

**SAN ANSELMO PLANNING COMMISSION
MEETING OF APRIL 1, 2002**

CALL TO ORDER

Commissioners present: Chair Jochum, Commissioners House, Sisich, Wittenkeller, Fernandez, Zwick

Commissioners absent: Vice Chair Harris

Staff present: Planning Director Bell, Senior Planner Wight, Planning Technician Chambers

OPEN TIME FOR PUBLIC EXPRESSION

None

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 04/15/02**

PUBLIC HEARING ITEMS

CONSENT AGENDA

1. **MINUTES – March 18, 2002**
2. **V-0214 – Suzanne Murphy, 174 Butterfield Road, APN 005-101-36**, a front yard variance to demolish the existing 332 square foot 1-car carport and storage and build a 468 square foot 2-car carport and storage within 0' of the front property line (Code: 20'); (Revocable Encroachment Permit required), on property located in the R-1 Zoning District. (Staff person: Chambers)

M/s House/Fernandez and passed (5-1 Abstain: Wittenkeller) to approve minutes.

M/s House/Sisich and unanimously passed (6-0) to approve Item 2. V-0214 - 174 Butterfield Road, based on the findings and conditions as set forth in the staff report and amended to state poison oak and stickers shall be removed from the public walkway.

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

REGULAR AGENDA

1. **V-0206/DR-0206 - Ken Meyer, 20 Elkhorn Way, APN 177-265-05**, design review of a proposed 528 square foot garage with a 528 square foot addition below and a 264 square foot utility room on the lower floor (located west of the former car deck), and a 55 square foot uncovered deck (located at the rear of the proposed garage); and a height variance for a fence on the new approach ramp to be up to 21' above grade, (Code: 6') on property located in the R-1 Zoning District (above 150' msl). (Staff person: Wight)

Ken Meyers, applicant, explained the revisions he has made since the last meeting.

Commissioner Zwick stated the pilasters really help but they need to be thicker than 6" – either square or thicker than the stucco wall. He is willing to approve the plans based on any comments by Commissioner Wittenkeller with regard to the landscape.

Commissioner Sisich said he likes the pilasters and can support the project as proposed.

Commissioner House said the back of the garage looks a lot better; however, she is still opposed to the height of the fence as previously stated.

Commissioner Wittenkeller said the vines shown are ones that want to grow on a trellis rather than a wall. Mr. Meyer responded that the plan is to have a trellis on skid wire.

Commissioner Fernandez said that after reviewing the plans and the changes made, he can recommend approval.

Chair Jochum said he does not like the idea of a 6' solid wall in front of the house for the reasons stated in previous meetings.

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M/s Zwick/Fernandez, and passed (4-2 Noes: House and Jochum), to approve the application based on the findings and conditions as set forth in the staff report and amended to require trellis wires to ensure the vines grow up the wall.

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

2. PDP-0201/DR-0209 - Jon Pearlstone, 51 South Oak Avenue, APNs-007-241-73, 007-241-74 and 007-241-76 (formerly APN 007-241-51), precise development plan and design review of a proposed 3,500 square foot single family dwelling with potential living area of approximately 500 square feet, and a 493 square foot garage, on property located within the R-1 H Zoning District. (Staff person: Wight)

Senior Planner Wight presented the staff report.

Jon Pearlstone, applicant, said he purchased the property to build and live on lot 49 and unfortunately, he had to purchase lot 49 and 51 together. He said there are restrictions with designing the house, specifically a sewer line that goes across his property. The other restriction is the trees. They have talked to each of their neighbors. After a review by several professionals there is only one place for the driveway. No matter where the house is placed, there is no way to lower the garage. For every foot the garage is moved away from the road would require the house to move 10' and would require a height variance for the house. Regarding Mr. Gibson's house at 47 South Oak Avenue, there is a distance of 450 feet from his house and Mr. Gibson's deck. Also, the screening is maximized by the bays and oaks. Pulling the house further down the hill would make it more visible to the Town and to Mr. Gibson at 47 South Oak. He is open for suggestions by the Commission.

