

**SAN ANSELMO PLANNING COMMISSION
MINUTES OF SEPTEMBER 16, 2002**

CALL TO ORDER

Commissioners present: Chair Jochum, Vice Chair Harris, Commissioners Fernandez, House, Sisich, Zwick

Commissioners absent: Wittenkeller

OPEN TIME FOR PUBLIC EXPRESSION

None

CONTINUED PUBLIC HEARINGS

1. ER-0202/PS-0201/PDP-0203/DR-0231 - Stonecraft, LLC, 531 and 535 Oak Avenue (located between 541 and 565 Oak Avenue), A/P 7-201-15, environmental review, parcel split, precise development plan (including amendment to previously-approved building envelopes and driveway location), and design review, for two new single family dwellings: No. 531: two-story, 3,985 square foot dwelling and 495 square foot garage, and decks; No. 535: three-story, 4,480 square foot dwelling, 825 square foot garage, 170 square foot pool house, and decks, on property located in the R-1 H zoning district (Residential, Hillside Density). (Staff person: Wight) **CONTINUED TO OCTOBER 7, 2002**

PUBLIC HEARING ITEMS

WITHDRAWN

1. ER-0201/UP-0206/DR-0216 - Hunter House Foundation, Michael Barber, 19 Ross Avenue, APN 007-284-48 (property extends between Ross and Mariposa Avenues (between Nos. 15 and 23 Ross Avenue and between Nos. 8 and 18 Mariposa Avenue): environmental review, rezoning to Specific Planned Development for a total residential density of 12 living units (2: market rate, 2: at or below 50% median, 4 at or below 60% median, and 4 at or below 80% median), and design review of two 3,854 square foot, two-story new dwelling structures (6 units each) with access from both Mariposa and Ross Avenues. The existing structures are proposed to be removed from the property, located within the C-2 Zoning District. (Staff person: Wight)

CONSENT AGENDA

2. MINUTES -- September 3, 2002
3. V-0237 and DR-0230 - Robbin McDonald and Steven Conway, 10 Humboldt Avenue, A/P 7-021-09, rear yard and south side yard variances to replace a one-car garage with a two-car garage within 0' of the rear property line and within 5' of the south side property line; and a rear yard variance and design review to construct a 750 square foot second story addition within 12' of the rear property line, on property located within the R-1 zoning district (rear property line fronts on Vista Lane). (Staff person: Wight)
4. V-0238 -- Richard and Laura Townsley, 88 Elm Avenue, APN 007-054-03, variance to remove the existing flat roof of the garage and replace it with a 5:12 pitch roof, increasing the height by 4' within 4' of the side property line (Code: 8') and 18' of the front property line (Code: 20') on property located within the R-1 zoning district. (Staff person: Chambers)

M/s House/Fernandez, and unanimously passed (4-0) to approve the consent agenda with Harris abstaining on Minutes. Chair Jochum advised all parties of interest of the ten-day appeal period.

REGULAR AGENDA

5. V-0232 - Roger Machson, 59 Grove Lane, APN 007-162-39, variance to build a 213 square foot accessory structure with a maximum height of 8'-6" within 4'-2" of the rear property line (Code: 20') and 5'-2" from the east side property line (Code: 8'), and variance to possibly add a fence up to 9' in height at the side and rear property line, located within the R-1 Zoning District. (Staff person: Chambers)

Planner Chambers presented the report, noting the applicant was directed to consider lattice screening on top of the existing fence and talk to his neighbors. The architect has advised that the vines described in the staff report are no longer proposed, which the architect will discuss.

