

**SAN ANSELMO PLANNING COMMISSION  
MINUTES OF MARCH 5, 2001**

**CALL TO ORDER**

**Commissioners Present:** Chair House, Vice Chair Jochum, Commissioners Couture, and Zwick

**Commissioners absent:** Wittenkeller

**Staff Present:** Senior Planner Wight, Planning Technician Chambers

**OPEN TIME FOR PUBLIC EXPRESSION**

Chair House stated that tonight is Scott Couture's last night on the Commission and wanted to thank him for his time on the Commission.

**CONTINUED ITEMS**

1. **V-0105/DR-0107 – John Vantress, 72 Nokomis, APN 6-073-08, Design Review to raise the existing house and add a 1,100 square foot addition underneath. Side yard setback variance to construct a 1-car garage within 2 feet of the side property line; and a front yard variance setback to allow the second parking space to be within 11 feet of the front property line (Code: 20' required), located within the R-1 Zoning District. (Staff person: Feagans) CONTINUED OFF CALENDAR**
2. **U-0104/V0109/DR-0111 - Fred and Elaine LeDrew, 45 Suffield Avenue, APN 5-121-11, use permit for a second living unit; design review of a 461 square foot second story addition (second unit); setback variance for uncovered stairs to be within 4' of the west side property line; parking variance for the third required parking space to be within 0' of the front and west side property lines, on property located within the R-1 Zoning District. (Staff person: Wight) CONTINUED TO MARCH 19, 2001**
3. **V-0111/DR-0114 – Ernest A. Giono, 1624 San Anselmo Avenue, APN 5-191-17, design review and variance request to: 1) build a new 1,243 square foot, two story house within 6' of the northerly side property line (8' required) and 9'10" of the southerly side property line (12' required); 2) a variance for 1 parking space (2: 9'x19' required), to be located within 2'6" of the side yard and 18' of the rear yard setback; located within the R-1 Zoning District. (Staff person: Feagans) CONTINUED TO MARCH 19, 2001**

**CONSENT AGENDA**

1. **Minutes – February 20, 2001**

M/s Jochum/ Couture, and unanimously passed (4-0) as amended, to approve the minutes as amended.

**PUBLIC HEARING**

1. **DR-0110/V-0106 - Keith Platte and Leslie Grizzel, 44 Bennett Avenue, APN – 5-092-20, Design Review to add a 1,104 square foot addition to an existing 1,541 square foot house. Variance to have two tandem parking spaces within 0' of the front property line (1 space will encroach by 4' into the public right-of-way) (Code: required 3 spaces), and for a retaining wall up to 7' in height within 0' of the front yard setback (3' maximum allowed by code); and to encroach into the public right-of-way, (Staff person: Feagans)**

The Commission waived reading of the staff report.

David Tucker, Architect, stated that at the previous meeting the Commission asked the applicant to consider a third parking space within the right-of-way. He said that the plan before the Commission tonight incorporates the third space, which would also require a substantial retaining wall.

Commissioner Jochum noted that the uphill retaining wall is being splayed and the downhill retaining wall is at a 90-degree angle. He asked if the retaining wall was just clearing the corner of the property line. Mr. Tucker affirmed.

Commissioner Jochum noted that the plan as proposed, would require a person to back onto the space if they were to park legally. Mr. Tucker affirmed.

Commissioner Zwick said that at the last meeting there was some discussion about the neighbor across the street who might or might not be able to get out of their driveway if the on-street parking space was occupied.

Mr. Tucker responded that it does remain a problem. When the neighbor comes out of his parking space he needs to use a portion of the proposed parking space to get out and turn around. The retaining wall, or any car parked in the proposed parking space, would prohibit the neighbor from getting out. Although not a planning issue, the applicant has been given a figure of \$25,000 to

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\$30,000 as an estimate to build the retaining wall for the extra parking space. It seems to be an imperfect solution to obtain one car parking, which would be in the right-of-way.

Chair House closed the public hearing.

Commissioner Couture stated that the house is fine as designed. The additional parking space looks fine and will work well but he is a little tossed as to whether or not this is necessary. It is costly and will require more excavation and also cause environmental damage to build. He is leaning towards approve without the third parking space.

Commissioner Zwick said if this was a smaller addition he would be less inclined to require the third parking space. But this could be precedent setting by not requiring adequate parking with such a large addition. He acknowledged that this would however, be an imposition to the person across the street who will have difficulty getting out of their parking space. He would vote for the project with the on-street parking space, but if they do not want the parking space, then the project should be reduced by the one bedroom.

