

**SAN ANSELMO PLANNING COMMISSION  
MINUTES OF MAY 20, 2002**

**A. CALL TO ORDER**

Commissioners present: Chair Jochum, Vice Chair Harris, Commissioners  
Fernandez, House and Sisich  
Commissioner's absent: Wittenkeller and Zwick  
Staff present: Planning Director Bell, Senior Planner Wight and Planning  
Technician Chambers

**B. OPEN TIME FOR PUBLIC EXPRESSION**

Donna Bjorn, 114 Brookside Drive, questioned the Town's ability to make land use decisions while the Housing Element is being updated and currently delinquent. Mr. Bell explained that the Housing Element is being brought up to date and the Town is continuing to process applications during this time.

**C. WITHDRAWN**

1. **U-0113 - Sprint PCS, 820 Sir Francis Drake Boulevard, APN 006-061-13**, use permit to install three antennas on the building with equipment, located on property located within the C-3 Zoning District. (Staff person: Wight)

**D. CONTINUED PUBLIC HEARINGS**

1. **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 39% (Code: 35%), 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) **CONTINUED TO JUNE 3, 2002**
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 1,545 square foot second story and 43 square foot balcony, located within the R-1 Zoning District. (Staff person: Chambers) **CONTINUED TO JUNE 3, 2002**
3. **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 3, 2002**

**D. PUBLIC HEARING ITEMS  
CONSENT AGENDA**

1. **MINUTES – May 6, 2002**

M/s House/Fernandez and unanimously passed (5-0) to approve the Consent Agenda with minor modifications.

**REGULAR AGENDA**

2. **V-0222/DR-0214 – James Tung and Denise Lescotier-Tung, 5 Oakhill Drive, APN Nos. 006-156-01 and 006-144-55**, hillside design review of a 768 square foot living addition and a parking variance for the two on-site required parking spaces to remain substandard in length and extend over the front property line (encroachment permit required), located within the R-1 Zoning District (above 150' msl). (Staff person: Wight)

Ms. Wight presented the Staff Report, noting that an arborist report has been received. The applicant's arborist has advised the existing gravel area remain unchanged because extending it downhill would require a large quantity of compacted fill soil be placed over a significant portion of the roots of a 48" oak immediately behind the fence of the adjacent property. He also advised against pavers because it would require excavation.

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James Tung, applicant, stated that Regarding the washer and dryer will be removed from the garage and relocated in the house. The parking pad, as it exists, has been there from at least 1958. He has a SUV and there is still space. Regarding pavers, the Town allowed them to put in gravel when the street was paved last year. The arborist feels that any disturbance in that area would jeopardize the tree and the neighbor's tree is just 8' from the retaining wall. If they were to deepen the pad they would have to cut an 8' limb of the neighbor's tree.

In response to Commissioner Harris, Mr. Tung stated they have not studied the idea of moving the retaining wall but they would have to cantilever 8' and he did not think his neighbor would like that. No neighbors have complained about the way he parks now. He has signatures of approval from all his neighbors, including those on Southview Terrace.

Brad Wright, 1 Oak Hill Drive, is supporting the request and did not want a change in the parking area. He has lived in his house for 33 years and parking has been adequate. His principal concern is the health of the tree. The tree closest to the parking area would be stressed if the parking area were paved. He does not want anything done that would undermine the health and safety of the tree.

Commissioner Sisich said he supports the project; the addition will be under the deck and the design is nice. He would also support the parking as it is. If the Building Department requires paving, it is beyond his control.

Commissioner House stated that she likes the idea of moving the retaining wall however she is not sure it can be done based on the arborist report. She is concerned that if the trees were removed, the white trim could be seen from across the valley. However, she is otherwise in favor of the project.

Commissioner Harris said that given the situation of the tree and lack of access issues, he is not in favor of moving the retaining wall. Under different circumstances he would like to see parking up to code. If they remove the screening of the trees, the white value would really be visible. He would like the white reconsidered and looked at by staff. Regarding the massing on the ground level, it appears very massive and bulky and he would like to see if there is any way to better articulate the facade.

Commissioner Fernandez stated that he is in favor of the project as long as the Town arborist concurs with the applicant's arborist report.

Chair Jochum said the down hill elevation is unsightly now but filling it in would remove the bracing and columns. He can support the project. He does have a problem with the white trim but it would be okay to review at staff level.

Ms. Wight noted that this applicant might have the same problem as the house on Tomahawk, in that the white window was causing the problem from afar, not the trim.

Mr. Tung stated that the new windows are the same as what is existing. They also have a row of redwood trees, which provide additional screening. He noted that there is also a break in the frame, which will break up the mass of the lower level.

Chair Jochum said that it would not be fair to require the applicant change what he already has.

M/s Sisich/Fernandez, and unanimously passed (5-0), to approve the application based on the findings and conditions as set forth in the staff report and amended to include with added condition of Town arborist reviewing the applicant's arborist report and if he concurs, the Commission would be satisfied.

