

**SAN ANSELMO PLANNING COMMISSION
MINUTES OF SEPTEMBER 3, 2002**

A. CALL TO ORDER

Commissioners present: Chair Jochum, Commissioners Zwick, House and Sisich
Commissioners absent: Wittenkeller, Harris and Fernandez

B. OPEN TIME FOR PUBLIC EXPRESSION

C. CONTINUED PUBLIC HEARINGS

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) **CONTINUED TO 9/16/02**
2. 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'), located within the R-1 Zoning District. (Staff person: Chambers) **CONTINUED TO 9/16/02**

D. PUBLIC HEARING ITEMS

WITHDRAWN

1. V-0233 - William and Paula Raudio, 50 Florence Avenue, APN 007-014-30, a lot coverage variance to construct a 177 square foot first story addition at the rear of the dwelling, in conjunction with removing a 500 square foot shade structure and a hot tub, such that the existing 45% lot coverage will decrease to 39% (Code maximum: 35%), located within the R-1 Zoning District. (Staff person: Bell)

CONSENT AGENDA

2. MINUTES - August 19, 2002

M/s House/Zwick, and unanimously passed (4-0) to approve the minutes with minor amendments.

REGULAR AGENDA

3. DR-0229 - David Barsky, 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)

Planning Director Bell presented the staff report. He also explained that the mailing list prepared by the County is not complete and several people were not notified. He suggests the Commission take testimony and continue the application to a future meeting. Also, a letter was received from David and Lydia Bell, 10 Fernwood, stating that a 1999 lot split required additional trees, which was not done. The property owner of 289 Redwood, Mr. Dwyer, was supposed to erect a fence but could not do it because it was on the property of 269 Redwood Road and the owner would not give permission. The condition for the two trees was for the applicant's property, Bosell and Dwyer as part of the lot splits but agreement was never reached.

Fred Divine, architect representing the applicant, explained the project. He also explained that there is no requirement on this lot for private open space; there was however, a defined building envelope. They need clarification on certain public works requirements. The only reason the front of the property was not paved was because public works traded it for another portion of Redwood that needed more work. They were also asked to pay \$2,900 for future roadway improvements and it may not be necessary. Regarding the condition of trimming trees, they want as little as possible to be cut. He agrees that there is some solution about screening at the bend and it should be resolved during this application. They calculated 790 square feet that should not be part of the staff's calculation in FAR because it is considered basement and is underground, noting that they provided a sheet indicating such. They have a new landscape plan, which provides additional screening.

Mr. Bell said that any area that is 7.5' headroom by 8'x10' would be counted in floor area.

Pete Pedersen, Landscape Architect representing the applicant, said they wanted to have a gracious entry to the home and explained the proposal. Evergreens will be used as screening. He indicated candidate areas where evergreen trees could be planted to screen the house.

Gay Kagy, 280 Redwood Road, said the house is quite visible and would like more low to the ground, as well as high trees because it is visible locally as well as across the valley. Recommendation No. 12 would provide the only drainage collection. It would come to the middle of her driveway but would not include the two springs that come from the cut bank; would recommend the possibility of extending it to the end of the Barsky property line (SW property line) and would provide more drainage protection. She has had drainage problems with the Merrill property at 285 Redwood, next door to this property, which is now in construction. She is also

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concerned about construction during the winter months because of drainage considerations. She would like at least the addition to have added screening; the only screening of the property is from the trees provided by Mr. Dwyer along the Barsky driveway.

David and Lydia Bell, 10 Fernwood, live on the north side of the Barsky property. When the applicant purchased the land, they had a preexisting condition as part of the Precise Development Plan that a portion of the property should be landscaped (where the road comes close to their property). There is a schedule of more than 2-15 gallon trees that was required by Bosell (previous owner) and Dwyer. As a good neighbor, this should be done.

David Lakes, 249 Redwood Road, explained that Floribel Road, up to 259 Redwood Road, was repaved last year. Damage was done to the road when construction was done to 289 Redwood and never repaired. He is concerned that this current project will cause further deterioration and he is also concerned about heavy excavation during the winter months.