Commissioner Jochum said he did not believe the parking space and retaining wall would prohibit the neighbor from getting out of his driveway, it will be a three-point turn rather than driving straight out. While he would like to see it work as easy as possible for the neighbor, he feels it is necessary to take into account what is best for the neighborhood in terms of another on-street parking space and also keep the road as wide as possible for emergency access. The fact that the second space is a tandem spot and is somewhat substandard would tend to create more cars parking on the street rather than off street. He therefore is in favor of requiring the third parking space. He questioned the cost of the retaining wall as stipulated by the architect, noting that he felt the price should be considerably less. He is fine with the addition and it does not cause any material damage to the neighborhood.

Mr. Tucker reminded the Commission that at the last meeting the applicant indicated that they would remove the partition between the two bedrooms so they are not increasing the bedrooms. If the Commission is requiring the third parking space, the applicants would like the right to put the partition in if they sell the house.

Chair House stated that this is a substantial addition and the road is small and narrow. She is hoping the retaining wall will not be as costly as was estimated but she feels there is a need to require the third parking space for the reasons as stated by her fellow commissioners.

Commissioner Couture said that if the Commission requires the third parking space, he felt the applicant's should be permitted to put in the partition between the bedrooms.

Commissioner Zwick commented that he always looked at it with the partition in and is still inclined to approve it that way.

M/s Zwick/Couture, and unanimously passed (4-0) to approve the application based on the findings and conditions as set forth in the staff report; and with amended conditions as follows: to require the third parking space in the town right-of-way as shown on the plan date stamped February 13, 2001; and that the partition between the two bedrooms may remain.

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

- 2. DR-0115 Sal Lucania, 100 Florence Avenue, APN 7-011-27, design review of a 598 square foot second story addition and 2 decks that measure 25.5 square feet and 67.5 square feet in size, located within the R-1 Zoning District. (Staff person: Feagans)**

The Commission waived reading of the staff report.

Patrick Cousens, architect representing the applicant, stated that they are in agreement with the staff report. With regard to the findings for approval to health and safety, he stated that this is a single-family residence, has historically been, and will remain so. The project is designed to provide privacy for the owner. They are adding a master suite with bath and closet and the views are oriented to the south and in the area located on the lot with the greatest setback toward the front yard. It has no windows facing east. The space that faces to the north and the east, where neighbor's backyards are and where they are concerned about privacy, would be a closet and a bathroom. The bathroom has small oval windows that are set high and designed to respect privacy. There is a set of French doors that are going to be frosted. As a whole, this design really completes the building. It allows the house to step down in a manner that makes it a better design than before. The owners have also been resigned to living in the house with the low ceilings but it became apparent during construction that the roof was over spanned and would have to be reconstructed. Since it had to be reconstructed, when they added the master bedroom over the ceiling it was appropriate to modify the ceiling. There are some other minor changes to the original approval such as the position of the chimney and the French doors. There have been modifications to the windows.

Chair House called for a ten minute break at 7:35 p.m.

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The meeting was reconvened at 7:50 p.m.

Commissioner Zwick asked the architect to explain the series of additions on the property. Mr. Cousens explained the history on the various permits.

Commissioner Zwick asked for a clarification on the framing for the stairs that lead to the master bedroom. Mr. Cousens explained.

Commissioner Jochum stated that it appears the landing for the stairs to the master bedroom would then be the floor level of the new addition. Mr. Cousins affirmed.

Commissioner Zwick commented that if they were not originally intending to build the master bedroom suite, why would they build extra risers going up to the landing? Mr. Cousens responded that the stairs were re-configured to adjust for the new master bedroom.

The Commission asked for a review of the previously approved floor plans and compared them to what is before the Commission.

The contractor representing the applicant stated that it is the landing that is 7 1/2" tall with a riser. They put it in with the anticipation of getting approval. If it is not approved, they will take it back out.

Commissioner Zwick stated that permits should be obtained first.

William Clough, attorney representing the applicant, stated that the applicants are 18-year residents of this house and they are very sensitive to the concerns of the neighbors. They have signed, and intent to honor a use clause, that they intend to use this as a single-family residence.

Robert Parfet, 95 Oak Knoll Avenue, said he lives directly behind the applicant. He questions some of the dimensions. The staff report indicates this is 47 feet from the adjacent property line when in fact the drawings indicate they are 12' from his property. Also the addition looks right down into his yard. Cumulatively, this would give a second story of almost 1,600 square foot addition over a several step process. This addition would wipe out his views from his deck and this project is way beyond any respect for his light and air. He did not object to the original proposal but this is just too much and will wipe out his view of the hills.

Keith Anderson, 5 Pastori, stated that this is distressing to have a picture window looking into his bedroom. He met with Mr. Divine a year ago and the architect stated at that time the owners had big plans for their addition. Looking at the structure from Pastori, the structure is screened but it will not be after this addition is built. He pleaded with the Commission not to approve any balconies, or French doors. He noted that he had letters from some of his neighbors who also object to the addition.

