

**SAN ANSELMO PLANNING COMMISSION  
MINUTES OF AUGUST 5, 2002**

**A. CALL TO ORDER**

**Commissioners Present:** Chair Jochum, Vice-Chair Harris, Commissioners House, Fernandez, Sisich, Wittenkeller, Zwick

**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 8/19/02**
2. **Interpretation of SAMC 10-3.607(c)/V-0229 - Mario and Suellen Lamorte, 47 Tamalpals Avenue, APN 007-212-12**, Planning Commission interpretation of SAMC 10-3.607 (c) regarding addition of a structure connected to a registered second unit; and a variance to construct a partially enclosed structure within 18' of the rear property line (Code: 20'), located within the R-1 Zoning District. (Staff person: Chambers) **CONTINUED TO AUGUST 19, 2002**
3. **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 AUGUST 19, 2002**

**D. PUBLIC HEARING ITEMS**

**CONSENT AGENDA**

1. **MINUTES - July 15, 2002**

M/s House/Wittenkeller and unanimously passed (5-0) to approve the Consent Agenda with amendments.

**REGULAR AGENDA**

2. **V-0234/DR-0225 - Chris Smith and Kim Thorn, 100 South Oak Avenue, APN - 007-241-68 & 71**, precise development plan and hillside design review of a proposed 4,389 square foot dwelling, 816 square foot garage, 100 square foot cabana, and 371 square foot deck and porch areas, located on property within the R-1 H zoning district. (Staff person: Wight)

Planning Director Bell presented the staff report.

Chris Smith, applicant, explained that the kit home he wants to construct is supplied with vinyl-clad white windows, although he understands the color contravenes the regulations of the Bald Hill Plan. Their decision to build a kit home is not final. In response to Chair Jochum's inquiry, the applicant explained that the kit home consists of framing, sheathing and roofing. It is a regular stud construction. In support of the project, the applicant noted that the construction time for a kit house is much shorter than for a regular house.

The neighbors and the Town are concerned with parking issues along South Oak and the applicant explained that, as set out in the construction management plan, the driveway will be built first to provide parking for construction vehicles. He further confirmed that the lay down and turn around areas are large enough for loading and staging, causing minimum disruption to the neighborhood.

In reply to Commissioner Wittenkeller's inquiry regarding the size of trucks, the applicant said that either 20 ft or 40 ft long containers could be used and that the larger vehicles would mean fewer trips, perhaps just 2 or 3. The applicant assured the owner of 651 South Oak, Mary Tamley, that whilst he cannot guarantee there would never be a truck blocking the road, he will be at the site every day and will take 6 months off to build the house to minimize the impact of building on the neighbors.

The applicant noted that the front set back is 51' and not 8' as stated in the staff report. He confirmed that the height of the pillars at the entry gate would not exceed 6' so as not to incur a variance. The applicant also reported that he had obtained consent from his neighbor, Adrian Robins, for an easement for the driveway.

Commissioner House inquired about the visibility of the house. The applicant replied that, with the exception of the property below, the house would be visible only from the opposite side of the valley but was otherwise hidden by trees.

Commissioner Wittenkeller asked about the zoning of the land behind the applicant's lot and how it was accessed. The applicant confirmed that the property belongs to the Seminary and that there is no access from his property. He is sure there is no easement on his property. Commissioner Wittenkeller suggested that further investigations should be undertaken. Planning Director Bell will check the zoning of this parcel.

Commissioner Harris expressed concern over the amount of soil that needs to be removed from the site and asked how much of it related to the swimming pool. In response, the applicant said that most of the soil was from the cut for the retaining wall for the house. It was necessary in order that the house be built within the 30ft height restriction.

Commissioner Harris further inquired if the applicant had considered other house plans that would not necessitate such a deep cut. The applicant replied that it was a question of height versus cut.

In response to Commissioner Sisich's concern over the number of trees to be removed, the applicant said that some of the oaks were already dying, which the arborist's report confirms.

Jonathan Braun of 479 Scenic Avenue also expressed concern with tree removal plan. In response, the applicant confirmed he would abide by the rules of the Bald Hill plan and replace the dead oak trees with a more suitable variety. He also agrees with the staff report that the colors of the house are approved when framing is in place.

