

**SAN ANSELMO PLANNING COMMISSION  
MINUTES OF MAY 5, 2003**

**A. CALL TO ORDER**

**Commissioners Present:** Vice-Chair Sisich, Commissioners Fernandez, House, Jochum, Wittenkeller  
**Commissioners Absent:** Chair Harris, Commissioner Zwick

**B. OPEN TIME FOR PUBLIC EXPRESSION**

There was none.

**C. CONTINUED PUBLIC HEARINGS**

**D. PUBLIC HEARING ITEMS**

**CONSENT AGENDA**

**1. MINUTES – May 5, 2003**

M/s House/Jochum and unanimously passed (5-0) to approve the minutes with minor corrections.

2. **V-0323 – Tom and Megan O’Callaghan, 68 Hawthorn Avenue, APN 5-124-01**, third story variance request for a 54 square foot portion of the existing attic to be at least 6’ measured from floor to roof above, located within the R-1 zoning district (staff person: Wight).
3. **V-0327 – Henry Pardi, 54 Sir Francis Drake Boulevard, APN 006-191-21**, parking variance for one of the garage spaces to remain converted to living area, placing 1 of the 3 required on site parking spaces within 14’ of the front property line, located within the R-1 Zoning District. (Staff person: Wight)

M/s House/Jochum and unanimously passed (5-0) to approve items 2 and 3. Vice-Chair Sisich advised all parties of interest of the 10 day appeal period to the Town Council.

**REGULAR AGENDA**

2. **U-0218/DR-0237 - Seneca Properties, LLC, 240 Redwood Road, APN 7-095-01**, Resolution of Approval for a use permit to demolish a 700 square foot single family dwelling and hillside design review of a proposed 3,077 square foot three-story single family dwelling and a 488 square foot garage within the R-1 zoning district (staff person: Wight).

This item was moved to the regular agenda and Commissioner Wittenkeller recused himself from the Committee.

Andrew Schumacher, 180 Floribel Ave, remains concerned with the water flow issue and believes that the Staff report does not consider the issue sufficiently. Furthermore, and referring to particular items of the General Plan, Mr. Schumacher believes that the Planning Commission has the authority to regulate the size of houses. He therefore believes that the decision of the last meeting was an erroneous interpretation of the General Plan.

Gay Kagy, 280 Redwood Road, believes the project does not comply with the Bald Hill Area Plan insofar as Redwood Road should be widened. The Public Works Director has not made this a condition of the project. Ms. Kagy is in agreement with Mr. Schumacher in regard to the size of the house and notes that the FAR is a maximum, not a given. She would also support a pipe drainage system.

Jonathan Braun, 479 Scenic Avenue, notes that the landscape plan calls for the removal of cypress and pine trees on the western property line. He suggests that the pine trees be retained to break up the mass of the house. He further suggests that a licensed surveyor verifies the elevations and footprint of the house to ensure the plans are implemented as approved by the Commission.

In response to Ms. Kagy and Mr. Braun, the architect for the project, Anthony Richards, said that the dissipater system is the preferred method of drainage, rather than concentrating the flow in one area. Mr. Richards notes that the size of the house has been reduced from the original plans and that the neighbor has requested the removal of the pine trees to prevent them falling on her property.

In response to Commissioner House, Ms. Wight said that the Public Works Director has not ordered the road to be widened in order to discourage on-street parking. House agrees that the house is large but not objectionably so and supports Mr. Braun’s suggestion that a surveyor be employed.

Commissioner Fernandez favors the project, although he feels it incumbent upon the Commission to encourage smaller homes. He also endorses the employment of a surveyor.

Commissioner Jochum supports the project, believing that the house is not too large for the site. He is in favor of a surveyor marking the footprint and height of the building during construction. Furthermore, Mr. Jochum notes that drainage systems do not fall within the Commission’s expertise and that he has confidence in the judgement of the Public Works Director, Mr. Elias, and the soils engineer.

Vice Chair Sisich supports the Commissioners’ comments and is in favor of a surveyor.