Greg Gibson, 47 South Oak Avenue, recognizes that the applicant has a right to build but he would like to minimize the impact on him. The impact on his property and privacy would also have a monetary impact on him. The only alternative regarding impact would be to move the house farther down the hill. Some of the trees that the applicant said would shield him, really will not. Lowering the house would minimize the view of the house from downtown. He would request, if it were approved, to place the house in the area where the applicant can plant a grove of redwoods that would shield the house from him. He is also concerned about safety. The road is extremely narrow and it would be impossible in time of a fire for the emergency vehicles to get past vehicles on the road. He would like to have the road increased in width as part of this project.

John Deignan, 60 South Oak Avenue, said that prior to putting tape around the trees, he was not sure what was coming out. The plan states 14 trees are to be removed but it appears more will be coming out. Once the trees are removed, there will be quite a difference to how much of the property would really be screened. There are currently several construction trucks going up Oak and South Oak for all the building that is currently going on; it starts at 6:00 a.m. sometimes. There is only 2.5' between the 80 South Oak driveway and this proposed driveway. It seems like a hazardous situation. He suggested moving the house south, and it might not mean cutting down so many trees.

Mr. Pearlstone stated that he wants feedback from the Commission about moving the house further down the hill and moving the driveway. Also, he wants to be cautious that this house will be not be in direct view of the house he wants to develop, which would be his primary view; Mr. Gibson's view is a secondary view. Planting redwood trees as suggested, would not screen for quite a while. With regard to the narrow road, he will widen the road with fill to 10' so fire trucks would be able to park. That has been discussed and approved by the Fire Department. It would be unsafe to move the driveway.

Ms. Wight asked for confirmation on the number of trees. Mr. Pearlstone said some of the trees being removed are very small. Also, the via analysis shows that every inch the house is lowered, provides less screening of the 80 South Oak house. There are a lot of things on the landscape that will screen his house and the 80 South Oak property.

Commissioner House said she is pleased that the applicant has tried to meet all the codes. She does think the house will be very visible from everywhere. She noted however, that the house at 80 South Oak was very visible but was somewhat subdued once it was painted.

Commissioner Sisich said the impacts of this house visually is an ancillary view impact for the Gibsons at 47 South Oak Avenue. He did not think moving the house further down the hill is a good idea. There is already an erosion problem and it would require significant engineering. It would also take away some view rights of the owner if it were moved down the hill.

Commissioner Zwick said the Bald Hill Plan pushes people farther than those owners on normal lots. The Commission would be remiss if they did not explore alternatives to be certain that it cannot be built further down the hill. He is not saying to move the driveway or push the garage down the hill; perhaps wrap the house around the garage. If that does not work then provide alternative driveway solutions. He would like analysis done on how to minimize the view from across the valley; not just by paint. He is not so worried about the neighbor's view; he is more concerned about the community. The difficulty in this case, is that the applicant is coming in with Preliminary Development Plan and a house all at once. He said there might be a flat spot

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elsewhere on the lot; perhaps move story poles further down the slope to see what the impact would be.

Chair Jochum said he understands Commissioner Zwick's concern in meeting the Bald Hill Plan. From a design standpoint, the analysis that has gone on is a good one. He believes that the road frontage that is available is accurate because of the location of the sewer line easement. It is necessary to put the garage close to the road; meets the height requirements and while he does not think the house will win any architectural awards, he does not see how moving the house 10'-20' down hill will have a marked impact in changing the view impact of the house from down below. He does concur that the Commission must be certain of it. However, he does not anticipate there would be a solution that would make a marked difference.

Commissioner House asked if there is anything at 9' plate height or higher. Mr. Peristone responded that he thought it was 8' but he was told that it could be reduced 1 foot.

