would improve the rear yard from surrounding properties and the street below.
 2. *Provides for protection against noise, odors, and other factors, which may make the environment less desirable;*
NA.
 3. *Will not tend to cause the surrounding area to depreciate materially in appearance or value or otherwise discourage occupancy, investment or orderly development in such area;*
The landscaping improvements would improve the appearance or value of the surrounding neighborhood.
 4. *Will not create unnecessary traffic hazards due to congestion, distraction of motorists, or other factors and provides for satisfactory access by emergency vehicles and personnel;*
NA.
 5. *Will not adversely affect the health or safety of persons using the improvement or endanger property located in the surrounding area.*
The landscape would not adversely affect the health or safety of persons using the improvement in that it would be an enhancement to the property.

M/s Jochum/Wittenkeller, and unanimously passed (4-0), to continue the discussion about the exterior materials and colors and the two cedar trees on the south side to the meeting of October 16, 2000, in order to allow the applicant to communicate with the southerly neighbor regarding the trees.

3. **V-0030/DR-0033 – Bruce and Kelly Krill, 1640 San Anselmo Avenue, A/P 5-191-23, setback variance:** to construct a 1,086 square foot first story addition within 6' of the northwest side property line (Code setback: 8')(this will necessitate removal of an existing shed, mudroom, and bathroom); design review and setback variance to construct a 649 square foot second story addition within 6' of the northwest side property line (Code setback: 8'); and setback variances to construct a 420 square foot garage within 6' of the northwest side property line and within 12.5' of the rear property line (Code setbacks: 8' side; 20' rear), on property located within the R-1 Zoning District. (Staff: Wight)

Ms. Wight presented the staff report. She noted that the property owner of 1644 San Anselmo Avenue presented a letter to staff tonight, stating her concerns of the project.

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Bruce Krill, applicant stated their house is small and they are planning to have a family. It was logical to replace the mudroom and a shed on the property.

In response to Commissioner Wittenkeller, Mr. Krill said they want the six-foot side yard setback because it makes the garage usable without having to go to a 5:12 pitch roof. It would also be easier for them to access the shared driveway if they were allowed the 6' side yard setback. In addition, they want to level out the grade along the driveway to allow for a turnaround.

Jim Grove, 1 Mono Lane, said that they share the driveway with the applicants. The applicants have worked with them to make the space between the two properties usable. They attempted to work with the other neighbors but unfortunately have not been able to do that with the Cox's.

Janet Grove, 1 Mono Lane, stated that she can support the application and noted that they Krills are great neighbors and they are only asking for a small addition so they can start a family.

Commissioner Zwick asked about the 24" valley oak. Ms. Wight stated that the landscape architect has indicated that there would be no significant affect on the root system.

Commissioner Wittenkeller said the oak would probably go into a slow decline. You can get fairly close on one side but he does not think this tree would make it.

Commissioner Zwick stated he likes the idea of the proposal but he is concerned about protection of the valley oak and would like to see a way to preserve it. There is a whole spectrum of what arborists will say and there is no perfect answer. He would like to see some fenestration of the building but could generally support it with the preservation of the tree. He is concerned about protection of the valley oak and would like to see a way to preserve it.

Commissioner Wittenkeller said that if the addition were a slab on grade it would be a death sentence. If they could bridge the structure with grade beams and then provided moisture to the tree roots, the roots would have a change for survival. If the proposed deck percolates water, it would be okay to replace the deck.

Commissioner Jochum agreed that he liked the basic design ideas but he would like to see it defined and would like to see a section detail. He said that he designed a project around six large oaks and gave them a wide berth, such that they were just about out of the dripline and they still lost one. He would have to be convinced about the necessity of the extra two feet for the side yard variance.

Vice-Chair House stated that maybe the applicant could come up with a creative way to protect the tree. She would like to include a clause that stated they could extend the pavement where it is gravel to where it becomes edge of pavement on San Anselmo Avenue. She would also like to see the deck be of permeable material.

Commissioner Zwick said that the property owner of 1644 San Anselmo Avenue has indicated in her letter that her cottage is one foot from the property line. He would like the applicant to have the drawings reflect the actual distance. He would also encourage the applicant to speak to the neighbor.

Commissioner Wittenkeller stated his concerns are the oak tree and the side yard setback. That is a very long stretch of building that would be outside of the setback.

Commissioner Zwick said he would like a second arborist's opinion about the impact of this construction on the oak because he wants them to keep the tree.

Armando Solano, friend of the applicants, explained the reasons for the 6' side yard setback. They tried to keep as far away from the oak tree and that is the reason for the side yard setback for the addition. The garage was pushed over to the 6' setback as well because of the driveway easement and the need for a turnaround. There is no way they can stay out of the drip line but perhaps they can build on peer and grade beams and get an arborist report to indicate how to protect the tree. Also, this is the best location on the lot for the addition. They wanted to preserve the front of the property for their outdoor space.

Commissioner Jochum stated that the chosen site is probably a good decision. He agrees that the front is the most pleasant area for outdoor space. He is not convinced about the extra 2' on the side, noting that the bathroom inside the entry doesn't have to be there and a car can easily turn in a 24' space.

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Mr. Solano said that he has been convinced about the 8' setback for the garage as long as it is acceptable to the neighbors.

M/s Zwick/Wittenkeller, and unanimously passed (4-0), to continue the application to the meeting of November 6, 2000 to allow the applicant to obtain a second arborist's opinion to come up with a methodology on how to preserve the tree.

GENERAL DISCUSSION


Election of Chair and Vice Chair of the Planning Commission (due to the Chair's term having expired)

M/s Zwick/Wittenkeller, and unanimously passed, to appoint Judy House as Chair and David Jochum as Vice Chair.

REPORT OF UPCOMING APPEALS TO TOWN COUNCIL

ADJOURNMENT TO MONDAY, OCTOBER 2, 2000

The meeting was adjourned at 9:25.


BARBARA CHAMBERS