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

3. **V-0223/DR-0218/UP-0207 - Aidan O'Sullivan and Maureen Healey, 205 San Anselmo Avenue, A/P 7-284-39**, a use permit to demolish the existing 1,143 square foot one-story building (the existing two story building at 201 San Anselmo Avenue is to remain); design review of a new 2,865 square foot, two-story, mixed-use building (lower floor: commercial; second floor: two residential apartments); a floor area ratio variance (Code maximum: 4,374 square feet; existing building is 2,936 square feet and new building will be 2,865 square feet, for a total of 5,801 square feet); and a parking variance to continue to have no on-site parking (Code: 15 on-site spaces), located within the C-3 Zoning District. (Staff person: Wight)

Ms. Wight presented the staff report.

Commissioner House asked about limiting the hours of a business. Ms. Wight responded that although she stated this as a potential condition, she does not feel comfortable with it and there is adequate on street parking.

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Aidan O'Sullivan, applicant, provided an overview of the problems he has had in renting the building since he purchased it. The initial proposal was to have a two story commercial building but the Town seemed to prefer residential on the second floor and commercial on the lower level. He noted that housing is more expensive to build. Regarding affordable housing, he would provide market rate housing, but might consider moderate rate housing for one unit. The design was somewhat influenced with the existing building and he has built Victorian building before. Also, on one side of the property is a wood building and the Schwab building has wood siding on the side of the building that will face his.

Laura Kehrlein, Fred Divine and Associates, stated they have already made modifications to the project, specifically changing from a two story commercial building to placing residential on the second floor and would prefer to limit anymore modifications.

In response to Commissioner Sisich, Ms. Kehrlein said that the ceiling heights are approximately 9' on each level; they were trying to match the Schwab building floor line. They are proposing white vinyl windows.

Chair Jochum commented that Anderson Windows have a 200 series window that is vinyl on the outside and wood on the inside and is very competitively priced compared to all vinyl, and suggests they look into it.

In response to Commissioner Harris, Ms. Kehrlein said the proposed building will be set back about 10' from the Schwab building so they can place landscaping in front.

Mr. O'Sullivan stated that besides providing residential on the second floor, they have reduced the square footage of the building from the initial proposal which will provide more light to the neighbor at 211 San Anselmo Avenue. Therefore, he would not want to be required to have moderate or low-income housing for either unit.

Commissioner Harris commended the applicant in having the community interest in mind. He likes the idea of having residential on the second floor. He would not impose affordable housing, noting that the units are small and rents would be reasonable. Also, he was not sure what impacts it would have if one unit were affordable and the other market. With regard to design, the streetscape is a hodgepodge of design now and although he does not see Victorian, he would not recommend a change. He would rather see an almond sash from the streetscape instead of a white sash.

Commissioner Fernandez supports the staff report with the residential above.

Commissioner Sisich stated that he liked the design and can support the project. However, there are limited opportunities in the Town to provide housing and this is a perfect spot to grant parking variances due to the amount of street parking available. There are 41 parking spaces within the immediate vicinity that could be used. He would not require affordable housing because it would be punitive in light of the fact that the Town Council had expressed a desire for housing on this site when the applicant originally desired office use. He could however support a third story with more units, and could support two with no restrictions and one, maybe two with restricted rents. He would like to see a continuance to allow the applicant time to consider this possibility. He noted that rents at 60% AMI are \$1,033 per month.

Commissioner House stated that she is very much in favor of the project but would like to see one unit moderate income. She would also like any fencing that may be proposed to be 70% transparent. She is not sure how she feels about a Victorian in the middle of downtown but there are a variety of designs in the downtown area.

Chair Jochum acknowledged the benefit this project would be to the town and it would help define the streetscape. Regarding the architectural style, it is nicely designed, although it would not be his preference. He would suggest they look carefully at the 200 Series Anderson windows; it not only provides a better look on the outside, but it would look like a wood window from the inside and can be painted. He was not sure the simulated divided light can be achieved with this type of window and should be checked. It would be really tough to require low income housing on such small units and the Town is already benefiting by the residential units.

In response to Commissioner Sisich, Ms. Wight said a third story would require a variance and would have to be noticed.

Mr. O'Sullivan said he would like to look at the possibility of a third story but he would like a decision on the application before the Commission tonight.

Ms. Kenrlein added that the building would have to be raised a few feet because of the flood zone.

M/ Fernandez, to approve the application based on the findings and conditions as set forth in the staff report and amended to add that any fencing should be 70% transparent and that one unit be moderate rate.

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Mr. Bell stated that there is nothing in the Code that would allow a restriction on the rent. Additionally, with the size of the units, they would be between moderate and market.

Chair Jochum said he would be uncomfortable restricting the rent.

Commissioner Fernandez to withdraw his motion.

M/ Fernandez, to accept the staff report and amended to include that any proposed fence shall be 70% transparent.

M/s Harris/Jochum and passed (3-2 Noes: House/Sisich) to amend the motion to include the exterior window sash be almond or an equivalent color.

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

4. **DR-0217 – Laurie Joyce and Kevin Lozaw, 102 Brookside Drive, APN 005-132-25,** flatland design review to add a second story addition of 835 square feet. Also proposed, but not requiring design review, is a 126 square foot first-story addition and 330± square foot front porch, located within the R-1 Zoning District. (Staff person: (Bell))

Taken out of order.

