

**SAN ANSELMO PLANNING COMMISSION
MEETING OF JUNE 4, 2001**

CALL TO ORDER

Commissioners' Present: Chair House, Commissioners Jochum, Wittenkeller, Harris, Zwick and Morita

Staff Present: Acting Planning Direct Wight, Planning Technician Chambers

OPEN TIME FOR PUBLIC EXPRESSION

A member of the audience stated that he was concerned that MTBE contained in gasoline will pollute the San Anselmo Creek and asked the Commission to contact their legislatures to remove MTBE from gasoline.

Mary Cone 349 Redwood Road, wanted the Commission to know that debris from the current development at 289 Redwood Road has been left at the end of her road and it is very unsightly.

Ms. Wight stated she did receive a response from the Dwyers, owners of the property and provided a copy for the Commission.

CONSENT AGENDA

1. **Minutes – May 21, 2001**

2. **V-0119 – Barry Murrin, 129 Oak Knoll Avenue, APN 5-151-06 a 16'-10" front yard variance to construct a 1st floor porch and 2nd floor balcony (Code requires 20'), and a 3'8" side yard variance to construct a 1st floor porch and 2nd floor balcony (Code requires 8'), located within the R-1 Zoning District. (Staff person: Chambers)**

Minutes – May 21, 2001

M/s Wittenkeller/Harris, and passed (5-0-1 Abstain: Jochum)

129 Oak Knoll Avenue

Commissioner Zwick recused himself.

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

Chair House advised all parties of interest of the ten day appeal period to the Town Council.

PUBLIC HEARING

1. **DR-0122 – Java Rama Café, 546 San Anselmo Avenue, APN 6-102-31, design review of a metal fence to surround an outdoor eating area on the Town alley (an encroachment permit will be required), which includes plantings on the alley, located within the C-2 Zoning District. (Staff person: Wight)**

Ms. Wight presented the staff report.

In response to a question by the Commission, Mr. Ganey, applicant, stated that the clearance is anywhere from 4'9" and 5'. It is the narrowest at the San Anselmo end. They want the planters there to make the maximum area for passage. There will be 5 tables, 24" by 24" square; chairs will be plastic and benches will be metal. Tables will look like marble with a black base and the chairs will be green. They are proposing two chairs per table. He would not want to be restricted to the two chairs per table however.

Commissioner Morita stated that the planters take up extra space and suggested a planter box at each end of the tables and add the trellis against the wall of the adjacent business, this would define the area without restricting the walk area. There could then be a low standing sign that says to please walk your bike. This would let people know that it is still public space. She also suggested a light on the sign at night.

Mr. Ganey stated that he wants something fairly defined. He has had experience with outdoor tables in his other restaurant in Mill Valley. If the tables were against the wall, there would be additional walkway space. He would still like the planters there as proposed. He has no objection to putting up a sign for people to walk their bike and there are two lights there now. He also has no objection to pushing the tables against the wall, which would add a few inches to the walkway

Commissioner Wittenkeller stated that if the tables were against the wall, with a chair on either side, there would be plenty of room to enclose each table with planters, with approximately a 3' clearance

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for customers and the customers would walk into the walkway and then to their table. That would be a more efficient use of the space and would not restrict the walkway.

Mr. Ganey stated that they could test this but did not know how it would work.

Ms. Wight stated that it could be accomplished if the round planter in between the rectangular planters are removed and the tables are against the building. Mr. Ganey stated that he would be willing to test this out and if it does not work, come back to the Commission.

David Wolf, Bicycle Task Force, stated that this alleyway is a bicycle route and the major fork in San Anselmo. There are very few alternatives to the HUB. The Bank Street crossing is the only safe crossing. This alley is too narrow and adding tables would not be a good idea. There have been chairs out there in the past and they have taken up the entire alley. He does not feel the tables would be regulated.

Ms. Wight stated that by putting the tables against the wall would allow for a 7' wide walkway.

Commissioner Wittenkeller stated the bicycle plan is significant however, if there were 7' clearance he would be willing to try it if the tables are against the wall and the planters against the tables.

Commissioner Zwick stated that he is not comfortable with the plan as proposed. The drawings are somewhat crude and not very clear. He would like the Town Attorney to look at this proposal from a liability standpoint, particularly if bicyclists drive by the outdoor diners. The planters as drawn are 24" high and 8" wide and he is not sure how they would be anchored. As drawn they will top over. He would like to see a more detailed plan of the proposal.

Ms. Wight stated that the width is 6.75' at the narrowest dimension at the San Anselmo Street side.

Commissioner Jochum stated that he can support a 2' planter with a couple of tables but he did not feel there was adequate dimension to do what is proposed now.

Commissioner Harris stated that he liked Commissioner Wittenkeller's solution with regard to circulation. He appreciates the concern by the public about the public right-of-way. He is not sure what makes this proposal any different than Bubba's. He would support this on a test run. It would be a good idea however, to get a better idea of what the planters would look like.

Chair House stated that she was comfortable with tables being further out and would like something to help slow the bicyclists down. She could support two tables and planters and if it is okay, increase them. She does not feel there is a need for additional drawings.