Stephanie Fine, 249 Redwood Road, wants to see a detailed landscape plan. Also, the garage will be built close to the road. She encourages a deed restriction for only one house on this property and questioned the amount of soil that will be excavated off-site. Policy 11.1 and 11.2 states the Town can require the amount of construction vehicles. She suggests no excavation during the rainy season. If approved, the house would be approximately 5,000 square feet and this house does not fit in with the neighborhood due to the size. All the new homes recently built on Redwood and Oak are smaller than this proposal.

Michael Quon, 300 Redwood Road, supports additional landscaping and a limit of construction hours on the weekend.

Jonathan Braun, 479 Scenic, said he could see the story poles from his house, which is to the north and about the same elevation. There are some bay trees but essentially the entire structure is unscreened. He supports Mr. David Bell's suggestion of adding landscaping. He encourages the addition of a cluster of evergreens or redwoods, which would be very effective.

Mr. Divine said there is a letter of support by Gloria Berger, who resides across the street on Redwood.

Commissioner Zwick wanted a response at the next meeting regarding the trade in paving by Public Works, the issues of whether or not there the private open space, how much cut and fill is to be removed and to remain, trees required by the Fire Department; a conclusion that is acceptable to everyone regarding tree replacement as stated in The Bell's letter; responsibility of roadway repair during construction and want to know how will drainage work on the site.

Commissioner House asked for a specific landscape plan and clarify if a road bond and video is required.

Tom Bell said the drainage was reviewed and approved by the Public Works Director. The open space issue was resolved but a deed restriction is required; Fire Marshall Fisher said the tree needs to be trimmed, to the approval of the Fire Department. Staff will have a recommended landscape plan incorporating the Bell proposal at the next meeting.

Commissioner Sisich asked for clarification on the runoff. Mr. Divine said he believes it is conducted in underground pipes. Any new work will have to be conducted to an underground system.

M/s Zwick/House and unanimously passed (4-0), to continue the application to the meeting of September 16, 2002.

4. **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 presented the staff report.

Keith Marsh, 32 Sir Francis Drake, explained that the unit is above a one-car garage and the work does not affect the second unit. Rats and bees have gotten in the unit and into the old portion of the garage. He wants to enclose the lower area and finish it off. The only difference would be one garage door, instead of two doors. He will not accept a use permit situation. Therefore his only option is to convert it to storage or another use if he cannot repair the unit. The amount of work that affects the unit is very limited. Basically, it was done in good faith with the letter in of approval in 1999 by Lisa Wight to repair the foundation.

Chair Jochum commented that the drawings show a replacement foundation, not repair.

Mr. Marsh responded that they would now take out the slab, put a new one in and put it in to the part of the foundation that is cracked; and would put a footing on the slab for the portion on the front. The damaged foundation is about 8' long. The slab is in poor condition and bubbles up in winder time.

In response to Chair Jochum, Mr. Marsh stated he was not sure the interior wall was a bearing wall.

Commissioner House said this has been rented out for years for work force housing, and she supports second units, however she also wants to keep within the code. She questioned Mr. Marsh's unwillingness to obtain a Use Permit for the unit.

Mr. Marsh explained that he does not want the bureaucrats telling him what to do. He would abandon it first.

Commissioner Sisich said it is a poster child for a perfect second unit. This is really life safety issues. He does not have a problem with the work and could make the findings based on health hazards. If there is an issue with the ordinance, it needs to be changed.

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Commissioner Zwick said he would like to keep the unit but he wanted to encourage use permitted second units. The work is clearly structural and there are other ways to proceed and he supports staff.

Chair Jochum said he would like clarification on the interior wall. If it is structural and is being removed, the proposed project clearly includes structural alterations. If the majority of the foundation can be saved, slab repaired or replaced, he could support that. It is clear that the Commission cannot approve structural alterations - which the interior wall may be, as well as the new storage area under the closet. It seems the existing wall could be maintained, even with replacing the studs; the addition of partition walls is not considered structural alteration. He wants more information on the interior wall. The proposed addition under the closet is definitely a structural alteration.

Commissioner House said as long as these are structural alterations, she cannot support it but the applicant can appeal it to the Town Council.

