

**SAN ANSELMO PLANNING COMMISSION
MINUTES OF MAY 6, 2002**

CALL TO ORDER

OPEN TIME FOR PUBLIC EXPRESSION

CONTINUED PUBLIC HEARINGS

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) **CONTINUED TO 05/20/02**
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 336 square foot storage area below; 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). **CONTINUED TO MAY 20, 2002**

PUBLIC HEARING ITEMS

CONSENT AGENDA

1. **MINUTES – April 15, 2002**
2. **V-0220 – First Presbyterian Church, 72 Kensington Road, APN 007-283-09**, variance to add a 296 square foot covered portico within 6' of the front property line (Code: 20') and to reduce lot coverage from 47% to 46% by removing 800 square feet of covered walkway, located within the R-1 Zoning District. (Staff person: Chambers)

M/s House/Zwick and unanimously passed (6-0) to approve 72 Kensington Road based on the findings and conditions as set forth in the staff report. Chair Jochum advised all parties of interest of the ten-day appeal period to the Town Council.

M/s House/Zwick and passed (5-1 Abstain: Fernandez) to approve Minutes of April 15, 2002.

REGULAR AGENDA

3. **V-0221/DR-0213 – Pete and Vicki Pedersen, 42 Miwok Drive, APN 177-263-03**, design review to develop a 2,878 square foot single family home on a 12,665 square foot parcel; and variance to construct retaining walls of up to 9' within the front yard setback (Code: 20') and a deck within 13 feet of the rear property line (Code: 14'), located within the R-1 Zoning District (above 150' msl). (Staff person: Bell)

Planning Director Bell presented the staff report.

Pete Pedersen, applicant, explained the proposal. They have attempted to nestle the house into the site and have reduced the amount of excavation as much as possible. The 1' variance is necessary for the usability of the deck area. The retaining wall is in a textured tan and they will plant additional vines on the wall to soften it. They have also proposed additional plantings on the lower portion of the site and will plant six fifteen-gallon redwood trees. The trees will be on the paper street right-of-way (within the County). They are planting 23 fifteen-gallon trees, as specified on the landscape plan. 23 – 15'gallon trees.

Gus Kanis, 46 Miwok, stated that he was concerned about his privacy and wants assurance that the trees that will be grown will grow rapidly to provide him privacy. He is also speaking for a neighbor who wants to make sure there is adequate drainage so there will be no problems with the creek.

Michael Leary, 25 Miwok, stated there are windows that face right into his bedroom and he is concerned about privacy. He is also concerned about the geological safety of the hillside and the creek.

Lawrence Bartone, 58 Miwok, was very concerned about the impacts to the environment. He thought the house was very well done and the owner has addressed the sight line issues. The lot has been poorly kept in the past and has presented fire safety issues so it will be good to see a neighbor taking care of the property now.

Caroline Trulove, 15 Miwok, is concerned about the water runoff as well as privacy. Noise is also an issue.

Resident, 25 Miwok, was concerned about the water runoff and the noise impacts of three homes being built at one time. She is also concerned about privacy and the type of trees that will be built and how fast they will grow.

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Mr. Pedersen stated he has been working with the County and the Best Management Practices will be in effect during construction. They intend to minimize the effect of water runoff and will provide adequate drainage for all the sites. They have proposed 15-gallon redwoods, which is a fast growing tree. It is also indigenous to San Anselmo. A 3-5 year growth standard would provide 18'-20' tall trees; they would also irrigate the trees and will have sustainability to the neighborhood. The room in question by the neighbor at 25 Miwok is an office that is adjunct to the bedroom and is not a sleeping space. They have about 90' of planted slope, and the runoff will go into dispersal drains, which will be handled on the property. The Initial Study prepared for the County parcels has stated drainage is less than significant. He has no plans to fence the property as part of the building permit.

Mr. Leary said it gets hot in this area and hopes the redwoods will survive. Mr. Pedersen responded that the redwoods would do fine in the area if soil is amended properly.

Mr. Kanis said he would appreciate assurance that the trees would be maintained and/or replaced if they do not survive.

