

**SAN ANSELMO PLANNING COMMISSION
MINUTES OF OCTOBER 21, 2002**

A. CALL TO ORDER

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

B. OPEN TIME FOR PUBLIC EXPRESSION

None

C. CONTINUED PUBLIC HEARINGS

None

D. PUBLIC HEARING ITEMS

CONSENT AGENDA

1. **V-0242 – Anne and Larry Butti, 49 Belle Avenue, APN 007-302-02**, side yard setback variance to construct a 315 square foot garage within 10" of the side property line (8' required), on property located within the R-1 Zoning District. (Staff person: Chambers)

M/s House/Harris, and passed (4 – 1 abstention Wittenkeller)

2. **MINUTES – October 7, 2002**

M/s House/Zwick, and unanimously passed (5-0) to approve the minutes with minor amendments.

REGULAR AGENDA

3. **ER-0202/PS-0201/PDP-0203/V-0243/DR-0231 - Stonecraft, LLC, 531 and 535 Oak Avenue (located between 541 and 565 Oak Avenue), A/P 7-201-15**, environmental review, parcel split, precise development plan (including amendment to previously-approved building envelopes and driveway location), and design review, for two new single family dwellings: No. 531: two-story, 3,985 square foot dwelling and 495 square foot garage, and decks; No. 535: three-story, 4,480 square foot dwelling, 825 square foot garage, 170 square foot pool house, and decks, and a variance to provide access to the lot by means of a driveway access over 531 Oak, on property located in the R-1 H zoning district (Residential, Hillside Density). (Staff person: Wight)

Senior Planner Wight presented the staff report, noting that a height dimension for 535 Oak Avenue on the staff report should be 29.75' above average grade and not 34.5'.

New colors were presented with staff's usual recommendation that the house be framed before colors are approved to ensure conformity to the Bald Hill Plan.

In response to Commissioner Harris, Ms. Wight confirmed that staff, and not the owner, may decide whether a donation should be made to the Town's tree fund in lieu of replacing trees on the property. It was agreed that the Town Arborist would make the decision, which will be recorded in the Resolution.

Commissioner Harris is concerned about the effect the project may have on natural habitats and whether it contravenes the Endangered Species Act. Mr. Bell acknowledged that this proposal is subject to a previously approved Development Agreement. Ms. Wight confirmed that the protection of various bird species has been addressed in Item 10 of the Resolution. She believes there should be no adverse effect on the habitat of the Redlegged frog because the Town Engineer advises that adequate drainage will prevent an increase in the flow of water.

The applicant confirmed that concerns by neighboring residents about adequate drainage have been addressed with a new storm pipe. The owners of 541 Oak Avenue and 545 Oak Avenue have reviewed the plans, along with the Town Engineer.

Commissioner Wittenkeller expressed concern with the type of retaining walls under consideration, noting that a soil-nailing wall may be a better alternative. He believes that driveway retaining walls are the most invasive and acknowledges that a stacked earth wall may provide limited planting. The drawings show soil-nailed walls, which Commissioner Wittenkeller would favor, since it would not cause over-excavation. He considers the determination of wall material to be of utmost importance.

The Applicant, Scott Couture, addressed the Commission. He explained that it had been difficult to meet the Fire Department's regulations with regard to the roadway and retaining walls. A vertical cut from the roadway would enable more trees to remain in place. The developer plans to use soil-nailed, shotcrete walls where there are trees close to the road so that excavation is not so deep. In response to Commissioner Harris, the Applicant confirmed that the color of the walls will be darker, as requested at the last meeting.

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He further confirmed the driveway would be concrete.

Mr. Couture explained that a surveyor had evaluated the condition of the trees. It is agreed that some are more valuable than others and that the former have been yellow-tagged. Oak trees and madrone trees are some of the varieties that will be maintained.

Pointing to a map, the applicant showed the Commission how the houses are designed to fit between landmark trees, with rows of trees to provide screening. Where screening is inadequate, medium growing trees and shrubs will be planted to provide more cover. The applicant is cooperating with the owner of 541 Oak Avenue, Andy Bacich, who will be most effected by inadequate screening.

The planting of 35 new trees is proposed on the property and the applicant is ready to work with the Town Arborist. A surveyor has recorded 25 heritage trees on the property. It is proposed to remove 8 trees that are not healthy, 4 of which are in poor condition.

The water tanks will be located inside the house and will not be visible from the exterior.

