

**SAN ANSELMO PLANNING COMMISSION  
MINUTES OF APRIL 7, 2003**

**A. CALL TO ORDER**

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

**B. OPEN TIME FOR PUBLIC EXPRESSION**

No one spoke.

**C. CONTINUED PUBLIC HEARINGS**

- 1. U-0218/DR-0237 - Seneca Properties, LLC, 240 Redwood Road, APN 7-095-01, Use permit to demolish a 700 square foot single family dwelling and hillside design review of a proposed 3,202 square foot three-story single family dwelling and a 488 square foot garage, (staff person: Wight) **CONTINUED TO APRIL 21, 2003****

**D. PUBLIC HEARING ITEMS**

**CONSENT AGENDA**

**1. MINUTES – March 17, 2003**

- 2. V-0319 – Steve and Jill Lueck, 35 Broadmoor Avenue, APN 005-142-15, variance to add a 278 square foot single story addition within 5' of the south side property line, located within the R-1 zoning district. (staff person: Chambers)**

Commissioner Jochum observes that a manually operated gate will open across the public sidewalk.

M/s Jochum/House and unanimously passed (6-0) to move the staff report with the substitution of a sliding gate. Chair Harris advised all parties of interest of the 10 day appeal period to the Town Council.

- 3. U-0309 - Ray Johnson, 137 Morningside Drive, APN 005-143-02, use permit amendment to expand the second unit from 680 square feet to 963 square feet, on property located within the R-1 zoning district. (staff person: Chambers)**

- 4. V-0322 – Owen Jones for Stephen & Deborah Thompson, 26 Alder Avenue, APN 007-041-32, variance to construct a first floor 38 square foot addition within 14'-4" of the rear property line (Code: 20'), within the R-1 zoning district. (staff person: Bell)**

M/s Fernandez/Wittenkeller and unanimously passed (6-0) to approve Items 1, 3 and 4. Chair Harris advised all parties of interest of the 10 day appeal period to the Town Council for these items on the Consent Agenda.

**REGULAR AGENDA**

- 5. 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, noting that Unit F has been moved.

The geologist for the project, Rob Wilson, spoke in detail of the procedures that will be put in place to stabilize the site. In response to Chair Harris, Mr. Wilson said that catchment walls will divert debris away from the site to the uninhabited site to the west and on the east side, too. However, he agreed that debris from a large slide would not be deflected. The walls would stop debris flows of between 5ft – 10ft. deep.

Mr. Wilson believes that quarrying and an unstable hillside were contributing factors to the Redhill landslide in 1967. Mr. Wilson is working with the Town Engineer to mitigate likely causes of a landslide and believes that this site does not have the triggers that caused the nearby slide in 1967. However, in response to Commissioner Wittenkeller, Mr. Wilson agrees that the chance of a slide happening is not zero.

Commissioner Sisich asked if the work on the site will cause instability, to which Mr. Wilson replied that the short term effect of grading will be outweighed by buttressing and rock bolting the site, thus increasing the stability of the site and also the surrounding areas.

In response to Chair Harris, Mr. Wilson said that the 3' retaining wall, mentioned in Page 8 of the Report, is the minimum recommended height.

Rabi Elias, Public Works Director, believes that the plans for stabilizing the hillside should be sufficient. However, it cannot be guaranteed that a landslide will not occur.

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The Traffic Consultant, Farhad Iranitalab, presented a report on traffic patterns on side roads near the project. Few cars use Bella Vista and even fewer use Madrone Avenue, preferring Nokomis Avenue. However, the number of cars using Nokomis Avenue is insignificant.

Jonathan Braun, 479 Scenic Avenue, says that a legal obligation to grant a rezoning request does not exist. He believes that a high-density residential development is not a good use for the land and that every car trip will involve a hazardous execution of lane crossing, which is unacceptable.

John Walters, 110 Santa Cruz Ave, reminds the Hearing of the causes of the 1967 Redhill landslide, believing that a landslide on this site is probable. Gerald Arbini, 26 Bella Vista Avenue, shares Mr. Walters view that the area is unstable.

