

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

CALL TO ORDER

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

OPEN TIME FOR PUBLIC EXPRESSION

None

CONTINUED PUBLIC HEARINGS

1. **ER-0201/UP-0206/DR-0216 - Hunter House Foundation, Michael Barber, 19 Ross Avenue, A/P 7-284-48** (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 JUNE 17, 2002**

PUBLIC HEARING ITEMS

CONSENT AGENDA

1. **MINUTES – May 20, 2002**

M/s House/Harris and unanimously passed (6-0) to approve the minutes with minor amendments.

REGULAR AGENDA

2. **V-0218/DR-0211 – Ronald and Jean Pimentel, 61 Yolanda Drive, APN 007-043-05,** variance to construct a garage within 1 foot of the side property line (Code: 8') and to exceed lot coverage to 36% (Code: 35%), construct a side yard fence up to 10' in height (Code: 6'), and flatland design review to add a 1,221 square foot second story addition and 131 square foot first story addition, located within the R-1 Zoning District. (Staff person: Bell)

Planning Director Bell presented the staff report.

Larry Paul, architect representing the applicants, said he did meet with the next door neighbors, the Rossettis. They came up with certain mitigations, and concur with the revised plans. They placed another door over the side door, which was not in the staff report. Ms. Rossetti further suggested a 4' lattice over the common fence, which would provide a green wall once vines grow over the lattice. The applicant also suggested planting cypress trees to provide additional privacy. A concern by some Commissioners was to push the addition back but the Rossettis felt it would make the addition more imposing. They did not think that shading was a problem any longer now that they have had time to review the shadow study. On staff's request, they have reduced the overhang by 6".

Mauritso Rossetti, 57 Yolanda, said they talked to the applicant and is happy with the compromise. They have reduced the window size; have placed etched glass on the stairway window; large cypress trees will be added on their side and a 4' high lattice will be added to the top of the fence. They still believe the house is too big for the lot but they are willing to compromise. He also has a second story, but his second story is only 600 square feet and stepped back from the first story. These large additions will change the character of Yolanda Drive.

Ron Pimentel, applicant, wanted the improvements to retain the look and character of the existing house. He wants the addition in the front because the back is bordered by Center Boulevard, which is very noisy. There were also design considerations; the stairway will be in an existing bedroom. He has looked at other houses on Alder, Myrtle and Tamalpais that have second stories placed at the front. The oak tree is damaging his foundation and the foundation will have to be replaced. They have talked to the Rossettis and have come to a compromise. He stated that there does not seem to be a particular design character in the neighborhood and his house was designed to meet the 35% lot coverage and 30' height limit. The side yard fence is 6' and with an existing 1' lattice on top.

Commissioner Fernandez said he indicated at the last meeting that he wanted the privacy issue worked out with the Rossetti's and it appears that has happened so he can support the project.

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Commissioner Harris is happy they worked out the issues with the neighbors. He would like to have seen more done regarding the front articulation to reduce the mass although the other changes appear satisfactory.

As a condition of approval, Commissioner House would like an arborist to discuss ways of protecting the oak heritage trees and have the report reviewed by the Town Arborist. She would like to hear from other Commissioners on how to decrease the mass in the front. She would like to see if they could reduce each floor by six inches and move the balcony back one-foot. She would also like a condition that requires any front yard fencing be 70% transparent.

Commissioner Sisich was happy they talked with the neighbors. Given the confines of the Ordinance, The Commission cannot regulate the size. Although the balcony may contribute to mass, it appears to have a much better sense of community feeling. He would support the trellis extension up to 10'.

Commissioner Zwick said if you try to place 1,200 square feet over the existing stair from the outside perimeter wall, you will have the massing that is before the Commission. If this was repeated up and down the street, the street would have far less human scale. The front balcony has a front lip to it, with changes the front façade and adds bulk and mass. With full plate height massing without tucking any of the second story into the roof as is typically done on two story bungalows, all at the front of the house, is what makes it large. He cannot support the project.

Chair Jochum said he agrees with Commissioner Zwick. He would like to see it handled a little more carefully. They could get the same size house they want and still ameliorate the Commission's concerns. The shear 2 story walls is what is hurting the building. The eyebrows work in a two-dimension drawing but in reality looks like a piece of trim and does not do anything to break up the west elevation. With this said he realizes this is flatland design review, and concerned only for light, air and privacy and can support the project. His concerns are more architectural.

Commissioner Harris shares the feeling of constraint with flatland design review. It is difficult when there is a project within the code but something that will change the character of the neighborhood. He feels frustrated and would like to see the town consider revising the Code.

