

**SAN ANSELMO PLANNING COMMISSION
MINUTES OF MAY 2, 2005**

A. CALL TO ORDER

Commissioners Present: Chair Zwick, Vice-Chair House, Freeman, Harris, Sisich

B. OPEN TIME FOR PUBLIC EXPRESSION

None

C. CONTINUED PUBLIC HEARING ITEMS

1. **ER-0501/PS-0501/PPD-0501/V-0504 – Carlos and Norine Castro, 444 Redwood Road, APN 007-191-10**, Environmental Review (Mitigated Negative Declaration), Parcel Split and Precise Development Plan for a new two-story, 3,562± square foot single family dwelling and 509± square foot attached garage; a parking variance for access to be across 444 Redwood Road; and setback variances for retaining walls up to 4.5' above grade to be within approximately 8' of the front property line, and up to 10' in height within approximately 19' of the front property line, all in conjunction with widening the road (Code setback: 20') on property located within the R-1H zoning district. (staff person: Wight) **CONTINUED TO MAY 16, 2005.**
2. **DR-0506 – David Luce, 35 Grove Hill Avenue, APN 006-112-02**, Hillside Design Review to construct a new 1,397± square foot single family dwelling (638± square foot lower level and 759± square foot main level), a 407± square foot garage and 337± square foot roof deck, located within the R-1 zoning district (above 150'msl). (staff person: Chambers) **CONTINUED TO MAY 16, 2005**
3. **V-0512/DR-0514 – Robin Brandes and John Roberts, 130 Meadowcroft Drive, APN 005-141-29**, 1) setback Design Review to add a single story addition of approximately 310 square feet within 5' of the east and west side property lines, 2) parking variance for one of the two spaces to be 7'x19' (Code: 2: 9'x19'); 3) setback variance to add a exterior stairs within 0' of the west side property line (Code: 6'); 4) setback variance to add a bay window within 13' of the front property line (Code: 20'), and 5) lot coverage variance to increase lot size from 34.7% to 39.% (Code: 35%). (staff person: Chambers) **CONTINUED TO MAY 16, 2005**

**D. PUBLIC HEARING ITEMS
CONSENT AGENDA**

1. Minutes – April 18, 2005

M/s House/Sisich and unanimously passed (5-0) to approve the minutes. Chair Zwick reminded all parties of interest of a 10-day appeal period to the Town Council.

2. **V-0513 – John O'Mara, 266 Butterfield Road, APN 005-052-34**, setback variance for a creek bank retaining wall to be within 0' of the rear property line (Code setback: 20') on property located in the R-1 zoning district: **AFTER THE FACT** (staff person: Wight) - **WITHDRAWN**

REGULAR AGENDA

3. **DR-0512 - Howard and Stephanie Levene, 600 Oak Avenue, APN 007-154-06**, appeal of Planning Director's approval of Administrative Design Review of change to exterior materials in conjunction with additions approved by the Planning Commission in 2004: To comply with the Urban Wildland Interface Code (UWI) at the direction of the Ross Valley Fire Department. The exterior walls would have stucco, an ignition resistant exterior covering, the intent being to stop a fire from igniting the exterior, not just to provide it with a period of time before it burns through to the interior. This material information was not provided to the Planning Commission at the time of their approval of wood shingles in 2004. Property is located in the R-1 single family zoning district above 150 msl elevation. (staff person: Wight)

Planning Director Wight introduced the staff report, noting Staff's recommendation to deny the appeal and uphold Staff's approval for the change in material from shingle to stucco.

In response to Chair Zwick, the Fire Chief, Mike Groshong, and Fire Marshall, Michael Denning, confirmed their support for the change in material.

In response to Commissioner Sisich, Ms. Wight said that the water tank is not part of the Commission's purview.

Neil Sorensen, attorney for the appellants, Mr. & Mrs. Gill, explained why it is necessary to discuss the water tank at this Hearing.

Commissioner House expressed concern that the Commissioners would be drawn into discussion on a subject that is not under review, and she suggested that the Town Attorney should be present.