Scott Couture, architect, presented the project, and pointed out the number of existing structures on neighboring properties which do not conform to the Code setbacks, and either are grandfathered or obtained variances, including 44 and 48 San Rafael Avenue, 51 Grove Lane, 101 and 115 Madrone Avenue. The best solution to screen the small amount of visible shed is to use

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the same cedar shingle siding and dark green trim to match the dwelling and have the existing pittosporum on the neighboring property of 44 San Rafael to grow in height. He believes the new shed will be less visible than the former. Lattice with vines would result in more visible building material until the vines grow, and will eventually need to be cut back. Regarding No. 44's letter requesting mitigations to alleviate their concerns, they have agreed to the siding and trim; the trellis and vines are not a good solution; nor is planting a 10' tall Japanese Maple in the neighbor's yard, monitoring irrigation, and hedge growth. The new shed is fairly typical of what would be expected by the Planning Commission: a dilapidated structure has been reduced by half, it's been moved slightly further from the property lines, kept it tucked under the existing tree canopy, and the owner is going to finish the structure to match the house. Other locations conforming to the setbacks would make it more visible from neighboring properties. This unusually shaped lot does not have a garage and a storage building is necessary.

Commissioner House said she is most concerned about the back of the shed and suggested some tall screening, e.g., privets. Mr. Couture said there is only a small space between the shed and the fence, and he feels painting the trim green will reduce the visual impact, which is already less than the visual impact of the old shed.

In response to Commissioner Sisich, Mr. Couture stated the neighbor's garage is taller, larger, and painted powder blue with white trim and there is no screening.

Danny Krebs, 48 San Rafael Avenue, said they were disappointed that this is their tact because he approached the applicant four weeks ago and suggested a lattice on the fence, and he never responded back to the neighbors. He does not believe the architect has visited his property to view the structure, so he is unsure how Mr. Couture can determine the impact.

Jaime Krebs, 48 San Rafael Avenue, echoed her husband, as did Kim. Silva, 44 San Rafael Avenue.

Director Bell noted that lattice on top of a fence requires a height variance, which has not been requested by the applicant, and thus cannot be considered at this time.

Mr. Couture said his understanding is that they did indeed meet on Saturday and agreed to two trees.

Commissioner House believes the project should be conditioned on lattice and dark green trim, to which Commissioner Sisich agreed.

Mr. Couture said the applicant would agree to lattice. Mr. Machson said he originally agreed to put lattice behind the shed, then the neighbors changed their minds: one wanted the fence torn down and rebuilt with lattice, one wanted lattice on both fences, approximately a 100' length. He will still do what he agreed to originally.

At the suggestion of Commissioner Harris, the neighbors and applicant recessed to discuss the matter until the following application has been heard.

M/S House, Harris, to trail the application to the end of the 269 Redwood Road hearing. Motion passed unanimously.

6. DR-0229 - Ken Harth, 269 Redwood Road, APN 07-097-04 design review of an approximate 1200 sf addition to a single family dwelling, construction of a 400 sf garage, conversion of an existing 800+ sf garage, and construction of exterior decks of approximately 300 sf. (Staff person: Bell)

Director Bell presented the staff report. Condition 16 should be prior to issuance of building permit a deed restriction shall be required for colors and landscaping.

Fred Divine, architect representing the applicant, said they have agreed to cut the tree per the Fire Department requirements. They are also in agreement with an easement with regard to landscaping requirements from Mr. and Mrs. Bell. They have modified some of the shrubs as shown on the new proposed landscape plan. They have no problems with all issues about the road. The Barsky's agree the roadway will need to be kept up. Regarding views, they went to Scenic, and the house can be seen, primarily the upper part of the existing house but trees will be added to screen the addition. They are removing the existing chimney. Regarding the size, when the land was added to this parcel, the purpose was to add on and still not compromise the existing woods. The house is 4,700 square feet plus 400 square feet for the garage. They are under the FAR and are not asking for variances.

Mr. Bell said that he would rather stick with his condition rather than approve the new revised landscape plan without having reviewed it closer.

David Lacy, 249 Redwood Road, can support some of the new recommendations but wants to be clear that there is no heavy excavation during the winter months.

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Mr. Bell responded that the Public Works Department would not permit it during the winter months unless there are emergency conditions.

Mary Cone, 349 Redwood Road, was concerned about drainage runoff, the road and the open space area, but it seems like they have been addressed. She noted that the required easement is not part of the condition of approval.

David Bell, 10 Fernwood Drive, was happy to say that it looks like there is an agreement in concept for screening.