Commissioner Wittenkeller said he was not on the site this weekend but he agrees with Commissioner Zwick to ere on the side of caution, to make certain there are no alternatives. However, he does not think moving the house will benefit the public's view of the project but he cannot unequivocally say that. The garage cannot be moved but if the house can be moved, it would broaden the mass. He would go with approving tonight if he had support from the Commission.

Commissioner Fernandez said moving the house would not solve the problem and he would be inclined to support the project.

Commissioner House said that she has no problem going slow in making a decision on a house that has a potential of being very visible, and therefore has no problem seeing alternatives.

Commissioner Fernandez asked the Commission if the house would be visible no matter where it is located on the lot? House said she thinks that to be true but would like to see if there are alternatives.

Commissioner Zwick said that if they are trying to minimize the visual impact and there is already lower story space that is floating above grade, perhaps they have not done enough to screen or look at alternatives. Staff will have to count the space below the living room and master bedroom even though it is not considered conditioned space. Does that mean the house could be articulated differently so it would not be so visible? Could the house be wrapped around the garage, which might minimize the footprint? He also noted that the land levels off around the pool site and the house. Can that area be used? He is not suggesting they discard the design but there may be alternatives that have not been explored. He stated that the responses to his questions could come back as a schematic.

Commissioner Sisich said he would like to see lot 49 and 51 be heard together to see the impacts of both developments. This house is less objectionable to what 49 would be.

Chair Jochum added that it can be sketches or an overlay. The Commission wants to see if there is a better way to use the shell of the building by reducing the bulk but not reducing the square footage of usable space. Also, show why the house cannot be pushed down the hill.

Mr. Pearlstone said that the visual analysis does show this information.

Mr. Gibson said cited section 5.0 of the Bald Hill Plan, stating that the mass is to be minimized from nearby as well as distant views; he is nearby. He asked if the nearby neighbors have as much consideration

Chair Jochum said that the Commission is always concerned about neighborhood relationships, not just in Bald Hill. The Town tries to protect the hillsides as well as the ridge tops.

Mr. Gibson said he would appreciate the Commission looking at the two sites simultaneous. Moving the house will have an impact on 49. Since the applicant owns both lots it would be beneficial to discuss both at one time. Lot 49 would really have an impact on him. The easiest way to determine the visual impact would be to stand on the lot.

Chair Jochum explained that the Commission could only evaluate projects before the Commission.

Mr. Pearlstone said the property has been sold and the property is being transitioned. They are happy with the plans. When he purchased the house, he reduced it by 5' to keep the driveway level.

M/s Zwick/House and unanimously passed (6-0) to continue to the meeting of April 15th so the applicant can respond to the Commission comments.

Mr. Deignan, 60 South Oak, invited the Commission to visually see what it looks like from his property.

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3. **V- 0215 – Wayne Hoffman and Cynthia Rangaves, 1332 San Anselmo Avenue, APNs 007-051-30 & 31**, a parking variance for the existing 5 on-site parking spaces to remain within 0' of the west side property line, and a variance for the parking area to remain without an all-weather surface. This request is in conjunction with: 1) the former conversion of an existing structure which appears to have been available for one parking space in the past, which means 1 of the 5 required on-site parking spaces must meet the Code setbacks; and 2) the recently approved yoga school was conditioned upon the 5 required parking spaces having an all-weather surface, within the R-1 Zoning District.

Senior Planner Wight presented the staff report.

Commissioner Wittenkeller commented that there are some products on the market that are of a porous base rock with decomposed granite and less expensive than asphalt and he would like to see the Town encourage the properties in the flat land to have more permeable surfaces. He encourages the applicant to address this with the Town Engineer.

Wayne Hoffman, applicant, stated that he is disturbed with Town Ordinances that tend to be exclusionary. He does not think most houses have all-weather surfaces; in fact a house was recently built and all-weather surface was not required. They have gravel and there has never been any gravel on the sidewalk or in the gutter. What is the real reason? There is evidence that there are alternatives. It seems disproportionate in what they are trying to do for a yoga studio that will only be operating 10 hours a week. They have 70 neighbors who support the project. Regarding the parking – there are two lots and the driveway goes back so they can park five cars. If they were forced to comply with the Code they would have to add three or four parking spaces where their garden now exists. He questioned staff's interpretation of the number of parking spaces required stating that the studio was converted from a garage. The requirement would distract from the quality of the project and he does not see any benefit of the setbacks.