Ms. Wight noted that the business was allowed outdoor dining in the alley in 1995 and the Council supported this approval.

Mr. Ganey added that he is before the Commission to ask for planters, not tables. The alley has only been used originally as a walkway and now it is used as a bicycle thoroughfare. He feels the bicyclists are unsafe. If he cannot have the tables, it will hurt his business. He would like the Town to work with him.

Commissioner Jochum stated that he would grant approval on a trial basis with the approved 4 tables.

Commissioner Morita suggested a 3 months trial period.

M/s Harris/Wittenkeller, and passed (5-1 Noes: Zwick), to approve the application based on the findings and conditions as set forth in the staff report; and modified as follows: 4: 24"x24" tables placed against the wall with two chairs per table and the rectangular planter shall be up against the tables such that entry to the tables is via the alley, and the alley has a minimum width clearance of 6'6". The location of the planters shall be reviewed within 3 months after they are installed; and the Town Attorney shall review the legal issues regarding the use of public property.

Chair House advised all parties of the ten day appeal period to the Town Council.

2. DR-0126 –Scott and Gina Webster, 20 Myrtle Lane, APN 7-161-20, flatland design review of a new, two story 2,366 square foot dwelling and 375 square foot garage, in conjunction with the demolition of the existing dwelling and garage, located within the R-1 Zoning District. (Staff person: Faw)

Ms. Wight presented the staff report.

Scott Webster, applicant, said they have looked at other ways of doing this project in terms of saving the structure. This was originally a small cottage and the additions that were previously done to the house were not very good. They do not want to negatively impact the community at all.

Chair House had questions about the location of the story poles in the front, noting that if the front of the house is as high as the story poles indicate, she cannot vote for the project. Ms. Webster stated that the house does step back and it is not as tall as the story poles indicate.

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Jim Lewis, 16 Myrtle, stated that he does not disagree with the plan however he will view a two-story shear wall from his kitchen window and it would impact his light. He will also lose his view of the street. He asked if the structure could be moved farther to the rear. Also, some windows will look down into his living room window and wanted that addressed.

Commissioner Wittenkeller said it is curious that the owner has not talked to the neighbor about the project. There may be a way to mitigate some of the neighbors concerns. The building will look great and will fit nicely within the neighborhood but the applicant should speak to the neighbors about the project.

Commissioner Morita said the plans are beautiful but she could not support the project because of the extreme impact that she senses this will have.

Commissioner Jochum said he has not had the opportunity of looking at the story poles, but the proposed design is great.

Commissioner Zwick said he is always worried when the FAR is 70% but he can be swayed by nice projects. Since the owners have not met with the neighbors, he would like that to happen. He noted that the new house looks to be a bit further away from the current house.

Chair House said she would like to see the story poles moved to reflect the mass as viewed from the street.

Commissioner Zwick added a model would really help the Commission understand the project. In addition a story pole diagram would be beneficial.

Commissioner Morita said she would also like to see the adjacent property footprints.

Commissioner Harris stated that he also was concerned about the story poles but after reviewing the plans, it ameliorates the story poles.

Ms. Wight suggested the story poles be placed at the corners of the building and the roof peak.

Commissioner Harris asked for clarification on the height of the attic at the rear of the house.

M/s Wittenkeller/Jochum and unanimously passed (6-0), to continue the application to the meeting of June 18, 2001.

- 3. V-0122/DR-0125 – Steven and Alexandra Wines, 132 Brookmead Court, APN 5-131-08, flatland design review to extend the dwelling within 6' of the east side property line and a setback variance to extend the dwelling within 3'1" of the east side property line, located within the R-1 Zoning District. (Staff person: Wight)**

Ms. Wight presented the staff report.

Alex and Steve Wines, applicants stated that they went through many options. They wanted to keep it a one story and wanted to keep the roof height as low as possible for the neighbor. The lot does taper from 50' to 40'. There are four neighbors who support the project. Most houses on this street have 6' setbacks.

The applicant's architect stated that one big concern was the west side of the building but the extension is very low and they tried not to impact their neighbor.

David Turner, 128 Brookmead Court, stated that his kitchen window would be impacted. When he initially talked with the applicants the height of the roof was 11' and now the plans say 16'. This will block all their eastern sky view. Aside from moving the vents, perhaps it might be possible to lower the roof height.

Commissioner Wittenkeller felt that the neighbors would not see the peak.

Ms. Wines stated that the ridgeline that is existing would continue to the backyard.

Mary Jane Baird, 127 Brookmead Court, is not concerned because she cannot see them but she wonders if this encroachment will start a trend in the neighborhood by setting a precedent of allowing side yards to encroach 3' to the property line.

Commissioner Zwick said they are trying to be sensitive to the neighbor but does not think it will have a major impact to their kitchen window. There is a large lot and there may be other possibilities for expansion.