Stephanie Fine, 249 Redwood Road, said that as part of the Bald Hill Plan she thought there was a requirement for a road payment. She wants the construction debris to be kept in the garage. She is still concerned about drainage issues for the downhill neighbors.

Mr. Bell said there is nothing in the Bald Hill Plan that talks about additions, only new dwellings. The Public Works Director however will require roadway improvements or a deposit if there is damage to the road.

Jonathan Braun, 479 Scenic, is happy to see six new trees to the plan but not knowing what kind of trees is his concern. They need to be evergreen - fir or redwood and would like the Commission to give some direction to the applicant.

Mr. Divine said the drainage would be improved at the driveway.

Commissioner Harris said the Commission has not had the benefit of looking at the new landscaping plan so he leaves it up to staff to make a suggestion. Otherwise he would agree to a deed restriction for colors and landscaping as well as other conditions in the staff report. He would like to see screening take place on that side of the property.

Mr. Bell said Condition 6C would cover the additional plans without being rigid.

Commissioner Fernandez will concur with staff recommendations of approval.

Commissioner Sisich said he could go with the staff report.

Commissioner House said she could support the project as proposed with conditions.

Chair Jochum wants 6C reworded to include ". large evergreen screening trees..."

Mr. Bell suggested including it in 6A: species shall be "evergreen"

The Commission wanted the neighbors to be able to view the modified landscape plan prior to approval by the Planning Director.

M/s House/Harris and unanimously passed (4-0) to approve the project based on the findings and conditions as set forth in the staff report and amended as follows: 6C. "Landscape species may be modified to encourage native species and increase screening as determined by Town Planning Staff" and 16. "Prior to the issuance of a building permit, a deed restriction shall be provided to the Planning Department assuring perpetual maintenance of the exterior colors, materials, and landscaping in a form acceptable to the Town".

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

59 Grove Lane was opened again for discussion.

Mr. Couture said he looks at the lattice as not a great solution but letting the existing hedge to grow and plant a new Japanese maple should address No. 44's concerns. Regarding No. 48, we have basically agreed to disagree and look to the Commission for a determination. No. 48 wants the lattice to run the length of the fence, and the applicant has agreed to lattice on just that part of the fence near the shed and to plant an evergreen tree on the neighbor's property, and agrees to the color palette discussed earlier.

Kim Silva, 44 San Rafael Avenue, said they agree to the pittosporum hedge growing, but if it does not grow, she questioned whether it could be reconsidered at that time. Chair Jochum advised that something would grow there.

Planner Chambers said it might be in the neighbors' best interest to have the hedge grow, as it would provide more privacy for her pool.

In response to Chair Jochum's inquiry, Mr. Krebs advised it would not be as attractive to only have the lattice in the area of the shed. In response to Commissioner Harris' inquiry whether the neighbor would share the lattice cost and whether he wanted a tree, Mr. Krebs advised cost is not a problem for the applicant and that his wife is not thrilled with the tree idea.

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In response to Chair Jochum's inquiry, the applicant advised he and his wife do not like the look of lattice and if it continues along the entire length of the fence, he will have to view it and the property will appear "walled in." Chair Jochum suggested there are hundreds of lattice designs that could be used rather than pre-fab Yardbird's lattice. He suggested the applicant carefully consider the neighbor's request since he built the shed without prior approval.

Commissioner House said she would support a stepped-down lattice design.

Commissioner Harris suggested continuing this hearing for staff to make a decision, to which Planner Chambers said this cannot be heard administratively.

Mr. Couture advised that Mr. Krebs and the applicant have agreed to a "stepped down design." Mr. Krebs said he would "look at a design."

Director Bell offered possible variance findings for a fence to exceed 6' in height.