Ms. Wight confirmed that the Commission should concentrate on Design Review and Chair Zwick told Mr. Sorensen that discussion would not take place on the water tank.

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Mr. Sorensen said that discussion on the water tank should be within the Commissioner's purview as part of fire protection. Mr. Sorensen requested that the owners of 600 Oak Avenue be directed to provide additional water storage facilities and a deed-restricted agreement drawn up to maintain that water supply. Furthermore, Mr. Sorensen believes that a certain type of wood siding is allowable.

In response to Commissioner Harris, Mr. Sorensen said he is not aware if his clients objected to the project at 600 Oak Avenue when it came before the Commission in September 2004. In further response to Commissioner Harris, Mr. Sorensen said that the Fire Board imposed a deed-restriction on his client and other home-owners in the area with regard to a water tank.

Ms. Wight explained why the property at 600 Oak Avenue did not form part of the group of homes connected to the water tank. Mr. Denning confirmed that this lot was considered an exception.

In response to Commissioner Sisich, Mr. Denning said that the water hydrant in front of 600 Oak Avenue would be used in the event of a fire. Mr. Groshong said that hydrants are used for landscape fires, at which time ownership would not matter.

In response to Commissioner Sisich, Mr. Sorensen said that the Levene's object to signing a maintenance agreement for the water system.

In response to Commissioner Harris, Mr. Sorensen said that his clients object to the material change of the house insofar as it will create a visual impact.

Scott Hochstrasse, Land Use Planner retained by the appellants, Mr. & Mrs. Uzelac, explained why his clients filed the appeal. Mr. Hochstrasse said that his clients would withdraw their objections if the owners of 600 Oak Avenue agree to maintain the water system. Furthermore, Mr. Hochstrasse believes that the Levenes have reneged on their offer to provide screening on his clients' property. Mr. Hochstrasse believes that the Town has discriminated against his clients who paid for the appeal, when he understands that the owners of 600 Oak Avenue were not charged for administrative design review.

Howard Levene, owner of 600 Oak Avenue, said that he originally agreed upon shingle, until informed by the Fire Department that it is considered unsafe on hillside properties. Thus, they changed the material to a low-impact color stucco, the application for which did not require payment because the change in material was a requirement.

Furthermore, Mr. Levene said that the Fire Department offered them the choice of joining the water tank system or else paying to have their swimming pool plumbed and for a hydrant to be provided close to their property. The Levene's chose the latter. Mr. Levene offered to pay Mr. Gill \$5,000 towards the water tank, after which he received a long document consisting of a fire maintenance agreement. Mr. Levene was concerned that he would be vulnerable hereinafter and thus he chose the swimming pool and hydrant option. Had he understood what was involved in the maintenance agreement, Mr. Levene would not have agreed to join and he has asked Mr. Gill for the return of his money.

Mr. Levene is agreeable to providing screening for his neighbors but their attempts at discussion have been stonewalled. Thus, Mr. Levene took the decision to erect screening to block the view of Mr. Uzelac's swimming pool from his own and for which he paid for expert opinion. However, Mr. Gill objected to the easement location of this planting, but the County verified the validity of this location. Mr. Gill was concerned that the plants might interfere with pipes below ground but it has been established that none exists in this location.

Mr. Levene spoke further on his attempts to provide screening between his property and Mr. Uzelac's, and he noted that Mr. Uzelac has planted redwood trees that will eventually block sunlight from Mr. Levene's property.

Mr. Levene reiterated the point that the Fire Department requested the change to stucco and that the Fire Department has agreed that the swimming pool and fire hydrant provide sufficient water.

In response to Commissioner Freeman, Mr. Levene said he would be willing to sign an agreement that his swimming pool will remain full of water all year round.

Mr. Denning said that Mr. Gill has a 40,000 gallon water tank that is specifically for the development of certain lots, of which Mr. Levene's is not one. Mr. Levene has provided enough water with the combination of a tank for the sprinkler system and a swimming pool.

Mr. Sorensen said that his client is looking for better fire protection and that insufficient water storage is being required for the owners at 600 Oak Avenue.