**SAN ANSELMO PLANNING COMMISSION  
MINUTES OF MAY 5, 2003**

Mr. Bell confirms that planning ordinances enable the Commission to reduce house size on hillsides, providing the ruling is based on visual impact. If the Commission is satisfied with the visual impact of a project, then the ordinances have been observed.

M/s House/Fernandez and unanimously passed (4-0) to move the staff report approving the Resolution with the added condition that a licensed surveyor be employed to ensure the house is built according to the plans passed by the Planning Commission.

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

**5. V-0324 – Barbara Carbone, 29 Hillside Avenue, APN 7-115-27, setback variance to construct a 400 square foot garage within 1' of the northwesterly side property line (Code: 8') and 0' of the front property line (Code: 20'), and to construct a retaining wall/fence up to 12.5' above grade along the rear and side property lines (Code: 6') within the R-1 zoning district (staff person: Bell)**

Planning Director Bell presented the staff report. In response to Commissioner Jochum, Mr. Bell said that he had not insisted upon story polls because the project is single story.

The applicant, Jill Tardy, Architect, explained that the owners would like a garage because there is no covered parking on their property. Ms. Tardy notes that the height of the garage has been lowered so that the top of the ridgeline will not exceed that of the house. She further explained that a retaining wall would provide a patio area since the owners have very little useable land in the back yard. Following consultation with a neighbor, the owners will soften the garage with planting. An arborist's report preserves trees on the property and a soils engineer has addressed the drainage issue for the garage.

In response to Commissioner Wittenkeller, Ms. Tardy said that the wall zeros out near a 34" oak tree in the near yard. Piers would be far enough away from the tree and steps will be taken to ensure major roots are not cut. Commissioner Wittenkeller suggests the end of the wall is 5' from the tree.

In respect to drainage issues, Mr. Bell explained that drainage plans are subject to the approval of the Public Works Director and not the Commission.

Wallace McOuat, 100 Laurel Ave, explained that he will be the most impacted by the garage, since it will be constructed within 2' of his lot. However, the applicant is responsive to mitigating the effects of the structure with landscaping and he supports the project. Mr. McOuat would like evergreen landscaping planted to soften the two sides of the garage that affects his property. In response to Commissioner Jochum, Mr. McOuat said he has a good idea of the impact of the garage but that he would like to have seen story polls erected.

Nancy O'Carter, 20 Hillside Avenue, observes that the applicant has plenty of parking space and is not in need of a garage. She presented photographs and read two letters from neighbors who are concerned with the affect the project will have on the property's trees. Ms. O'Carter is also concerned that enough care will not be given to the trees.

John Bain, 104 Laurel Avenue, which is directly below the applicant's property, says that the owner has been responsive to issues concerning softening the effect of the retaining wall. The protection if the oak tree is of particular concern because it would damage his house if it fell. Mr. Bain is further concerned that water will flow into his property, rather than being rerouted into drains on Laurel Avenue.

Brian Cullen, 110 Laurel Ave, says that the corner of the retaining wall will be constructed very close to his front door entrance, which will be obtrusive, given its size. Furthermore, the owner has not contacted him to discuss the plans. Mr. Cullen is also concerned with the drainage aspects of the project.

Jill Tardy, architect for the project, says that the piers are 6' 7' at the highest point and notes that the arborist report confirms that the trees on the property will not be damaged provided they are fertilized and pruned. With reference to the construction of the garage, Ms. Tardy notes that the view from the neighbor's at 20 Hillside Avenue will not be affected and the owners believe that a garage would be a visual improvement on a parking pad. However, the owners are willing to lower the wall, as recommended in the Staff Report.

Vida Cheng, 104 Laurel Avenue, suggests that a lot line adjustment with her property might be an alternative to constructing a retaining wall. Ms. Tardy replied that if the wall is not approved, her clients may wish to speak with Ms. Cheng on the matter.

Commissioner Wittenkeller notes that story polls should have been erected because there is evidence that neighbors' views are being affected. Furthermore, special considerations are being sought in a no-build zone, and he believes the uses are not a good fit with the property. The Commissioner believes the retaining wall will have a negative effect on the oak tree and he does not support the project.