Commissioner House noted that the vegetation on the landscape plan may appeal to deer and asked the applicant if he planned to erect a deer-proof fence. The applicant replied that it was not something he had considered but may look into the matter.

In response to John Deignan of 60 South Oak, who requested to be shown the trees that will be removed, the applicant confirmed that in the past week those trees had been marked with florescent tape. Mr Deignan also objected to the amount of dirt needing to be removed from the site, since trees and vegetation should provide adequate screening.

Adrian Robins of 1000 South Oak supports the applicant's plans because the view from his house will be less conspicuous than if the house were raised.

Commissioner House considers the house design attractive and supports the project. She also supports Staff's recommendation that the choice of exterior color of the building and trim should be deferred until framing is in place. Overall, she prefers a darker roof and windows.

Commissioner Sisich agrees with the cut but would like a clearer idea of how the house will appear on the landscape when it is constructed. He does not support white windows.

Commissioner Harris would prefer the house to blend in with the landscape as much as possible. Furthermore, he would like the applicant to investigate other designs to minimize the cut.

Commissioner Wittenkeller supports Commissioner Harris in minimizing the cut, perhaps by adjusting the retaining walls. He agrees with Commissioner House that deer-proof plants should be used and suggested a professional should study the landscape plan. He is also in favor of a darker shade for the roof.

Commissioner Fernandez suggested that the colors be made part of planning conditions and allow the project to proceed, in the meantime.

Chair Jochum generally supports the project and suggests the applicant make some concession to the cut. He does not support white windows. In response to Chair Jochum's observation that the window configuration seems unusual, Commissioner Zwick suggested an architect should examine the windows.

M/s House/Fernandez, and unanimously passed (5-0), to continue the application to the meeting of August 19, 2002. The landscape plan will not be heard at this meeting.

2. **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)

Planning Director Bell presented the staff report, noting Staff's recommendation to deny the request for a variance.

Commissioner Harris asked Mr. Bell about lot coverage in the area. He replied that it seemed mainly between 30% – 35% at a rough estimation but that he had no data to support these statistics. Mr Bell confirmed that any of the structures on the property in question could be reduced in size to conform with lot coverage allowance.

Matt Owens, Applicant, explained that he is seeking a variance on behalf of the owners for a modest addition to their small two-bedroom house. He considers this preferable to a second story addition which, although allowable, would be unpopular with the neighbors. He pointed out that they had reduced the original size of the structure and they plan to remove the shade structure and hot tub.

His clients object to removing the existing garage as it is in immaculate condition, is an historic structure and functions well. Furthermore, the neighbor's structures are on the property line so his clients' privacy would be much reduced if the garage were removed. The applicant suggested that until lot coverage can be agreed, a condition be made that a second story addition may not be added.

In response to Commissioner Harris' question regarding lot coverage in the neighborhood, the applicant said that 35% appeared to be the minimum. Commissioner Harris is concerned that the applicant is being denied privileges that neighboring properties enjoy. Although he agrees with the findings of Staff, he felt that the Commission should be fair in applying the rules. He suggested the applicant provide evidence of lot coverage in the neighborhood, which would aid the decision-making. However, the applicant must realize that it is hard to support a variance when there are illegal structures on the property.

Whilst Commissioner Wittenkeller had no comments, Commissioner Fernandez supported Commissioner Harris' view.

Commissioner House would favor the project when the property was brought within the allowable lot coverage.

Commissioner Sisich would also consider the project with the removal of another structure.

Commissioner Zwick agreed with the other Commissioners' comments.

Chair Jochum mentioned the difficulty of zoning issues when boundaries existed for lot size coverage but not for FARs. He suggested the applicant should produce evidence of neighborhood lot coverage, plot size and house size. Should evidence exist that coverage in the neighborhood exceeds the limit, then Commissioner Jochum may look more favorably on the project.

Mr. Bell confirmed that if the owners brought their property within the allowable lot coverage, planning approval would not be needed.

M/s House/Fernandez, and unanimously passed (5-0), to continue the application to the meeting of September 19, 2002.

3. **DR-0226 – Greg and Diane Brown, 38 Tomahawk Drive, APN 177-171-06**, amendment (increase in floor area) to previously approved design review of a proposed 3,418 square foot dwelling, 480 square foot garage, and 488 square foot porch and deck areas, located on property within the R-1 H zoning district. (Staff person: Wight)

Planning Director Bell presented the report.