Mr. Bell presented the staff report.

In response to Commissioner Sisich, Mr. Bell stated that the shadow study is done to see if the neighbor's light is impacted. He noted that the adjacent house at 69 Broadmoor is 4' from the side property line. Commissioner Sisich said he would like consistency for the shadow studies. Bell: nothing in the Code but used to help the commission make a decision.

Marielle Rutherford, designer representing the applicants, stated the December 21 shadow study taken at noon is the worst case scenario. She provided an overview of how they arrived at the current design. She noted that they wanted the second story stepped back from the first story to minimize the mass and tried to be sensitive to the neighbors.

Commissioner House stated that there are several houses in the flatlands that were expanded from small houses and feels it is important to look at the scale of the neighborhood. She stated that the space of the living room is open to the second story and wondered if the second story could be pushed back to remove additional bulk without losing the integrity of the house.

Ms. Rutherford responded that the second story has already been stepped back and the house will be approximately 2,200 square feet, which is not considered large. The two story open design creates a sense of height but they made the other room smaller. It would compromise the house if they had to push it back further.

Stephanie Gluska, 111 Brookside Drive, stated that once the story poles went up, the house would be too large for the lot and the street. Often, if there are two cars parked on Brookside it is difficult to get by now. This house is out of proportion with the neighborhood.

Donna Bjorn, 114 Brookside, is very concerned about the loss of the smaller homes in town. If this is approved she would like to see the bushes along Broadmoor and Brookside trimmed back and a sidewalk along Broadmoor added.

Debra Birrell, 69 Broadmoor, said the house will be very nice, she has a two-story house also. However, her daughter's bedroom is currently shaded by the vegetation on the applicant's property. The shadow study looks like her downstairs will be shaded most of the year.

Commissioner Fernandez stated the addition of another two stories home is not out of character in the neighborhood and he did not think the shadow study told the whole story.

Commissioner Harris said he supports the staff report but he takes very seriously the comments of Commissioner House about the changing character of neighborhoods. There is a cumulative town affect that needs to be addressed. He can support this particular house, being a corner lot, next to another second story, and not at the maximum lot coverage.

In response to Commissioner House, Mr. Bell stated that a sidewalk will be extended to Broadmoor and vegetation will also be removed or reduced.

Commissioner House said that the light situation is exacerbated by the 4' side yard setback for the house on Broadmoor. The light, air and privacy is fine. She would suggest that only the bottom half of the bathroom window glass be frosted and wants 70 percent of any new fence to be transparent.

Commissioner Sisich stated the applicants have met with the Birrells and have had tried to make accommodations. He does not think the Birrell's house will be impacted. The house is already impacted by the vegetation that is currently there. He noted that flatland design review does not

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control the size of the house. Until there is an ordinance that controls the size, the Commission is limited in its decisions.

Chair Jochum stated this is a modest two-story structure and can't be any lower unless it had a flat roof. The house is on the south side and the place where the house on Broadmoor gets the most light. He would like to see the Broadmoor side of the house not be such a sawed off form and would like it addressed a little more than it is but he has no authority in asking them to change it.

M/s House/Fernandez, and unanimously passed (5-0), to approve the application based on the findings and conditions as set forth in the staff report and amended as follows: the lower half of the bathroom window shall be frosted; and 70% of any new proposed fence shall be transparent.

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

5. **TOWN OF SAN ANSELMO** -- An Ordinance of the Town of San Anselmo amending the Zoning Ordinance: Land Use Table 3A by adding the requirement for conditional use permit for the demolition of professional and residential uses, Section 10-3.1504(a)(3) by deleting demolition of commercial and multi-family units from design review, and Section 10-3.130(f) by amending use permit findings for the demolition of commercial, professional, and residential structures. (Staff person: Bell)

Mr. Bell presented the staff report.

Harris questioned the findings and asked for an interoperation. Mr. Bell suggested wording: "...may also be subject to one or more of the following based on substantial evidence as .". Commissioner Harris suggested wording change as follows: ". may also be subject to the following findings based on..."

Consensus by the Commission to amend the wording and incorporate wording by Commissioner Harris.

M/s Harris/Sisich and unanimously passed (5-0), to approve Negative Declaration and recommend Town Council the proposed Ordinance as amended tonight.

All ayes.

**E. GENERAL DISCUSSION**

Commissioner Harris asked if color boards could be reviewed by the Commission prior to meetings so they could have time to review the color. Chair Jochum stated that most jurisdiction ask for one color board that is reviewed at the meeting.

Sisich presented information on low and moderate income.

Mr. Bell discussed the impending Housing Element update and why the Town, as well as other jurisdictions, are late. A draft element will be available in June, at which time there will be workshops with the community. Then the formal hearing will be at the Planning Commission and Town Council.

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

None

**G. ADJOURNMENT TO THE REGULAR MEETING ON MONDAY, JUNE 3, 2002.**

The meeting was adjourned at 9:25 p.m.

**BARBARA CHAMBERS**