M/S House, Fernandez, and passed (3-1 Noes: Harris) to approve the application based on the staff report and conditions and with additional conditions: and conditions and with additional conditions: 1) delete condition No. 2 in staff report; 2) lattice extension shall be added to the entire rear fence, beginning at the intersection of the fence with the side property line of no 44 San Rafael Avenue and rear property line of 48 San Rafael and running approximately 50' until it changes direction to the side property line of 48 San Rafael Avenue. The lattice height shall be up to 9' from grade immediately behind the shed to provide screening of the shed from the owners of 48 San Rafael Avenue and then can be of a stepped down design. 3) the shed shall be cedar siding with dark green trim Findings for approval are: (a) Special circumstances are the existing heavy shading prevents adequate vegetation for screening of the structure therefore the fence height variance is justified. The shed has been substantially reduced from the originally non-conforming shed and is in the same proximity and therefore it is a right of the owner has enjoyed and the owner is improving a safety hazard that existed on this property. (b) The shed will conform to Town building codes and will not present a health or safety violation. Further, the raising of the existing fence to 9' will not materially affect the health or safety of the persons residing or working in the neighborhood of the property.

Commissioner Harris questioned whether there was a height limit for the hedge on No. 44, to which staff advised there is a 6' height limit for a solid hedge.

Motion passed unanimously. Audience advised of the 10-day appeal period.

7. Interpretation of SAMC 10-3.607 & 10-3.1701 - Keith W. Marsh, 32 Sir Francis Drake Blvd, APN 006-191-17 regarding alteration of existing non-conforming uses and improvements in conjunction with applicant's request to improve an existing structure. (Staff person: Chambers)

Planner Chambers said it is her understanding that the applicant feels it is a structural need to do this work, and, therefore, if the Commission does not support that proposal, it would be necessary to appeal the Commission's decision to the Council.

In response to Commissioner Harris' question of whether it is repairing, replacing, or altering, Ms. Chambers said that part of the project would be considered a structural alteration. Commissioner House added that when the Code was written, the intent was that if structural repairs are necessary, then a use permit for a nonconforming unit would be required.

Keith Marsh, applicant, advised he wants to replace the interior bearing wall below, replace the slab, and replace the existing closet as it was Mickey-Moused in years ago and permits the entry of pests. In response to Chair Jochum, he would like to enclose the closet below, which does not seem like a structural alteration. Commissioner Harris said it might be considered an enlargement or extension.

Planner Chambers said the reason this is before the Commission is because the building permit application includes structural alterations to a building with a nonconforming use. The Code defines "structural alteration" as: "Any change in the supporting members of a building, including, but not limited to . . . girders, floor joists, . . . or roof rafters. . No existing building shall be enlarged, extended, reconstructed, or structurally altered . . ." The nonconforming use is the second unit. Mr. Marsh has indicated he is not interested in obtaining a use permit for his second unit. She quoted the Code related to maintenance work on non-conforming uses.

Chair Jochum stated that the slab is not related to the second unit, so he has no problem, as it would be considered "maintenance", as well as the small portion of the footing. However, if the closet work and bearing wall down the middle are "structural work", then our hands are tied.

M/S House, Fernandez, to deny the applicant's appeal of the Planning Director's decision because the work will involve structural alterations or reconstruction, specifically, the interior bearing wall and the support system of the closet.

Motion carried: AYES: Fernandez, House, Jochum

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NOES: Sisich
ABSTAIN: Harris

Applicant was advised of the 10-day appeal period.

The applicant feels the ordinance is not in the best interests of the Town.

8. **V-0239 – Tim and Pilar Maas, 110 Calumet Avenue, APN – 006-071-04**, variance to construct a spa within 3' of the side property line (Code: 8') and a variance to construct a guestroom addition of 216 square feet within 5' of the side property line (Code: 8'), on property located within the R-1 zoning district. (Staff person: Bell)

Planning Director Bell presented the staff report.

Tim Maas, applicant, advised that the house is inadequate in size to accommodate his extended family. They looked at adding a second story but that was cost prohibited. They then looked at a single story one bedroom extension but it does not work based on the interior floor plan. They then looked at the old dilapidated barn that was built pre-World War II. They were inspired to replace the barn into a bedroom with a small deck and patio area. They have no interest in harming the oak tree. They have talked to the neighbors and they are supportive of the project. They do not want to go 8' from the side yard due to the neighbor's bedroom window and it would impact their view of Mt. Tam and their southern exposure. They have talked to their arborist, and he concurred that they would have to be very careful during construction. The structural engineer has a way of placing grade beams, which will not disturb the tree. If they moved the structure, they would have to re-landscape.