In response to Mr. Marsh's question about the storage area under the closet, Chair Jochum said it would be a new structural system for support of the second unit above. Repairing a portion of the foundation, building partition walls, and replacing the slab would be repair as well as replacement of the existing posts for the closet.

Commissioner Zwick suggested the shed under the closet be removed from the plans.

In response to Commissioner Zwick, Mr. Bell said the Housing Element is in the process of being updated but it will not be discussed at such detail regarding structural alterations.

Chair Jochum stated that he could support rebuilding the lower wall in the same location as repair but the plans indicate a new wall being placed in a different location.

Ms. Wight explained that if 50% of the particular "area" were being repaired, it would be considered replacement. She also provided background on why this part of the code was created, whereby the registered, non-conforming units will go away because they were non-conforming.

Chair Jochum said the ordinance was written in a different era and now the Town wants to retain low-income units; perhaps this should be denied and appealed to the Council.

Mr. Marsh asked for clarification as to what would be accepted as "maintenance". Chair Jochum advised as follows: repair the closet in the unit, repair the foundation, replace garage doors, replace siding, upgrade plumbing and electrical in workshop, add a utility sink in workshop, and repair structural walls.

Commissioner Zwick said all the Commissioners support second units but in 1976 there were rules put in place. There are ways to get the work approved by repairing the structure, not by putting in new footings.

M/s Zwick/House and unanimously passed, to continue the application to the meeting of September 16, 2002 to allow the applicant time to modify plans as discussed by the Commission.

5. V-0237 and DR-0230 - Robbin McDonald and Steven Conway, 10 Humboldt Avenue, A/P 7-021-09, front yard and south side yard variances to replace a one-car garage with a two-car garage within 0' of the front property line and within 5' of the south side property line; and design review of a 750 square foot second story addition, on property located within the R-1 zoning district. (Staff person: Wight)

Sr. Planner Wight said the noticing was incorrect and will be re-noticed for the September 16th meeting so a decision cannot be made tonight.

Robbin McDonald, applicant, explained the project, noting the neighbors support the project. There was prior approval for a car-deck that was never constructed.

In response to Commissioner House, Ms. McDonald stated there would be a two-car garage as well as another space.

Commissioner House asked if there would be a parking pad done prior to construction for construction vehicles. Ms. Wight said the Building Department would require a construction management plan because parking is so tight.

M/s Zwick/House and unanimously passed (4-0) to continue the application to the meeting of September 16th to allow for re-noticing.

6. 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)

Sr. Planner Wight presented the staff report.

Scott Couture, architect representing the applicant, provided an overview of the project and explained why they designed the project as they did. The Development Agreement was very clear and was concerned about the trees on the site. They looked at the surrounding homes, which were approximately 4,800 square feet, plus garage. They also took into consideration grading, a flat building pad and the requirements for access roadway. They have been working with the property owner of 565 Oak Avenue and have made modifications to the landscape plan. They have added some smaller trees that will fill in the lower level of the oaks and will

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retain some of the Madrones that they initially were going to remove. Also, based on the concerns of the owner of 541 Oak Avenue, they will fill in the lower portion of the screening, so the driveway will be screened from headlights at night.

Stuart Jacobson, 500 Oak Avenue, was part of the team for the Oak Avenue Development Agreement. Most impacted are the people on lower Oak Avenue. They have dealt with on-going construction and traffic. He submitted a petition to the Town about three years ago and the Police did not even know about the construction hours. The Bald Hill Plan looks at a 4:1 replacement for oaks and redwoods. There will be a redwood grove that will be removed and should be replaced in the same location. He is concerned about drainage and wants to make sure the culvert is adequate to take the water off site. There have been studies that there are a mass movement of various spotted owl habitat on the Yolanda Trail and the Town should be aware of it when they consider tree removal. The amount of construction and construction hours is very important and a lot of nesting occurs during winter and spring. He wants the rules enforced and the Town to be vigilant in enforcing the rules with construction etc.