Mr. Bell suggested that a contribution be made to the Town's tree fund in lieu of replacing the dead oak tree if it were felt that space was too limited on the lot. Nevertheless, he said there appears to be space on the south side on which to plant an oak tree.

The applicant, Diane Brown, said that the arborist's report confirms that the tree needs to be removed because it was badly burnt and has no growth on it. She further confirmed that their plot is crowded with trees and that she would be happy to contribute to the Town's tree fund. However, Greg Brown, applicant, showed the Commission space on the plans where a young oak could be planted.

The applicant explained that there were two differences in the new plans, one being a 4ft extension to the house and the other a semi-transparent stain to the shingles. The Commission originally approved the cedar transparent type, but the applicant felt it was more likely to discolor than the other type. In response to Commissioner Harris' question regarding the shade of the semi-transparent stain, the applicant would be willing to supply a swatch of the roof material.

Commissioner House is concerned that the color of the house does not blend in with the landscape, particularly the green roof. She noted that the Commission requires dark window trim and a dark roof.

Commissioners Harris, Fernandez and Wittenkeller support the staff report, although Commissioner Harris does not support the window color and suggests those at the back of the house are changed. The applicant responded that the houses with a view of the back of their house also have white-trimmed windows.

Chair Jochum does not favor the window color, but supports the project since the Commission has passed it already. Commissioner Sisich is of the same opinion.

Condition 1: M/s Jochum/Zwick, and passed (5-2 Noes: House, Harris) to approve the application based on the findings and conditions as set forth in the staff report.

Condition 2: M/s Zwick/Wittenkeller, and passed (7-0) to remove the fire-damaged oak tree and replace it with two 5 gallon oak trees planted elsewhere on the property with staff approval.

5. **V-0235/DR-0227 – Hamilton A. Rowan III, 56 San Rafael Avenue, APN 007-161-13**, a lot coverage variance for an existing 46 square foot covered front porch to increase 125 square feet in area in conjunction with removing 101 square feet of living area in the front, such that the existing 39.6% lot coverage will increase to 39.7% (Code maximum: 35%); and flatland design review of a 544 square foot second story addition. (Staff person: Wight)

Planning Director Bell presented the report.

Hamilton A. Rowan III, applicant, explained that he intends remodeling the craftsman-style home with a porch, giving it a 1920s style look. He wants to enlarge the house but ensure that it does not look out of place in the neighborhood.

In response to Commissioner Zwick, the applicant confirmed that he would accept a 1' reduction in width of the porch. He further confirmed that the canvas structure at the back could be removed.

Glyn Hughes, Architect, explained that since the wall takes up a fair amount of space, a 1ft reduction in the porch size would leave only 4' of porch space. On examination, if the porch was reduced by 5 ¾', the property would remain within its present lot size and the Commission could approve the application.

In response to Commissioner Sisich's question over neighboring lot sizes, Mr Hughes confirmed that this was one of the smallest in the area.

Commissioner Zwick commended the applicant on the design.

M/s Zwick/Wittenkeller, and passed unanimously (7-0) that the applicant amends his plans however he wishes, with staff approval, to ensure lot coverage does not exceed its existing size.

## E. GENERAL DISCUSSION

With regard to 100 South Oak, Commissioner House requested that a trail be marked out on the home side to the property line.

Planning Director Bell confirmed that the application for 64 Nokomis has been withdrawn. The applicant had decided on an addition of less than 400 sq ft and has applied for a Building Permit.

Chairman Jochum advised that the General Plan comments will be collected at the next meeting. It was agreed that comments would then be presented at the following meeting with discussion to take place at the meeting thereafter. Mr. Bell advised that he would provide a copy of the General Plan to Commissioner Wittenkeller.

In response to Commissioner Sisich, Mr. Bell confirmed that he was still working on the Housing Element.

**F. REPORT OF UPCOMING APPEALS TO TOWN COUNCIL**

No appeals.

**G. ADJOURNMENT TO THE REGULAR MEETING ON MONDAY, AUGUST 19, 2002.**

The meeting was adjourned at 9.30pm.

*Joanne O'Hehir*  
**JOANNE O'HEHIR**