Commissioner House also believes that story polls for the garage and retaining walls should be put in place and that the owner should have cooperated more with neighbors. Furthermore, the retaining walls are too high and she supports the Public Works Director's recommendations.

**SAN ANSELMO PLANNING COMMISSION  
MINUTES OF MAY 5, 2003**

Commissioner Jochum observes that the garage will tower over the property at 100 Laurel Ave and is also in favor of story polls. The Commissioner notes that the Commission does not base its decision on arborist reports or on drainage issues, which should be decided by experts. Furthermore, he does not believe that neighbors' views are significantly affected in this instance and that views would not be considered by the Commission unless a property's value were being harmed. Mr. Jochum is not inclined to support both variances.

Commissioner Fernandez is also in agreement with story polls and is surprised by the size of the project.

Vice Chair Sisich supports story polls and is generally in favor of the project, based on the lot's topography. The retaining wall should not be built so close to the tree and he believes that the effect on the neighbor's views is not significant.

M/s House/Jochum and passed (5-0) to continue the project to the meeting of May 19, 2003. In the meantime, story polls will be erected.

6. **ER-0301/PPD-0301/SPD-0301/DR-0304/U-0302 – Coby Friedman, M.B. Ventures, LLC., 790 Sir Francis Drake Boulevard, APNs 006-091-02, 34, 35 and 62, Environmental Review, zone change from R-1, R-3 & C-L to PPD/SPD, Use Permit and Design Review to consider 13 residential dwelling units on .87 acres. (staff person: Bell)**

Planning Director Bell presented the staff report.

Fredrick Divine, Architect, explained the amendments made to the soils report and referred to the plans to show where a catchment wall on the west side had been moved. Mr. Divine notes that the geotechnical report has been reviewed by both a peer-reviewer and the Public Works Director. He also explained that plans for a mixed commercial/residential project had been abandoned in favor of a residential project to mitigate traffic problems.

Mr. Divine notes the changes in the landscape plan, including the removal of acacias. Furthermore, he has studied distant views of the property and has not found any to be objectionable. However, the view from Sir Francis Drake near Redhill Shopping Center is significant, otherwise the project is small and blends into the area. Mr. Divine notes that changes have been made to the positioning of the buildings in response to previous comments, and notes that the number of three story buildings is low and will be built in an area where there is a 25% slope.

Mr. Divine addressed other aspects of the project where revisions have been made in response to the last hearing, including colors, roof design, landscaping, story polls and the elimination of the top house.

In response to Vice Chair Sisich, Mr. Divine confirmed that the 4 guest parking spaces at the top of the site would serve the apartments towards the bottom of the site. Revisions to the site plan have precluded guest parking in this area.

In reply to Commissioner Wittenkeller, Mr. Divine said the upper most catchment wall would be a cable wall and that redwood trees in 36' boxes would be planted, along with dense foliage, to ensure the wall is screened.

Mr. Divine confirmed that the color scheme consists of 4 basic colors and that white has been eliminated. In response to Commissioner Jochum, he explained where the colors would be used.

Jonathan Braun, 479 Scenic Ave, believes that the geotechnical report is not correct in stating that there was no connection between the 1967 slide that occurred on neighboring property and the applicant's property. He witnessed the destruction of a home on the property in question, which he believes was caused by subsidence triggered by the landslide. Concerning traffic, Mr. Braun believes the main traffic issues relate to the hazardous egress of the property and the amount of traffic on Sir Francis Drake Blvd that needs negotiating. Furthermore, he believes the project will have a huge visual mass and that it is not a viable option for the property.

Anna Blair, 27 Bella Vista, believes that 4 guest parking spaces are insufficient for 13 units, which would encourage more people to park on Bella Vista. Ms. Blair believes this would impair emergency vehicles trying to access the road.