Commissioner House is not sure the very tall fence along the garage will provide any privacy. She is still not happy with the front of the house from the street.

Commissioner Sisich said if the trellis makes the Rossitti's happy, the height variance should be allowed.

Planning Director Bell said it would be difficult to make Finding No. 1 for the fence.

Commissioner Zwick said the fence is de minimis, particularly if the two individuals want the fence height. Regarding the house, there is a responsibility by the Commission to look at the neighborhood character. As defined by the master plan – if this mandate is ignored and all second stories were reviewed just for light and air, many inappropriate projects would probably be approved.

M/s Fernandez/Harris, and passed (4-2 Noes: Zwick/House), to approve the application based on the staff report and amended to add a condition that any front fencing shall be 70% transparent, and an arborist report shall be required to discuss means of protection of the heritage oak trees.

Mr. Rossetti stated that he does not understand why the fence cannot be approved, which will not bother anyone but will approve a large house.

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

2. **V-0219/DR-0212 – Tim Weldon and Catherine Meharg, 63 Yolanda Drive, APN 007-043-04**, parking and setback variance to relocate a 289 square foot garage within 0' of the side property line (Code: 8') and 10' of the rear property line (Code: 20'); and flatland design review for the addition of a 1,624 square foot second story, located within the R-1 Zoning District. (Staff person: Chambers)

Planner Chambers presented the staff report, with the following changes: 1) she recommends removing Condition No. 4, leaving that issue to be determined by the Building Official; and 2) a belly band is proposed to be placed around the building.

Tom Willis, designer representing the applicants, presented the project.

George Halmos, 67 Yolanda Drive, and Ron Pimental, 61 Yolanda Drive, voiced their support for the project.

Commissioner House suggested any front yard fence be limited to 70 percent transparency, that only the bottom half of the bathroom window needs to be frosted, and questioned the impact to the tree.

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Commissioner Harris said the project meets the flatland Code requirements, and can support the project, to which Commissioner Fernandez agreed.

Commissioner Zwick said the project still has the same problems as the neighboring project just heard at this meeting, so he is somewhat on the fence. Because articulation has been added to this project as requested he can support it, to which Chair Jochum agreed.

M/S Sisich, Fernandez, approve the staff report, with the following amendments: 1) removal of Condition No. 4, with the determination to be made by the Building Department; 2) Modify the language of Condition No. 2 such that only the bottom half of the window needs to be frosted; and 3) that any front yard fence be 70 percent transparent.

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

4. **V-0224 – John and Debra Merten, 1 Rutherford Avenue, APN 005-127-08**, a variance to add a 184 square foot single story addition within 5' of the west side yard (Code: 8'), located within the R-1 Zoning District. (Staff person: Chambers)

Planner Chambers presented the staff report.

Commissioner Sisich questioned the need for the deed restriction, to which Commissioner Harris suggested adding the language, "... unless a use permit is granted by the Town."

John Merten, property owner, said the intent of this project was to fit the addition into the character of the neighborhood. The addition is very low and is not visible from other properties or the street.

Discussion began about the fence and whether it would be transparent, to which Ms. Chambers pointed out it is not part of the Commission's purview at this meeting as a 6' high solid fence is permitted outright in the Planning Code. Planning Director Tom Bell elaborated further, and it was agreed he would obtain an opinion from the Town Attorney.

M/s House, Zwick, that any future front yard fence be 70 percent transparent unless determined otherwise by the Town Attorney.

Motion passed unanimously.

M/S Zwick, House, to approve the staff report with the modification to the deed restriction language, adding "... unless a use permit is granted by the Town."

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

5. **PDP-0202/DR-0219 - Jon Pearlstone, 49 South Oak Avenue, A/P Nos. 7-241-73, 7-241-74 and 7-241-76 (across from 60 South Oak Avenue)**, precise development plan and design review of a 4,139 square foot single family dwelling, a 511 square foot garage, and 616 square feet of decks, located within the R-1 H Zoning District (staff person: Wight).