Commissioner Harris said the finding for the variances is because the lot tapers and there are also other homes that are in the setback. He shares the concern with a precedent but this is a minor encroachment. The distance where the kitchen bumps out and the house on Roble Court are

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substantial. If there is a story pole placed where the addition is for the concerned neighbor, it might help neighborly relations.

Commissioner Wittenkeller stated that he favors this project. He does not think it will be as bad as the neighbor thinks but there will be an effect. Generally they have tried to keep the building away from the neighbor. Each lot is unique and variances are unique to each lot and shall have to stand on its own merit.

Commissioner Jochum said he was not able to evaluate the project and get to the site and is therefore unable to make a decision on this project.

Ms. Wines stated that the new ridge would not exceed the kitchen roof height.

Commissioner Morita stated that because there is a question on view impacts, she would like to have story poles erected to see definitively what views may be lost.

Chair House said she would be able to support the variance because the encroachment is de minimus.

M/s Wittenkeller/Harris and unanimously passed (6-0), to continue the application to the meeting of 6/18 to allow the applicant to put up story poles.

4. **V-0123/DR-0127 – Gigi and Gene Phillips, 13 Carlson Avenue**, APN 5-062-05, request for a 38% floor area ratio (Code: 35%) and design review to add a 406 square feet kitchen/dining room extension and bedroom located at the rear of the house, located within the R-1 Zoning District (above 150' msl). (Staff person: Chambers)

Chair House recused herself.

Ms. Chambers presented the staff report.

Gigi Philips, applicant, said the dining room is too small to accommodate a family at the table. She noted that they are only subject to the FAR variance due to the small potting shed/storage/play room structure and their house is small.

Clay Thongnopneua, representing his mother at 9 Carlson Avenue, said the neighboring dwelling is located at a higher elevation and the applicants are able to look over their property and view his sister's bedroom and the bathroom. They would like to have a story pole erected and have more time to take this to someone to review. They enjoy their rear yard and this extension may create a claustrophobic feeling.

Commissioner Zwick inquired whether there has been any contact with the applicant, to which Mr. Thongnopneua said no, he only received a copy of the plan from the architect.

Commissioner Wittenkeller noted the addition is only one story, to which Mr. Thongnopneua said he understands.

Barbara Jereb, said she and her husband, Brian Ross, 3 Rancho Drive, are not directly affected, but do support the project largely because it is another improvement to the neighborhood. They added a second story and had a lot of support, and want to continue to see the neighborhood flourish – it has a warm feeling and it is a great place to live.

Ms. Chambers distributed letters from neighboring property owners of 20 Carlson Avenue and 1 Rancho Drive.

Peggy Thongnopneua, 9 Carlson Avenue, said those neighbors are not affected; it only affects us.

Gene Philips, from Millbrae and a part owner of the Mount Tam Racquet Club, father-in-law of Gigi Philips, said it is ridiculous to think people can look into their house. One window looks out to the front of the house, and the greenhouse window is too high to look at the neighboring dwelling. He said he has never looked at the neighboring dwelling, and has been in that house 300-400 times over the years.

Laurie Sanborn, Kentfield, long-time friend of the Thongnopneuas, said the applicant's house does sit above the Thongnopneuas.

Clay Thongnopneua said it is just a feeling that the Philips are in their house and their windows look down on us, even though he is sure they are not looking.

Gigi Philips said their entire addition would still not reach the rear wall of the Thongnopneua's house.

Commissioner Wittenkeller suggested the window on that wall be a clear story window, to which Ms. Philips advised the light and view is important.

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Commissioner Morita questioned whether landscaping would help the neighbor's concerns, to which Ms. Philips said she could only suggest a tall plant, but that might degrade the neighbor's retaining wall. Ms. Philips said they would view the Thongnopneua's roof.

Commissioner Zwick suggested the architect show the outlines of the neighboring homes on the site plan. He asked the applicant to do some work as well because he did receive the proper notice, to which Commissioner Morita agreed. Commissioner Zwick suggested landscaping might also be a reasonable solution. He suggested to the Thongnopneuas that this project would not be as bad as they think.

Commissioner Wittenkeller referred to the photograph, one which shows that from the existing garden window, one views the roof and solid board fence, and in addition, would need to stand up on a chair at that window to get a view into the neighboring house. He is able to support the project as presented tonight.

Commissioner Harris agreed with Commissioner Zwick for a two-week continuance, however, he suspects he will support the project.

Commissioner Jochum said he must abstain because he did not receive a packet. He suggested the house be outlined on the site plan and a section through the site from the window of the neighbor's bedroom below through the fence and to the neighboring dwelling.

In response to Planner Chambers's request from the neighbor for story poles, it was agreed they would not be necessary.

To the neighbors, Commissioner Harris suggested they come up with some ideas.

M/S Harris/Zwick, and passed (4-1 Abstain: Jochum), to continue the application to June 18, 2001.

Chair House returned to the dais.

GENERAL DISCUSSION

REPORT OF UPCOMING APPEALS TO TOWN COUNCIL

Kragen has been appealed.

ADJOURNMENT TO MONDAY, June 18, 2001

The meeting was adjourned at 9:30 p.m.

BARBARA CHAMBERS