Don Vita, 62 Madrone Avenue, would like another traffic study performed on side roads, at Sais Avenue, for example, because the current study presumes there is no level of service impact on the intersections. He further believes that any number of extra cars in neighboring streets is too high. Mr. Vita is further concerned that the story polls do not accurately reflect the height of the buildings and shares Mr. Braun's view that a change of zoning is not warranted.

Susan Blair, 27 Bella Vista Ave., believes that the project will be unattractive and observes that Bella Vista Avenue is not city maintained.

Cherylyn Gilboy, 36 Luna Avenue, is concerned that drainage issues are not being addressed and requests a hydrologist study. She shares the concern that a landslide may occur.

Gay Kagy, 280 Redwood Rd, believes that four low to moderate units are being offered as an incentive to allow the project to be built. However, since the Second Unit Ordinance should produce many such potential units, an extra four on this complex will not make a difference.

Commissioner Wittenkeller believes that a valid attempt has been made to convince him that the site will be made safe. However, he is not convinced that it can be made safely for such an intense use and would prefer another use of the land.

Commissioner Jochum has architectural concerns that are not appropriate for discussion, tonight.

Commissioner House is uneasy supporting the project and feels she is not qualified to take a stand on the safety issues discussed and people's lives.

Commissioner Sisich is unable to support the project as proposed, from the re-zoning aspect and suggests the site has mixed use possibilities, even giving over the top part of the site to parking. However, he would not allow other matters, such as the visual aspect of the project, or traffic problems hold up his vote.

Chair Harris shares Commissioner House's concern with regard to being qualified to make a decision. Thus, he will support the findings of the Public Works Director and believes a peer review is needed, which should be to be determined by Mr. Elias. The Chair notes that the geological problems do not seem to be affect the applicant's site. Mr. Harris is encouraged by the proposal that Building F be removed and observes that a less intense use of the site is generally desired. However, the Chair observes that a zone change may not effect the number of units allowed on the site.

M/s Fernandez/Jochum and passed (5-0) to continue the project to the meeting of May 5, 2003.

6. **V-0311/DR-0308 – Jeff and Gabriella George, 57 Scenic Avenue, APN 007-081-16**, design review to add a 2<sup>nd</sup> story addition of approximately 970 square feet in conjunction with a 100 ± first level addition; and a setback variance for the addition to be within 8'-4" of the rear property line (Code: 20'), located within the R-1 zoning district. (staff person: Bell)

Commissioner Fernandez recused himself from the meeting and Planning Director Bell presented the staff report. In response to Commissioner Jochum, Mr. Bell said that the new lot coverage is 34.3%.

Wendy Posard, designer for the project, explained the design changes that have reduced the floor area, overall. The east side of the house has been pushed forward to improve the neighbor's light and shadow.

Bill hendrickson, representing the owner of 55 Scenic Avenue, continues to be concerned that deck views will be removed and shadows will be cast on the rear sun porch. An east side window may look straight into one of the bedrooms.

Arthur Cronos, who lives at 55 Scenic Avenue, does not believe there has been any change and the story polls have remained the same. He notes that the two houses were built too close together and that the lots are too small. However, he sees no reason for Mr. George to improve upon that which he originally bought.

Mr. Bell notes that our codes do not require story polls. However, the polls should not necessarily be effected if the house is moved forward but that he leaves the decision to the Commission.

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The owner, Jeff George, notes that his lot appears to be the only oddly shaped corner site, and thus the restraints he is facing would not apply to other lots in the area.

Commissioner Wittenkeller believes that the applicant should have moved the story polls for the benefit of his neighbor at 55 Scenic. The design is a great improvement but he would like the story polls to reflect the new design. The lot is small and the effect needs to be seen.

Commissioner Jochum approves of the new design and could make findings based on the shape of the lot. He notes that the part of the addition that is beyond the rear setback will be located a good distance from the neighboring house. Additionally, since that neighbor's driveway is adjacent to the applicant's rear property line, this non-conforming addition will not deprive the neighbor of upgrading her property in the future. The Commissioner believes that the applicant should have moved the polls.