The applicant noted that the most significant change to the project since the last Commission meeting is the reduction of off-haul, which has been reduced from 590 cubic yards to 309 cubic yards. This has been achieved by raising the foundation of the lower house by 1.5' and the building by 1'. This should not have a significant effect on the visual impact. The foundation of the upper house has been raised by 1', although the roofline remains the same. The garage has also been raised, together with a portion of the driveway and yard.

Mr Couture has been working with the neighboring property owners and has addressed their concerns, including the downhill off-haul.

In response to Commissioner Wittenkeller's inquiry about stabilizing the disposal area for fill, the applicant said that an engineer's approval might be necessary.

The applicant confirmed that the color pallet of the upper house has been darkened considerably. The material used for the windows will probably be wood.

Stuart Jacobson, owner of 500 Oak Avenue, said that he had not met with the developer and drew attention to a letter he has presented to the Committee. He believes the development will have a significant environmental impact and is concerned that the project may contravene the terms of the Endangered Species Act, with particular regard to the Northern Spotted Owl. However, he acknowledged that a survey had not been undertaken by the US Fish and Wildlife Service and suggested the evidence available was anecdotal only.

In response, Ms. Wight confirmed that the Negative Declaration was sent to the State, who forwarded to Fish and Game, and no comments were received. She drew attention to Condition 10 of the Resolution that addresses these issues, which various Committee members deemed sufficient.

Mr. Jacobson is concerned with traffic flow, fearing a substantial increase. He would like to see further analysis on traffic flow before allowing another development in the area. He said he has called the Police Department on numerous occasions when contractors were violating the construction hours on Bald Hill. He fears that this development will prove no different and believes the Town needs to ensure construction hours are enforced.

Mr. Jacobson remains unconvinced that adequate drainage has been provided for this new development.

Jonathan Braun, of 479 Scenic Avenue, is concerned that traffic flow will be disrupted along the route. He suggested a plan be devised to ensure deliveries are spaced out at peak hours so that other road users are not disrupted. Mr. Braun is further concerned with the visual impact of the north elevation of the house at 535 Oak Ave. He believes the elevations to be too high. In response, the applicant replied that the visual impact has been kept to a minimum by designing one story on the up-hill side and two stories on the downhill side. He said that it is difficult to visualize the actual building design from the plans and that since the nearest neighbor, who is most effected, is 200 ft from the property, minor changes will make little difference. Visibility will also be toned down by the color pallet

Mr. Braun further believes that there will still be insufficient vegetation cover because the driveway, turn around and swimming pool occupy a lot of land.

Andy Bacich, owner of 541 Oak Avenue, expressed satisfaction with the drainage issue and said he would not want to prevent the owner from building. However, he is concerned that his kitchen and decks will be in line with those of the new property and he feels the design could have been more accommodating. He would prefer the driveway to be lower so that it does not encroach on his side of the property and he is concerned that headlights of approaching cars will shine straight into his kitchen. The applicant responded that he will work with Mr Bacich to ensure there is sufficient landscaping to protect privacy and ensure car lights do not present a problem.

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Mr. Bachich ended by reminding the applicant that the power should not be on the property line and that he is otherwise pleased that the applicant is working with him.

Mr Nachtrieb, of 555 Oak Avenue, is concerned that the owner may sell the property once planning approval has been granted and the possibility may exist where a new owner would build a house that contravenes the approved plans. Planning Director Bell assured Mr Nachtrieb that under such circumstances, only approved plans may be used.

Chair Jochum asked if the owner intends building both houses at the same time. Mr. Sanders replied that it would depend on the prevailing economic conditions.

The Commission agreed that construction should begin at 8am.

Commissioner Harris suggested a Deed Restriction should record the landscaping obligations for subsequent owners of the property. In response, Ms. Wight confirmed that a Deed Restriction had been drawn up but the wording may need amending.

Commissioner Harris made the point that the terms of the Development Agreement dictate that the Town has little discretion over the type of homes built and construction conditions. He made particular reference to height restrictions and traffic flow directions, which the Town may not be able to enforce.

At Commissioner Harris' suggestion, the owners will be subject to a 5 year tree maintenance agreement with a bonding requirement, subject to staff approval, to replace unhealthy trees with native varieties. Furthermore, certain trees were identified on the Landscape Plan as needing to be replaced should they die within 5 years to meet the goal of adequate screening. All conditions are to be incorporated into the Resolution.