Commissioner Zwick said the site is oddly shaped and steeply sloped. The design is sensitively done, given the tough site and the house bends to follow the contours. It is a little bit precipitous on the downslope but it can't be seen. He would be willing to approve it tonight with a condition to maintain the trees.

Commissioner Sisich said the few concerns he had have already been brought up. He likes the design of the house although the front of the house is not quite as nice as the back but the landscape plan will screen the house. He concurs that there should be a condition for tree maintenance.

Commissioner House said a construction management plan would be required for this project. She is in favor of the project but would want all the scotch broom to be removed and if a fence is built along the street frontage that it be 70% transparent. The applicant should notify the immediate neighbors to review the final landscape plan. An irrigation system should be required and she would like to see a program to maintain and/or replace trees within the first 5 years, if necessary. Additional vines on retaining wall; additional 5 redwood trees to be planted.

Commissioner Harris said that if the redwood trees are planted on County property, it would require County approval and he would require the applicant to take whatever steps are necessary for that approval. He would also like to see a maintenance program for the trees planted, particularly those that would screen 46 Miwok, and would want a deed restriction that specifies the newly planted trees shall be maintained and or replaced if they die, for 4-5 years from the time planted as suggested by the applicant.

Commissioner Fernandez said his concern is the water runoff and that if any trees die, they be replaced.

Chair Jochum said he concurs with the comments by Commissioner House.

M/s House, Fernandez, and unanimously passed (6-0), to approve V-0221/DR-0213, 42 Miwok Drive, based on the findings and conditions as set forth in the staff report and amended to include the following conditions: 1) scotch broom shall be eradicated; 2) any fence built along the street frontage shall be 70% transparent; 3) landscaping shall be irrigated; 4) deed restriction shall be required for design review as well as tree maintenance, 5) Amend landscape plan to include additional vines to screen the retaining wall, 6) fifteen gallon redwood trees to be planted; if planted on County property the owner shall take the necessary steps with the County.

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

4. 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)

Planning Director Bell presented the staff report, noting that he received phone calls from the owners of 94 Yolanda and 77 Alder who oppose the project based on the bulk and the side yard variance. He noted that the variances are due to the replacement of the garages only, not the house. He also stated that the project no longer requires a lot coverage variance.

Larry Paul, architect representing the applicant, explained the project. He explained that they have reduced the width of the eaves, which has removed the lot coverage.

Commissioner House commented that the applicants might want to reconsider the latticework on the porch. Also, it looks like the foundation needs attention and asked if there is a tree protection plan for preservation of the heritage oak tree.

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Mr. Paul explained that there is no tree protection plan as of yet and there will be work required to either replace or strengthen the foundation.

Catarina Rossetti, 57 Yolanda, presented photographs of the project which shows the effect the second story would have on her light and air and privacy, particularly in her backyard and pool area. There is about 15' that separates the houses and she is very sensitive to noise between the properties. She was never informed about the project until she saw the story poles. The stairwell window appears to view into her daughter's bedroom. The height of the house will completely eliminate any sun in her living room, dining room and breakfast room. She said they currently have the same rooflines and she has a second story. The size and the height of the house does not fit with the character of the neighborhood. The carport has always been there and it is 12" from the common fence. She would have no objection with the garage if the garage door were quiet. She is also concerned about the amount of time it will take to complete the project.

George Hamles, 67 Yolanda Drive, is concerned about the speed of construction and the maintenance of the street.

Mr. Paul explained that it would take approximately nine months to complete the project. The enclosure of the carport needs to be legalized. The noise issue should not be an issue for the neighbor due to the new construction of the garage. The windows looking into the neighbor's house are bedroom windows and are approximately 20' away. With regard to the height of the addition, the shade and shadow studies indicate the addition will not create a significant impact to the neighbor at 57. The plate height will be 8'. They also have a letter of support from the owner of 68 Yolanda.

Tim Weldon, 63 Yolanda, stated that he supports the project.

Commissioner Harris suggested the architect and applicants talk with the neighbor at 57 Yolanda to address their concerns. Mr. Paul agreed.