Commissioner House notes the lack of view ordinance and believes the applicant has tried to meet the requests of the neighbors and those of the Commission. She supports the variance because the corner lot is of an irregular shape. Since the owner and the occupant of 55 Scenic Avenue are unlikely to support the project, she feels there is little use in insisting that the applicant move the polls before the project is approved. Commissioner Sisich shares this last point of view with Commissioner House and will vote for the project, tonight.

Chair Harris supports the project. The mass has been brought forward and the design should improve the neighbor's shadow difficulties. However, he suggests the applicant move the story polls in the best interest of neighborly relations.

M/s House/Sisich and passed (4-1 noes: Wittenkeller) to move approval of the project with the affirmative findings and conditions in the staff report and with the added finding of exceptional circumstances for the variance due to the short lot depth, the configuration of the lot in relation to the dwelling, and that the side of the lot that the variance is located does not affect adjacent properties; and with the added condition that the upstairs hallway window lower 2/3 be translucent glass. Chair Harris advised all parties of interest of the 10 day appeal period to the Town Council.

7. **DR-0315/U-0307 – Warren Perry, 100 Sir Francis Drake Blvd., APN 006-241-01**, design review of a 2,132 square foot commercial building and parking lot; and use permit for a new occupancy by Tamalpais Bank, on property located within the C-3 zoning district. (Staff person: Wight)

Commissioner Wittenkeller recused himself from the meeting.

Senior Planner Wight presented the report.

Warren Perry, applicant, explained that the color scheme is compatible to that of Insalata's. He observes that a bank is an improvement on a service station and car detail shop in terms of increasing traffic and that there will only be egress on to Barber rather than both ingress and egress.

Mark Garwood, President of Tamalpais Bank, does not object to any of the recommendations made by the Planning Department. He is open to a sign indicating a bike crossing/egress on his property and for the provision of bike parking.

Tod Hamilton, 41 Entrata Avenue, is concerned that the traffic study did not consider safety issues. He believes that customers should ingress and egress via Sir Francis Drake Blvd. Ruth Kisskaddon, 55 Avenue Del Norte, shares Mr. Hamilton's view. She suggests that parking is provided at the back of the building rather than at the front.

Elihu Welber, 14 Avenue del Norte, a cyclist, uses Barber Avenue and has almost been struck on occasion when using the intersection. An egress on to Barber Avenue will add to the danger for cyclists.

Pat Burton, 43 Alta Vista Ave, presented two letters from neighbors. She said that the traffic report did not take into account foot traffic or cyclists. Ms. Burton, Dickson Long, 123 Sturdivant Ave, and Janelle Baumsteiger, 100 Alta Vista, support ingressing and egressing on Sir Francis Drake.

Nancy Altman, 18 Avenue Del Norte, notes that employee parking will add to the number of cars parked on Barber Avenue, in addition to the number of cars backed up at the lights on Barber Avenue. Joan Boodrookas, 10 Avenue Del Norte, says that cars entering Barber Avenue already encounter difficulties with traffic exiting the gas station and foresees that Tamalpais Bank will add to the problem.

Rabi Elias, Public Works Director, said that parking on the turn at Barber Avenue will be prohibited. He further said that consultants will be hired to study traffic at the Barber intersection, although this bears no relation to the project. Pedestrians and bicycles will need to take care at the intersection and a sign on the Bank's property would be helpful, although not mandatory. Mr. Elias further notes that many commercial properties are positioned near the creek.

In response to Commissioner Jochum, Mr. Elias said that if the Bank generated a substantial amount of traffic, then he would consider signal changes at the intersection. In response to Commissioner Sisich,

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Mr. Elias said that cars would have great difficulty egressing on to Sir Francis Drake Blvd between Tamalpais Bank and Insalata's.

The applicant, Warren Perry, explained that for security reasons, customers need to enter a bank at the front of the building. The parking and circulation plans have been optimally arranged for the bank, nursery and restaurant that share the site. In response to Chair Harris, Mr. Perry said that customers would need to drive through the nursery's parking lot in order to egress on to Sir Francis Drake, which is not desirable.