Andy Bacich, 541 Oak Avenue, is concerned the noise that will travel uphill and wants screening due to the driveway and headlights glaring into his house. Where the road turns, there is a high voltage box, there will be a cut for the 14' retaining wall and is concerned about it. He stated that there are pro-active things that can be done to make Oak Avenue safer, such as turnouts. He would like to see the details of the swale where the ravine is and wants the retaining walls to blend in.

Jonathan Braun, 479 Scenic Avenue, said the property is part of the San Anselmo Open Space Plan. There was a meeting with the applicants but it was determined that an acquisition was not feasible. 10.3.40 states that any property that does not face on a public street requires a variance. He did not see any fences on the plan or storage facilities for water. Will there be any water tanks on the site? Regarding tree removal - the staff report did not address cumulative aspect of all trees removed. He said there would be 22 oaks being removed; there is no number like that being replaced. He wants the replacement addressed and where they would be planted or funds given to the Town for replacement elsewhere in town. He has no problem with lot 1; Lot 2 has an elevation of 48' to 50'. He disputes the fact that there will be very low visual impact; at least 5' to 6' can be reduced by reducing the 11' - 12 plate heights and also reduce the pitch of the roof. This was not addressed. There were no conditions of approval; the Development Agreement discusses bird life; wants a deed restriction on the lots for tree removal; wants certification by a licensed surveyor for foundation placement; and wants information of off-haul and how it will be controlled; and would like a discussion of work during winter months.

Kathy Saunders, 310 Redwood Road, wants a way to mitigate impact for construction vehicles and when construction will take place, particularly during the winter months; wants ways to enforce construction hours. Lot 2 is very visible and should be lowered and wants ways to preserve trees that are to remain.

Paul Nave, 545 Oak Avenue, said there is a maintenance agreement on the road and access; the only people signed are the owner of 541 Oak and his. He does not want the utility line easement altered. All equipment staging should be kept on site.

Scott Hochstrasser, planner representing the owners of 565 Oak Avenue, presented a landscape agreement that has been mutually agreed upon by the applicant and his clients. He would like this recorded.

Harold Nochtreb, 555 Oak Avenue, would like time to submit information to the Commission and developer at the next meeting.

Scott Couture said they support any way possible to enforce the construction management plan. They are proposing a pool fence; no other fences are proposed. The water tanks will be in the understories of the homes and will not be seen. They would like to discuss percentage of replacement trees and would be open for options of an in-lieu fee to the town. They did want larger plate height for lot 2 and brought the house in two pieces. The majority of the grading would be after the rainy season. Construction will begin April 15th and is addressed in the construction management plan.

Ms. Wight said the resolution will include all conditions but still needs to work on the construction.

In response to Commissioner Zwick, Ms. Wight stated that the negative declaration for the agreement was approved in 1994; by splitting the lots, moving the building envelope and changing the driveway it would not have a significant impact on the environment. The Oak Avenue Development Agreement expires in 2004.

Commissioner Zwick said the original negative declaration discusses certain construction times, that the driveway grades should be 15 percent or less, however some of them are a little larger and should be addressed. He would like to see a few section cuts on how it would work; and how it would get over the swale. Will they need an easement? Wants them to add more trees or pay an in-lieu fee. He wanted to know how many other homes can be built in the Oak/Bald Hill area? Has the money been spent to widen the road? He wants information about the fire maintenance. The series of pavilions of one story could be an even stronger element. He wants the location of foundations confirmed; wants the applicant to work out the liability of moving the fire line. He has no problem with lot 1. The size of the house should be justified; wants to know the number of heritage trees to be removed and where they are, and a description of why they can't be saved.

Commissioner Sisich would like to see the architect and owner meet with neighbors to get agreement prior to the next meeting.

Chair Jochum said there seems to be no serious concern about the lower house. He wants to maintain dark, earth tones colors for the homes; might want the applicant to address the larger home and demonstrate why it will not have a serious visibility issue.

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

E. GENERAL DISCUSSION

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1. General Plan discussion/review – 5 minutes
- F. REPORT OF UPCOMING APPEALS TO TOWN COUNCIL
- G ADJOURNMENT TO THE REGULAR MEETING ON MONDAY, SEPTEMBER 16, 2002.

**BARBARA CHAMBERS
PLANNING TECHNICIAN**