Jon Pearlstone, applicant, said they have read the Bald Hill Plan and with any document, there are some conflicts. Regarding reducing the visual mass, there is no way to make the house invisible or make it not too visible. They are trying to present a design that minimizes visual mass. What looks like a very large house, comparing it to a wide house for 51 South Oak, it has much less mass from most of the town locations. There is a height question but the house is 4,100 square feet; they vary from 3,500 square feet and larger in the area. They need the space because of their lifestyle. They originally brought a 5,000 square foot plan to their architect, but when you actually saw the house, it was very compact. His architect was able to reduce the square footage to what is being proposed. The home site was originally next to the sewer line and very close to the house next door at 51 South Oak. That would have provided a very large, massive home that would take out a lot of trees. There are slides in the area so they had two geologists evaluate the project. One felt that it would not be a safe location. He felt the best location is the site that is proposed. They then did extensive soils testing, which came up to have very stable soil. In moving the house, it reduces the elevation of the house site by 20'. The VIA shows 49 South Oak to the side of Bald Hill, which minimizes visibility. They have talked to the neighbors and he is willing to work with them, and have already made changes, specifically there are two critical trees that have been preserved. If they have to go with the 30' height, it may jeopardize one of the oaks. They did minimize the cuts and fill of the hillside. They are prepared to invest money in screening the house as much as they can so the neighbors will not see the house. They are putting in an additional fire hydrant and widening the road. Their parking space is somewhat odd and they would be happy to pave another off street area by the house if the Commission wants.

Gregg Gibson, 47 South Oak Avenue, said initially the photographs taken showed the visual impact of the property took more into account the house at 51 South Oak, not 49 South Oak. He presented photographs from the intersection of Melville and Oak and one from his deck, his living room and on south Oak just past his house. They provide more accurate photos of the impact based on the story poles. He has met with the applicants and has had a productive conversation. The applicant said he was open to his request, which is not to relocate the house based on the safety and visual enjoyment of the owners. He does want them to use the 30' height and wants the

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oak and bays referred to in his letter and requests the landscape plan have 10-36 inch box redwood trees, on the north and east side for privacy. He requests the trees be closer than 15' to the house as required by the Fire Department. He did not realize how much impact the east as well as north side would be and wants architectural changes and suggestions, including the rotating of the house westward. He would like them to modify the decks and perhaps a setback design of the upper floors be considered to reduce the visual mass on the north side. He would like to work with the applicant and other neighbors and submit those changes to the Commission.

Jack Deignan, 60 South Oak, asked staff if members of the Commission would come up and look at the project from his deck; only one Commissioner came up. Therefore, the majority of the Commission does not understand the impact from his property. The Staff Report states the trees would significantly screen the dwelling from 60 South Oak. He presented photographs that indicated the height of the house from the story poles as well as the mass of the house. He said his house is 2,200 square feet and the applicant is proposing 4,100 square feet. The road fronting the applicant's property is 12 feet wide. He questions the location of the third parking space and the comment that the architect states it may be workable. He is not sure what that means. He will not be able to get in and out of his driveway during construction. He would like to know specifically what the applicants would do to work with the neighbor. He is concerned about the stability of the roadway. He said that it is his understanding that 20 trees would have to be cut down.

Jay Luther, attorney representing the property owner of 395 Oak Avenue, said the question between the measurement of height is critically important. He cited Section 5.12 of the Bald Hill Plan which states "... the overall height of the buildings should be as low as possible for the site conditions..." Therefore, it should be the lower house. The verticality will break the ridgeline and will stand out and catch the light of the sun and the windows will be reflective. The best way to deal with privacy issues would be to require the method that has the lowest plan. He reviewed the soils report in the Planning Department. He is worried about the rippled area. A good job has been done in finding a suitable foundation but there is an absence in that the hill and questions if it will be stable once the house has been built. Early reports show there was destabilization. He wants to make sure the hill will not become destabilized. He would like sufficient amount of time to work with the applicant and other neighbors and Mr. Pearlstone said he would provide additional geological information.

Mr. Pearlstone said the only tree large enough to make the survey was a 12" bay tree. He did take photos from Mr. Deignan's property and he felt the story poles could only be seen from the edge of his deck, but not from inside his house. Regarding the soils, he would be happy to get Jay Nelson to put together more information, although he is sure that he is very thorough. The borings were done through out the sewer line; there were other borings done for the house site and building envelope.

In response to Commissioner Zwick, Mr. Pearlstone stated that they used the 35' height limit for 51 South Oak.

Commissioner Zwick said this house is much more compact than 51 South Oak and interferes with fewer trees. If the plate heights could be adjusted, it might not affect the square footage. He also suggested they modify the windows. He noted that the square footage of the design is tucked over itself using average small footprint provides a way to get the square footage. He is not sure lopping off 1,000 square footage would make any difference in terms of less visual impact due to the square footage tucked under the house. Colors seem to be almost okay. They should talk with the neighbors.

Commissioner Sisich appreciates the applicant talking with the neighbors. He understands the Pearlstones would lower the house but he does not know if that meant going to the lower formula.