Vice Chair Sisich said the bank has a right to have the Barber access for their business, to which Commissioner House agreed, adding that crossing over to use the Insalata's lot to egress onto Sir Francis Drake could be messy if a car was entering the Insalata's lot at the same time. Commissioner Jochum agreed, noting 1) that the residential driveways in the neighborhood were worse with vehicles backing out of driveways; 2) he supports low plantings along Barber to ensure low-sitting cars have adequate sight distance; 3) the Barber access will make it more convenient for Barber Tract bank customers as well; and 4) avoid mimicking the exterior colors of Insalata's, to which Commissioners Fernandez and Harris agreed. Chair Harris added that this egress presents no greater impact than other businesses in town; in fact, if the bank hours commence at 9a.m., the school children will have already passed by.

M/s House/Fernandez and unanimously passed (5-0) to approve of staff's report with the additional condition of appropriate signage on the property with regard to pedestrian/bicyclists, with the specific wording to be drawn up by the Public Works Director. The final color pallet will be brought before the Commission following framing.

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

8. **V-0320 - John and Diane Shearin, 35 Humboldt Avenue, APN 007-023-13**, parking variance for two of the three required on-site parking spaces to remain substandard in size, in conjunction with the addition of a new bedroom (Code: 3: 9' x 19' parking spaces required), on property located in the R-1 zoning district above 150 msl elevation (staff person: Wight)

Ms. Wight presented the staff report. M/s House/Jochum and passed (5-0) to approve the staff report. Chair Harris advised all parties of interest of the 10 day appeal period to the Town Council.

9. **V-0321/DR-0317 - Tom Levine, 117 Crescent Road, APN 007-232-35**, use permit to remove more than 50 percent of a single family dwelling; setback variances to reconstruct the dwelling within 17' of the front property line and 4' of the east side property line; flatland design review of those portions of the new dwelling constituting a second story: approximately 1,120 square feet of the new main floor and 553 square feet of the new upper floor, on property located in the R-1 zoning district. (staff person: Wight)

Ms. Wight presented the staff report and letters of opposition from neighbors.

The applicant, Tom Levine, said that the 4' variance he is seeking reconstructs an existing wall and that just a few feet of wall are being removed. Beyond this, the house meets its setbacks. He is extending the house up and into the hillside so as not to encroach upon neighbors. He proposes to move the entire third floor, leaving his neighbor's view in tact and moving the shadow more towards their dining room.

Michael Manwaring, 111 Crescent Road, is concerned about the wall and his reluctance to give up their view. He acknowledges that Mr. Levine has been cooperative and has tried to solve the problem. It was suggested that the mass be pushed towards the street, allowing more light in their bedroom, but Mr. Manwaring acknowledges that the design would then be more objectionable. Thus, they would like the applicant to dress the wall with landscaping.

In response to Chair Harris, the applicant said he had reviewed other designs but was not able to cure any shadow and light problems. The more he backloaded the design of his own home, the more the shadow affected his own lot.

Commissioner house would like the glass of the second bedroom to be opaque, to which the applicant agreed.

Chair Harris supports the application due to special circumstances. Commissioners Jochum, House and Sisich support the project.

M/s House/Jochum and passed (4-1 abstention: Fernandez) to move the staff report with a change to Condition 3 to provide adequate screening and foliage, subject to a deed restriction, and approved by staff. The bottom part of the glass in the second bedroom shall be opaque.

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

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**10. TOWN OF SAN ANSELMO- Amendment to the Zoning Ordinance regarding Residential Second Units Townwide. (staff person: Bell)**

Planning Director Bell presented the staff report, noting that the final element might have to come before the Committee when it is returned from the State.

M/s House/Jochum and unanimously passed (5-0) to amend the Zoning Ordinance.

**E. GENERAL DISCUSSION**

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

The third and final meeting of 126 Laurel Avenue.

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

The meeting was adjourned at 11.25pm.



Joanne O'Hehir  
Sr. Admin. Services Asst.