Ms. Wight noted that staff has also received two letters of opposition from neighbors that were placed on the dais. In addition staff was given a written letter from Mr. Anderson tonight, which includes two letters he wrote in opposition of previous projects.

Mr. Clough stated that the trees have been planted and no vegetation will be removed. In fact, the vegetation will continue to grow.

Mr. Cousens clarified the 47' distance refers to a different area on the site. He noted that there are no variances requested.

Mrs. Lucania, applicant, stated that the trees they planted are privets and they will continue to grow. She is not able to see into the neighbor at 95 Oak Knoll and can see into only one yard, and all the neighbors on her cul de sac have approved it.

Mark Fromm, 77 Oak Knoll Avenue, stated that he has been in Mr. Brubacker's house and the applicant's house does look very large and boxy. He is sympathetic with the neighbors that are negatively impacted.

Barbara Shindlus, 16 Pastori, stated that in the past, all neighbors have worked together with their additions. This applicant has not worked with the neighborhood.

Mr. Clough responded that the applicants have spoken to the neighbors on the cul-de-sac and this is a single-family neighborhood and the addition will have no negative impact on traffic.

Chair House closed the public hearing.

Commissioner Couture said he was not able to get inside the property however, the appearance is that this is a planned expansion and the house keeps getting bigger and bigger. The house is in contrast with the neighborhood and appears large in the neighborhood. It would appear that the largest impact would be to the residents of Oak Knoll and Pastori and those people have a lot of problems with the project.

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Commissioner Jochum said that according to the staff report, the total living area would be 3,632 square feet with this addition. The drawings state 3,753 square feet, but leaves out the 845 square foot basement, which means a total of 4,478 square feet. He understands the Commission does not count FAR but it is 52.7% FAR. This is a large house for the site. As far as the contractor starting the stairs to the new proposed master bedroom prior to Planning Commission approval, that doesn't really bother him because the bedroom addition would have had to come before the Commission for review. He thought the design was very interesting. When he visited the house and stood in the area of the new French door, the door would be guarded by heavy vegetation and the neighbors would not see it. The window next to it probably has a clear view down into 5 Pastori. The new French doors by the new master bath would loom over 5 Pastori. He has no objection with the small window in the closet but would have a problem with the balcony and the door and what that does to the neighbor in the rear. The addition is set back on the property in a reasonable fashion and if it did not have such view impact on the neighbors he would be able to support it.

Commissioner Zwick stated that there is information that leads him to believe that they are proceeding prior to approval. This design, even when it was approved before, barely met the land use goals of the General Plan regarding integration into the neighborhood in a harmonious manner, therefore he can not support the project.

Chair House stated that she likes the current project better than the previous project because it better integrates the two elements. However, the addition will add to the already large house. The French doors will be frosted but there would be decks that people could walk on, which would be privacy issues for the neighbors. She is concerned about the neighbor's impact on Oak Knoll and Pastori.

M/s Zwick/Couture, and unanimously passed (4-0) to deny the application for the following reasons:

- 1) *Will not unreasonably impair access to light and air of structures on neighboring properties.*

This addition will have an adverse impact on the light and air because of the configuration of the house on the lot and size of the house.

- 2) *Will not unreasonably affect the privacy of neighboring properties.*

This addition will have an adverse impact on the privacy of neighboring properties because of the configuration of the house on the lot and the size of the house.

- 3) *Will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not be materially detrimental to the public welfare or injurious to property or improvements in such neighborhood.*

This project does not meet the Land Use Goals of the General Plan that states "New development shall be integrated harmoniously into in San Anselmo's existing neighborhoods and commercial areas".

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

3. **V-0108/DR-0113 – Pam and Matt Morton, 412 Greenfield Avenue, APN 6-213-04, third story variance to construct a 784 square foot unexcavated lower area, a 780 square foot main story addition, and a 615 square foot upper story addition; design review of a 784 square foot lower area; 780 square foot main story and 615 square foot upper story additions within 5' of the east side property line, located within the R-1 Zoning District. (Staff person: Wight)**

Ms. Wight presented the staff report.

Chair House opened the public hearing.

Gail Napel, architect representing the applicant, presented a model and photographs of the site and the streetscape and provided an overview of the project. She was not aware when they first applied for the addition that it would constitute a third story. They were notified later that they would need to apply for the variance.

Ms. Napel explained that they did not want the addition to have an impact to the street side. Their goal was to minimize the impact to the neighborhood and it seemed reasonable to add the addition in the rear. That is why they felt the design was reasonable to the client and the neighborhood.