Commissioner Wittenkeller is generally in favor of the project and believes it to be well designed. However, at his instigation, the Committee agrees that soil and nail, timber lagging, or similar type walls will be required on uphill cut slopes. The Committee further agreed that on-site disposal areas need a geotechnical engineer's approval before the fill is placed and elevation certificates from a licensed surveyor will be required for foundations. All three items are to be incorporated into the Resolution.

Commissioner Fernandez is able to support the project, commending the architect for involving the neighbors. Commissioner Zwick is in agreement, noting the efforts being made to screen the properties. He would appreciate the builder cooperating with the neighbors over traffic flow so as not to waste the Police Department's time.

Commissioner Sisich is also able to support the staff report.

Chair Jochum agrees, in general, with the Committee and feels a balance has been reached between height and cut.

The Committee is in agreement with staff's proposal to approve colors after framing, emphasizing darker shades.

It was further agreed that the material for the windows will be wood and that the color of the retaining walls, like those of the buildings, will be determined by staff after framing.

M/s House/Zwick, and unanimously passed (5-0) to approve the project with amendments to the Resolution.

Chair Jochum advised all parties of interest of the 10 day appeal period to the Town Council.

4. **V-0230/DR-0202 – Jeff and Diane Ramsey, 16 Spruce Avenue, APN 7-024-05**, design review of a 3 story, 1,832 square foot single family dwelling; a height variance for the dwelling to be 40' above average grade (Code: 35'); and a setback variance for the garage to be within 15.5' of the front property line (Code: 20') on property located within the R-1 zoning district (above 150' msl). (Staff person: Wight)

Senior Planner Wight presented the staff report. She made the usual recommendation that framing be in place before colors are approved.

The Applicant, Scott Couture, explained that the designer, Dan Thomas, chose to build the house perpendicular to the slope and the building will be constructed as small masses to remain within set back lines. The effect is to break up the side elevation, although the width of the house will fall below the maximum width allowance by 34'.

The house has been pushed back as far as possible to reduce height, the color palette darkened and the white windows replaced with a dark color.

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In response to Chair Jochum, the applicant confirmed that the garage door had been moved back 2' and the garage roof has been lowered. However, the floor and plate elevations remain the same. Mr. Couture further confirmed that he had met with the neighbor, Mr Thompson, and had verified that the story polls had been positioned correctly.

Paul Thompson, of 18 Spruce Avenue, acknowledged that 3" of his own house encroaches onto the applicants' property and requests that the Building Department ensures that the applicants' new house is built precisely to the plans. An overhang of, for example, 6" will make a significant difference to him and the investment in his house is already at risk due to the close proximity of the new structure. Mr. Thompson had assumed there would be more space.

Commissioner Sisich asked the applicant of the possibility of providing more space between the properties. Mr. Couture responded that the space available on the other side of the property is a utility easement for which he is unlikely to obtain a variance. Chair Jochum concurred.

Commissioners Zwick, House and Sisich are able to support the project, with Commissioner House favoring the color board. Commissioner Harris is also in favor of the house and suggested that Mr. Thomas should be given at least 48 hours notice when the survey is undertaken. Commissioner Wittenkeller reminded the applicant that a licensed surveyor must be employed.

With reference to the color pallet, Ms. Wight is to add to the Resolution the language used in the Bald Hill Plan.

It was agreed that Item 4 of the Resolution should refer specifically to the construction vehicles related to the project. Under Section 2. Height and Setback Variances, the wording will be changed to 'unreasonably difficult' with reference to the topography.

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

Chair Jochum advised all parties of interest of the 10-day appeal period to the Town Council.

E. GENERAL DISCUSSION

It was agreed that discussion of the General Plan will take place at the next meeting.

Public Works right-of-way: A news rack ordinance will be introduced for discussion.

In response to Commissioner House, Ms. Wight confirmed that plans are in motion for the burnt out gas station on Sir Francis Drake Blvd.

Commissioner Sisich needs to speak to the Director of Public Works for information on a traffic impact fee that was brought before Council.

F. REPORT OF UPCOMING APPEALS TO TOWN COUNCIL

The Planning Commission awaits the outcome of the appeal of 32 Sir Francis Drake.

G ADJOURNMENT TO THE REGULAR MEETING ON MONDAY, NOVEMBER 4, 2002.

Meeting closed 9.50pm.



**Joanne O'Hehir
Sr. Admin. Services Asst.**