Commissioner Harris said he feels very hampered by design review. The house is large and there are large houses in the neighborhood but this is too large for the lot. The house is bulky and he has concerns about the privacy of the rear window otherwise he would support the staff report. He would like the applicant to talk with the next door neighbor at No. 57 regarding the privacy issues. He was concerned that the garage was constructed without getting permits and wanted to consider imposing a penalty, such as double fees, if possible, similar to what is done in other jurisdictions.

Commissioner Fernandez said the privacy issues should be worked out with the Rossettis, otherwise he can support the project even though the house is bulky.

Commissioner House said she is generally in favor of the project. She noted that the Town Council is crafting an ordinance limiting the amount of time for construction projects. She would like to see a protection plan for the oak tree that is reviewed by the Town arborist prior to start of project.

Commissioner Sisich said the photographs provided by the Rossettis have provided him a lot of information. The houses are larger in this neighborhood. He wasn't too concerned until he saw the story poles and wonder if the ridge height could be brought down somewhat. He wants the applicant to discuss a solution regarding the windows with the Rossettis.

Commissioner Zwick said the more successful second story additions are those that don't push the envelope so much. It is hard for him to support this project because it is at the maximum lot coverage. The bulk and mass is at the street and the second stories he prefers are setback from the street. The General Plan for the Town states the design shall replicate the character of the neighborhood and this design does not do that.

Chair Jochum said he also has concerns about this design. This neighborhood does have some character and while the front elevation is successful to the form, the side elevations are not in character with the project and is bulky. He does have concern for the neighboring properties. A little more slight of hand can be used to keep the massing low and extending the interior volume into the rooflines. More can be done vertically and to manipulate the massing of the exterior in order to protect and maintain light and privacy to the neighboring parcels. He would like to see more work done on this project.

Commissioner House said if there are ways to make the house less bulky, she would be in favor of continuing the project.

Commissioner Harris echoed Commissioner House.

Chair Jochum said a two-story structure is as good, if not preferable in that location, but it needs to be done a little more carefully.

Commissioner Zwick said he could support a second story but would like it done more sensitively.

M/s Zwick/Harris, and passed (4-2 Noes: Fernandez/Sisich) to continue the application to June 3, 2002.

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3. **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)

Ms. Chambers presented the staff report.

Tom Willis, architect representing the applicant, stated this project has been in the works for ten months and they have talked with the neighbors. They took extra care on the street frontage by adding the second story balcony, which is open and helps to break up the building mass.

Commissioner House questioned the proposed garage relocation in relation to the oak roots, and suggested pavers rather than pavement, and also recommended an arborist report.

Chair Jochum noted that the second story chimney is sticking up into the oak tree, to which, Mr. Willis said it could be ducted or shifted.

A resident of 67 Yolanda Drive and Ron Pimental, 61 Yolanda Drive, said they support the garage relocation.

Catherine Meharg, applicant, said she met with all the neighbors and considerable time was spent designing this project.

Paul Collardo, 58 Yolanda Drive and Andy Katter, 68 Yolanda Drive, support the project.

Commissioner Fernandez said he supports the project.

Commissioner Harris said the house is big, just as proposed for No. 61, and suggested stepping the second story back on the front elevation. He added that the tree roots need to be protected near the garage.

Commissioner House suggested the front yard fencing height be limited and there be an arborist's protection plan for the oak.

Commissioner Sisich said the side elevations of the house may be misleading, as one will never view it from those angles. He said he would prefer a smaller house on this lot, but feels that the project meets the required findings.

Commissioner Zwick said he would require an arborist report indicating whether or not the tree would be negatively impacted; if not, ways to protect the tree during construction. Perhaps look at moving the garage to the other side of the lot if the tree would be in jeopardy. There is also a tree in the rear, which should be looked at. The less the tree is disturbed, the more he can support the variance. This is a bungalow and there are many ways to increase the size without using more vernacular than what is proposed next door. This design is using more of the vernacular but not enough. This is still severe and he feels the need to defend the neighborhood. There is a house on Alder that has a second story that is set back and works well.