Mr. Hochstrasse said that his clients no longer object to the stucco material and that they are willing to work with Mr. Levene over landscape screening.

Commissioner Harris defers to the fire experts in terms of what is required for fire protection and he would be in favor of continuing this item to ensure that long-term water maintenance requirements are in place

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on the Levene's property. Commissioner Harris is in favor of stucco and the color chosen and he noted that screening is not within the purview of the Commission, unless there is a violation of a condition of approval.

Commission Freeman is satisfied by the Fire experts' opinion that there is adequate additional water on the Levene's property.

Vice-Chair House is glad that the neighborhood is concerned about fire safety and that there is to be a Fire Safety Meeting. Vice-Chair House will not comment on fire protection and she prefers to rely on the opinions of the Fire experts. Vice-Chair House suggested that a color board be put up at the framing stage and approved administratively.

Commissioner Sisich favors stucco and he will defer to the fire experts. However, it appears that the community is gaining more water for the hillside.

In response to Chair Zwick, Mr. Denning said he is sure that the water hearing will adequately address the Fire Department's concerns. Chair Zwick will leave it to the Fire Department to take care of the fire needs on Oak Avenue. Chair Zwick supports Staff's report and he is in favor of a swatch.

M/s House/Freeman and passed (4-1 Noe: Harris) to deny the appeal, with the added condition that a color swatch be provided at the site at the framing stage. Chair Zwick reminded all parties of interest of a 10-day appeal period to the Town Council.

4. DR-0504 – David and Jennifer Boesel, 81 Holstein Road, APN 005-053-49, Design Review of a new two-story single family dwelling approximately 4,147 square feet in floor area and an attached garage approximately 833 square feet in area, located within the R-1 zoning district (above 150' msl). (staff person: Wight)

Planning Director Wight introduced the staff report and noted that action needs to be taken this evening. Ms. Wight explained the reasoning behind her recommendation.

Chair Zwick said the project could not be evaluated without story polls. It was decided amongst the Commissioners, Staff and applicants that discussion would ensue to give the applicants direction.

Laura Kehrlein, Architect, discussed the changes that have been made to the plans since the previous Hearing.

Jennifer Boesel, owner, presented a photographic display to show that there are different styles of houses in the area and that not all are screened. Ms. Boesel said that they have designed a low, ranch-style house with stucco and wood to break down the mass. Furthermore, the colors will blend into the hillside. Ms. Boesel said that their house will be a long way from the house at 294 The Alameda and that screening will be provided between the two houses. Ms. Boesel noted that drainage issues have been addressed.

In response to Vice-Chair House, Ms. Kehrlein used the plans to show where they have made changes to reduce the size of the house.

In response to Commissioner Freeman, Ms. Wight said that the Town Engineer has not seen the latest changes to the drainage plan but that he is satisfied with the previous plan. Ms. Wight noted that the Town Engineer would not approve a plan that would worsen drainage on public property and that she will have him address the changes if the project is submitted.

Commissioner Sisich noted that the applicants have not scaled back the project significantly. Ms. Wight explained why it was necessary to make the retaining wall larger.

Ben Capron, 294 The Alameda, presented a letter to the Commission with regard to the various issues he has with the project. Mr. Capron is in favor of a house on this property but not one that is too large or has a looming presence. He noted that the decrease in size is nominal and that the house will still invade his privacy. Furthermore, the location of the driveway and turnaround area is close to his property line, and he foresees people parking in the turnaround area that will impact his property. Mr. Capron is further concerned with drainage and he proceeded to expand on the various aspects he has against construction of this house.

Robin Gayle, 91 Holstein Road, said that the house is still too large and that a deck overlooks their back yard and into their small house. Furthermore, Ms. Gayle would like screening erected to protect her property from construction dust or for the construction site to be dampened.

Mike Prudhomme, 28 Holstein Road, is concerned that a huge fountain of water might well up from a pipe by his driveway. Chair Zwick suggested that Mr. Prudhomme speak with the Town Engineer.

Sita Khufu, 290 The Alameda, would like the house to be reduced significantly in size. Furthermore, drainage is already a problem and will continue to be one.