Mr. Pearlstone said he would like to keep this design and see how it can be modified. He is concerned about the 30' because of the compromise in vertical height.

Commissioner Sisich said the 10' high ceilings are quite tall and maybe it can be reduced somewhat. The finished plate height is 16' in the garage. That protrudes into South Oak and can be reduced. He would like to see an executive summary of the issues for hillside stability. Even if it is just a letter. He would like the color of the siding made darker and is not too happy with the light color or the blue. The colors for 80 South Oak works for him.

Commissioner House agrees with what she has heard; the trim should be made darker. Perhaps notice the neighbors with the final landscape plan and reviewed with staff.

Commissioner Harris concurs with what has been said. The main goal is to reduce the visual impact. He appreciates the willingness to work with the neighbors. He would like to lower the height or bring it down the slope if geologically feasible.

Commissioner Fernandez said he concurs with the executive summary from the geological engineer. He would also like the modifications referred to in Mr. Gibson's letter regarding the windows and screening.

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Commissioner Harris said he likes the window on the east elevation but is concerned about the impact in terms of glare of the morning sun and distant views.

Chair Jochum said he agrees with what he has heard; there is a lot to like about the project but there is room to move and would like the applicant to work with the neighbors, as he has agreed to do.

Commissioner Zwick likes the idea of the executive summary.

Mr. Gibson said the most important objective for him is to lower the house. He would like the Commission to tell the applicant that. However, he did not hear the Commission say that.

Ms. Wight said that she was not suggesting they use the 35' height limit but does suggest they bring the height down and reducing the square footage, which would reduce the mass.

Commissioner Zwick said there was a reason for allowing the device of both formulas when it was made part of the Bald Hill Plan. It allows for projects that stack vertically to reduce bulk and mass

Commissioner House said the Commission is always concerned about visual mass; the question is which is less massive, the vertical or horizontal mass.

M/s House/Fernandez and unanimously passed (6-0) to continue the applications until the meeting of July 1, 2002.

WORKSHOP

1. Consideration of amending Zoning Ordinance to permit garages on vacant building sites within the residential districts. Property owner David Bell, 10 Fernwood Drive, A/P 7-131-58 and 7-131-14, has submitted an example of what he would propose for his property.

Senior Planner Wight provided an overview of the proposal.

Commissioner Zwick said that perhaps this should just have a bathroom and be called conditioned space. It would then be regulated by normal building permits.

Commissioner House said she has no problem with the garage concept rather than a large house.

Commissioner Sisich said it is no different than adding an accessory structure on lot.

David Bell, Fernwood, said the sewer comes up from Redwood Road and if we had to continue the sewer it might kill a few heritage trees and be costly.

Planner Wight provided the definition of "accessory buildings". and "primary use".

Commissioner Zwick suggested the property owner get a lot line adjustment. Mr. Bell said the proposed location is at the end of the driveway that already exists and he wants it to blend into the trees. To make a lot line adjustment would make the lot where the garage is on.

Commissioner Zwick suggested building another garage on the developed lot. Mr. Bell said it is sitting in the middle of the driveway.

Commissioner Zwick stated that there are options for the owner, such as moving the property line or adding the structure to the developed lot. He suggests leaving the Code as it is. He is satisfied with the code and there seems no compelling reason to modify it.

Commissioner House suggested the person that is interested in changing the code crafting the language and passing the language to the town Attorney for review. This would not be the expense of the Town.

Ms. Wight suggested the interested person might contact other jurisdictions to see what they do. She has already discussed this with the town attorney.

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APPOINTMENT

Appoint one Planning Commissioner to the Housing Element Subcommittee.

M/s Zwick/House and unanimously passed (6-0) to appoint Pascal Sisich to the Housing Element Subcommittee.

GENERAL DISCUSSION

Commissioner House stated the retaining wall at 80 South Oak is not the color of the house. Ms. Wight said the potato vines would be changed to a different vine that will eventually screen the wall.

Commissioner House stated that trees have been cut down at 90 Camino de Herrera and now the house is more visible at the intersection of Brookside and Broadmoor. She felt that in the future the color of sash mullions should be dark colors as well as the color of the house, no matter if trees are there.

Ms. Wight stated that 7-9 Mariposa will be putting in windows very similar to Blomberg windows.

REPORT OF UPCOMING APPEALS TO TOWN COUNCIL

None

ADJOURNMENT TO THE REGULAR MEETING ON MONDAY, JUNE 17, 2002.

The meeting was adjourned at 10:20 p.m.


**BARBARA CHAMBERS
PLANNING TECHNICIAN**