Chair Jochum agreed, adding that when looking at a two-story vertical wall, the actual view from ground level can be severe. This house is more successful than that proposed for No. 61. Still, he recommends some of the same things with regard to light, air, and privacy. He is concerned that the mass of this building will be uncomfortably and clumsily emerging into the canopy of the oak. He also expressed concern with the location of the family room chimney exiting directly into the oak tree growing from the neighbor's lot at 61 Yolanda.

Further comments included: a cardboard model could help tell the story of whether there should be a setback for the second story; continue to look at design issues; get an arborist report; and work on a solution to preserve the heritage tree. The design is okay, but consider how it fits into the neighborhood. There was concern about the cars going over the roots of the oak tree and they would like an arborist report addressing the safety of the tree.

Chair Jochum added that it is a nice house and he has no problem with aesthetics; it is more about how it fits into the neighborhood. He also wanted to know what the effect of the tree will be on this project.

M/s Zwick/House, and passed (4-2 Noes: Sisch/Fernandez), to continue the application to the meeting of June 3, 2002 to look at design issues and obtain an arborist report on the heritage oak.

7. **DR-0215 – Jonathan Zaentz, 18 Island Drive, APN 006-201-53**, hillside design review of an 848 square foot lower floor living addition, a 163 square foot main floor addition, and 468 square feet of new decks, located within the R-1 Zoning District (above 150' msl). (Staff person: Wight)

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Ms. Wight presented the staff report.

In response to Commissioner House, Ms. Wight stated that she did not think the house could be seen from Red Hill. Commissioner Fernandez concurred that he was barely able to see it as he drove on Red Hill.

Bill O'Callaghan, designer, explained the project, noting that they have had a soils report done.

Commissioner Zwick said it was a very clever design. He would prefer a darker color otherwise he could approve the staff report.

Commissioner Sisich said he could support the project, with staff to approve the color.

Commissioner House concurred with what has already been said.

Commissioner Harris said this would be a great improvement and supports the staff report, with colors to be approved by staff.

Commissioner Fernandez supports the staff report with colors that have been proposed.

Chair Jochum said he supports the project and can also support the proposed colors, with staff to review the final color.

M/s Jochum/Zwick and unanimously passed (6-0), to approve the project based on the findings and conditions as set forth in the staff report, with the addition of a deed restriction for color and tree protection.

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

WORKSHOP

1. Consideration of Rezoning C-3 zoned properties between 21 and 243 San Anselmo Avenue to C-2.

Commissioner Zwick stated that he would like to see the zone changed and would allow commercial if parking is adequate. If residential is requested on the second floor, reduce the parking requirements and do not count the second floor as FAR.

Commissioner Sisich suggested an overlay district.

Ms. Wight said the Housing Element has a housing opportunity for the downtown but the Zoning Ordinance has not been amended. She would like the Commission to review it.

Mr. Bell said they are just starting the Housing Element update. HCD will probably comment on the fact that the Housing Opportunity has not been implemented.

M/s Zwick/Sisich, and passed (5-1 Abstain: Harris) to recommend a rezoning of certain properties from C-3 to C-2 and request the Council relax the parking requirement for this zone only if residential is on the second level.

GENERAL DISCUSSION

Regarding Flatland Design Review, Commissioner Sisich said he is in favor of making design review more rigorous and would like to see more guidelines. Commissioner House said she is also in favor of that although it does not appear the Council has been hearing it from the citizens of San Anselmo. Commissioner Zwick suggested the subject be discussed again with the Council at a joint meeting.

Commissioner Sisich said he has more information on second units. Mr. Bell stated that the Housing Element would look at that.

Regarding 2 Tomahawk Lane, Ms. Wight stated that her inspection of the property indicated that the trim is dark green and the windows are white, which was a surprise, because the white can be seen from so far away and she thought it was trim.

REPORT OF UPCOMING APPEALS TO TOWN COUNCIL

None.

ADJOURNMENT TO THE REGULAR MEETING ON MONDAY, MAY 20, 2002.

The meeting was adjourned at 10:00 p.m.