Cynthia Rangaves, applicant, stated that the garden beautifies the property and the Use Permit restrictions were unwarranted for a yoga studio that will only be operating a total of 9 hours and will only provide an income of \$16,000 annually. The estimates for paving the driveway seem out of proportion. The low impact use for this school will not require all the cars; they expect people to come from the neighborhood and therefore they will be walking. Her class cannot really even be compared to a private school.

Senior Planner Wight said it appears the studio could have been used as a parking structure at one time, therefore it has been a conversion. There is an area that has flagstone, which might be used as a parking area, although she is not sure that would be acceptable to the Public Works Director. She noted that the yoga class could be open 58 hours per week, not 9 hours. Gravel is also not preferred because it is noisy. Title 9-8.102a of the SAMC states "...the Director of Public Works to require all-weather surfacing..." (asphalt); however, the Director of Public Works can allow alternatives.

Commissioner Wittenkeller said the Commission could make a recommendation to staff as part of their motion. He would like the applicant to look at alternate surfaces and present them to the Public Works Department.

Commissioner Zwick said it is very important to have a permeable surface and the Public Works Department has approved alternatives, noting that base rock and gravel are much less expensive.

Chair Jochum asked if staff could go back to the site to see if the flagstone area would work.

Commissioner Wittenkeller said it is such a small neighborhood undertaking he could support a parking variance based on the uniqueness of the lot, being a double lot and very long.

Commissioner Zwick said he has more of a problem with the permeable surface idea than the parking variance.

Commissioner Sisich said he has no problem with not requiring the parking location. He suggested a compromise by providing a few more feet in an approved surface and leaving the rest gravel. He noted that noise is a factor in allowing the use permit and it could come back to the Commission if noise from the gravel becomes a factor.

M/s Jochum/Wittenkeller, and unanimously passed (6-0) to grant the parking space variance on the grounds that the site is unique; all the spots will be tandem anyway, and they can get 8-9 parking spaces on both lots.

Commissioner Zwick stated that he would like to see decomposed granite on the driveway.

Chair Jochum said there is a noise issue with the decomposed granite..

Commissioner Wittenkeller said he uses roof granite; a little small than pea gravel, which will not be picked up by the tire surface.

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Commissioner House suggested the use of permeable surface beyond the 20' apron, upon approval of the public works director.

Commissioner Zwick said they already have a packed gravel driveway.

Chair Jochum said the existing situation applies.

Commissioner Zwick said an all-weather surface means asphalt and concrete and he does not want to send that message to the Public Works Director.

Senior Planner Lisa stated that the material out there now is not considered all-weather and that is why the applicants are before the Commission.

M/s Jochum/Zwick, and passed (6-0) to deny the variance due to the fact the existing surface is a permeable all-weather surface that requires more upkeep than others.

The Commission encouraged the applicants to talk to the Director of Public Works to seek alternative solutions.

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

Commissioner House noted that as a past member of the Measure G Committee she learned that gravel degrades the roadway surface whenever it gets into the street. It is the Town's opportunity to make changes when people come before the Commission.

GENERAL DISCUSSION

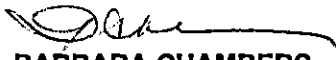
The Council has asked the Planning Commission to have a workshop on a proposed ordinance for a moratorium of cellular sites.

REPORT OF UPCOMING APPEALS TO TOWN COUNCIL

24 Knoll Road was approved at the Town Council meeting.

ADJOURNMENT TO THE REGULAR MEETING ON MONDAY, APRIL 15, 2002.

The meeting was adjourned at 9:30 p.m.


BARBARA CHAMBERS