Commissioner Harris asked if they considered alternative locations in the rear yard and away from the tree. Mr. Maas responded they talked about angling the structure, but it blocks the yard and there are other heritage trees and they are restricted by the 15' setback from top of creek bank.

Chair Jochum said the architect/structural engineer states in his letter that there is no need for the foundation to penetrate the surface by more than a few inches. As an architect he has never seen that done and therefore discounts the letter. He would like to see a structural system to support the structure and have that plan discussed with the arborist to see if there would be disturbance to the tree.

Commissioner Sisich said he would have trouble supporting the project because there are other locations to place the structure.

Commissioner House supports the staff report. It makes sense to place the structure where it is being proposed but the tree would be jeopardized and there is no way to make the findings of special circumstances.

Commissioner Harris said he might be able to make findings for the location of the structure but not if it jeopardizes the tree. He has more concerns about the location of the spa that is closer into the setbacks. He said he felt the staff report talked about alternative locations.

Fernandez said all precautions should be taken for the tree so he cannot support the project.

Chair Jochum stated he couldn't make the findings to approve the project in that there are alternative locations.

Mr. Maas said that he would like to get a continuance to talk to the arborist

Commissioner House said there also have to be other reasons to make the findings besides the tree.

Chair Jochum said the applicant would need to come up with a compelling reason why the structure has to be in the side yard setback as well as the arborist report indicating the tree would not be jeopardized.

M/s House/Harris, and unanimously passed (4-0) to continue to October 7, 2002.

9. **DR-0230 – William and Barbara Powers, 396 Redwood Road, APN 007-360-03**, design review amendment to change the previously approved exterior siding, window and door trim colors, on property located within the R-1H zoning district. (Staff person: Wight)

Sr. Planner Wight presented the staff report.

Bill Powers, applicant, said he did not want the approved color and would propose a beige color. It is a soft color and softens the white windows. He doesn't want his house to look like the other three houses of Seminary Estates.

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Jonathan Braun, 479 Scenic, is in support of the staff report. There were thousands of hours of community and staff time taken to discuss these houses and they should stay with the darker tones, not beige.

Commissioner Sisich said he supports the staff report; beige will read as white.

Commissioner House supports the staff report.

Commissioner Harris supports the staff report but wonders if there isn't some workable solution to see how beige works. Maybe there are darker tones of the beige. Otherwise, he supports the staff report.

Commissioner Fernandez supports the beige but would like to see a sample on the building.

Chair Jochum supports the staff report. He would not want to see white trim because of the location of the house in the Bald Hill area. There is already white sash and white doors but luckily there is a lot of screening. He suggested looking for a color between the body and the sash and something more pleasing to the local neighbors. Wants something to help recede into the hillside but have some architectural merit. He would approve the beige in this situation and also somewhat darker. He does not see why the facia and gutters need to be so light. It could go darker to match the body color (soffets, gutters and eaves).

Ms. Wight commented the Quarry Mt. Subdivision was allowed to deviate as long as it was very similar.

Commissioner Harris was against white and opposed to beige. He would consider something darker than the beige. He would have a problem approving a white facia.

Commissioner House would only vote in favor of the body of the house or dark color.

M/s Harris/Fernandez, and passed (3-1 Noes: Sisich) to continue the application to the meeting of October 7, 2002, to allow the applicant to provide colors consistent with Commissions discussion.

M/s Harris/ Fernandez, and passed (3-1 Noes: Sisich) to approve siding colors as proposed

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

GENERAL DISCUSSION

General Plan discussion/review – 5 minutes - Continued

REPORT OF UPCOMING APPEALS TO TOWN COUNCIL

ADJOURNMENT TO THE REGULAR MEETING ON MONDAY, OCTOBER 7, 2002.

10:30

**BARBARA CHAMBERS
PLANNING TECHNICIAN**