Gay Kagy, 280 Redwood Road, believes the geological, traffic and visibility issues significantly impact the environment and, therefore, the Commission should deny the Negative Declaration on Environmental Impact. Furthermore, the Town's \$2M insurance liability is woefully inadequate, notwithstanding that the Town should not have to carry liability. Ms. Kagy also believes that the zoning change is not compatible with the neighborhood.

In response to comments, Mr. Divine said he is not aware of a house that was destroyed on this site. There has not been a slide at the top of the property and quarried debris has been compacted. On the issues of compatibility and visibility, Mr. Divine observes that many apartment buildings have been constructed in the area and that a 20' buffer of dense landscaping is planned with residential units beginning above that landscaping.

**SAN ANSELMO PLANNING COMMISSION  
MINUTES OF MAY 5, 2003**

In response to Vice Chair Sisich, Mr. Divine said he and his client are working with Rabi Elias over the egress.

Commissioner House is an advocate of workforce housing and believes a property owner has the right to develop property in accordance with regulations. However, the Commissioner is unable to support the project because it appears that instability issues remain and people could be injured. Furthermore, the Commissioner would feel responsible should a landslide occur after the Town's liability insurance expires. Ms. House also believes that the provision of guest parking is inadequate. However, she believes that traffic problems will occur whatever is built on the property and that a solution could be found by the Town for the current parking problems on Bella Vista.

Commissioner Jochum does not object to the zoning change and believes it appropriate to undertake an SPD and combine the lots. Furthermore, the zone change could be consistent with the General Plan. Mr. Jochum believes that Mr. Elias has the expertise to decide upon soils reports and that he is in favor of a well-engineered site rather than leaving the site undeveloped. However, the construction of 13 units may not be an appropriate use of the site and he notes that similar structures in the area are generally of low density and spread out. This is a dense development in a non-dense area, which will produce a dominant view from the west. He would like to see more variation in the design of the buildings and less visual prominence, a different color chart and a less dense development. Mr. Jochum notes that many structures along the street are very poor and that this project presents an opportunity to raise the standards. On traffic issues, the Commissioner does not believe this project will cause significant negative traffic problems, but he believes that the egress needs to be redesigned, lengthened, for example, to allow cars to pull out into the far right lane easily without using the left lane to complete the turn.

Commissioner Fernandez said he recalls the events of 1967 and believes the Town's liability insurance is lamentably inadequate. He is in agreement with Commissioner Jochum that the egress needs further development. The Commissioner believes that instability issues with the hillside remain. He says he has received many telephone calls from people in town and has been stopped by some people in town, in stores or wherever, who have said that they really do not think it is an appropriate project for this site and that he should vote against it. Because of potential land movement and potential liability to the Town, the Commissioner will vote against the project.

Commissioner Wittenkeller defends the property owner's rights but also needs to protect the welfare, health and safety of people. He feels that in this case, the latter is jeopardized. The Commissioner is impressed with the geological data and plans for mitigating problems but he is not convinced that people are not at risk, particularly when Redhill is saturated with rainfall, which can cause small landslides. Furthermore, he cannot recommend the Negative Declaration to the Council or support the project. Mr. Wittenkeller is in favor of combining the lots and he would support a project of lower density that would not put people at risk.

Vice Chair Sisich does not support the project. The Negative Declaration has not shown how threats to health and safety have been reduced to insignificance. He is in agreement with other Commissioners with regard to the egress and notes that a solution, such as a bay from which cars can merge with traffic, has not been presented. Furthermore, the Vice Chair agrees with rezoning and would like to see parking and open space on the top part of the property to mitigate the effects of a landslide, although he supports the density of the project.

M/s Wittenkeller/House and unanimously passed (6-0) to continue the project to the meeting of May 19, 2003.

**E. GENERAL DISCUSSION**

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

No Upcoming appeals. The Town Council approved the project at 100 Sir Francis Drake Blvd.

**G ADJOURNMENT TO THE MEETING ON MONDAY APRIL 21, 2003**

The meeting was adjourned at 10.05pm.



**JOANNE O'HEHIR  
SR. ADMIN. SERVICES ASST.**