Pam Morton, applicant, stated that their overall goal was to increase the size of their house to meet the needs of their family and allow them to stay in San Anselmo. They asked their architect to meet all the zoning requirements if it could be done. She noted that her house is probably the smallest house in the neighborhood, although they have a very large backyard. Many houses have second units. She realizes that her friend Lynn is impacted the most and would be amenable to listening to what can be done to mitigate her concerns.

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Lynn Carmichael, 416 Greenfield, stated that her house is a single story bungalow and she is most concerned about her light being diminished from her window. Her biggest concern however, is that the addition would tower over her house. There is only a distance of 10' between the houses. She would like to see the third story disappear.

Ms. Morton remarked that there is only one window that would be impacted at Ms. Carmichael's house.

Chair House closed the public hearing.

Commissioner Zwick commented that the Commission many times can support the 5' to 8' side yard setback, especially in the old part of San Anselmo where the setbacks are very narrow and the lots are small. On this lot however, there are options. With some redesign the applicant can integrate the front and the back. The huge size of the backyard would provide flexibility to build to the rear. He suggested a redesign for a two-story house with the retaining wall in the back.

Commissioner Jochum stated that he agreed with Commissioner Zwick. He does not see a compelling reason to grant the variance for the side yard. He would be hard pressed to grant a single story structure with the 5' setback. He would not be able to grant the second story either. The unfortunate effects on the adjacent house would be more than the neighbor realizes. It will affect all three windows that face the applicant's property. The design should be stepped down to the lower level and the masses should be integrated (new and old) so it does not look like two houses. He has no problem with the project from the streetscape or the neighbors across the street. It would also impact the neighbors to the east as well as to the south.

Couture stated he concurred with the Comments of Commissioner Zwick and Jochum with regard to the design. Integrating the two forms together would help. He noted that although there are other two story buildings in the neighborhood, the photograph of the streetscape provided by the applicant indicates how different two story buildings can be to the streetscape. Maybe the second story, if pushed away from the side yard where it has a large impact on the neighbor next door, but even if the second story were integrated with the roof the dormers would pop out and it would bring the building down to scale. The cooperation is there with the neighbors and the applicant

Chair House stated that the new windows do not blend with the old windows. She wanted to hear what the other Commissioners thought. Also, what did the Commission think about the hardi-plank? She was struck with how tall the building would be and how large the addition was with only a one-car garage. She asked staff to comment as to whether the Commission could require a two-car garage.

In response to Chair House, Ms. Wight explained that the zoning ordinance does not require a person to have covered parking and in this situation, does not require two-car parking within the required setbacks; one car can be in tandem.

Commissioner Couture said he was not sure a two-car garage would make it a more appealing presence on the street. The windows need to be integrated with regard to rhythm, bulk and style, which would bring the building down to a smaller scale.

Commissioner Zwick stated hardi shake looks like it will be harder to detail but has positive attributes regarding sustainability and better for the environment.

Chair House stated that she was pleased not to see the addition from the street but it will impact the neighbor next door. The addition also looks like two separate structures and she would like the roofline to be lowered.

Ms. Morton stated that they were trying to control costs. She asked if the Commission was asking them to reduce the side yard setback. Also, would they still be able to get the same amount of square footage or is the Commission asking for a reduction in size?

Commissioner Jochum stated that he could not see himself approving the side yard setback variance. He had no problem with the square footage but he is concerned about the massing.

Commissioner Zwick stated he would have a difficult time approving the design review because he would not be able to make the findings for light and air and would therefore like them to meet the setbacks. There are also design factors that would help the addition as stated previously.

Ms. Napel stated that her concern is that they would like to have a two story addition, and they do not want to get to the third story level. She would be happy to meet with staff on that.

Commissioner Zwick stated that he would like to see the location of the windows relative to the neighbor's windows at the next meeting.

M/s Couture/Zwick, and unanimously passed to continue the application to the meeting of 4/2/01.

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**GENERAL DISCUSSION**

Dean Jones – Bennitt Avenue, stated that he was here to hear the 44 Bennitt application. He questioned the 8' lava rock retaining wall. He would have liked to see a little more effort made in the design and with vegetation to screen the wall. He was also interested in knowing how the town's construction hours could be changed.

Chair House explained that the application had been approved but there is a ten-day appeal period to the Town Council. The applicant might also want to speak directly with the applicant to work out some landscaping screening.

With regard to construction hours, Ms. Wight stated that the Town Council has an open time for public expression at each meeting and they meet twice a month. The matter could be brought before the Council.

**REPORT OF UPCOMING APPEALS TO TOWN COUNCIL**

None at this time.

**ADJOURNMENT TO MONDAY, MARCH 19, 2001**

The meeting was adjourned at 9:50 p.m.

**BARBARA CHAMBERS**