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Barbara Geraghty, 284 The Alameda, is also concerned about drainage. They have spent a lot of money stabilizing their property and Ms. Geraghty further explained the contents of her letter to the Commissioners.

Dan Goltz, 107 Holstein Road, is concerned that Holstein Road will be torn up by construction traffic. He would like the Planning Commission to include a road bond in their conditions.

Alex Thomas, 300 The Alameda, is also concerned about drainage problems and he requested a description of the drainage plan in layman's terms.

Coreen Cordova, 71 Holstein Road, will be impacted by the house. The owners of the new house will be able to look directly into their house and she is in agreement with the other speakers who voiced opposition.

Dan Barnety, 95 Holstein Road, agrees with all that has been said. The house is too tall.

Katy of Holstein Road, spends a lot of time playing in her garden and she feels that her privacy will be invaded because the owners of the new house will be able to stare into her back yard.

David Boesel said he will return with a full drainage plan, which Commissioner Harris suggested he review with his neighbors.

Commissioner Sisich said that the style of the house is not an issue and that he will defer to the Public Works Director with regard to the drainage plan. However, he would like there to be better screening between this project and the house at 294 The Alameda and for the house to be significantly reduced in size.

Commissioner Harris said that the owners have made minor concessions and that the plans for the garage seem to involve removing an incredible amount of earth. Visibility and drainage are the main concerns of the neighbors but it is important to note that the current drainage problems are not the responsibility of the applicants. Commissioner Harris noted that there are other houses in the area that are exposed, so visibility of the project is not creating a precedent. However, he would like more landscaping to be put in place, which should solve many of the visibility issues.

Vice-Chair House will ultimately approve a house on this lot but this design is too large for the hillside lot. Vice-Chair House noted that a construction management plan will address many of the issues the neighbors brought up. She noted that there are visible homes in the area that would not get approved in the present times but that they have the luxury of already being there.

Commissioner Freeman reiterated the major issues that need addressing, including size and compatibility of the house, and he noted the disharmony in the neighborhood.

Chair Zwick asked Ms. Wight to read allowed the Zoning Code that allows the Planning Commission to limit the size of a house if it will reduce visibility. Chair Zwick will eventually approve a house on this lot and he acknowledged that the site is difficult to build on. However, the applicant does not seem to have tried to change the design to follow the contours of the land, as was suggested at the last meeting, and part of the house appears to have 3 stories. Furthermore, there is no significant change in size. Chair Zwick would also like a screening plan to be presented at the next meeting.

M/s Harris/House and unanimously agreed to deny without prejudice: DR-0504 for David and Jennifer Boesel, 81 Holstein Road, APN 5-053-49, design review of a new two-story single family dwelling approximately 4,147 square feet in floor area and an attached garage approximately 833 square feet in area per Government Code Sections 65952.2 and 65956(c). Specifically, the Planning Commission heard the application on February 7, 2005, and requested supplemental information, including the location and size of the water tank and proposed screening, consideration of reducing the size of the house, consideration of neighborhood compatibility, adequate screening, consideration of alternate sites on the lot, consideration of terracing, surveyor's confirmation of story pole locations and height, photos from distant views, and drainage information in layman's terms. At that same hearing, the Planning Commission received a signed agreement from the applicant for a 90-day extension, which was granted in accordance with Government Code Section 65951. Such 90-day period ends on May 8, 2005. New plans were submitted on April 25 and April 28, and verbal information provided on April 29, 2005. This did not provide adequate time for staff to prepare an analysis and recommendation to the Planning Commission for this May 2, 2005 public hearing and the next public hearing is on May 16, 2005, after the 90-day period ends. Because this denial is made without prejudice, the applicant may reapply immediately for Planning Commission design review of development activity on subject property.

Chair Zwick reminded all parties of interest of the 10-day appeal period to the Town Council.

E. ITEMS FROM PLANNING COMMISSION

F. ITEMS FROM STAFF

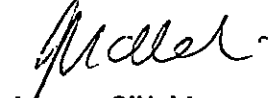
800/900 Sir Francis Drake Blvd has been appealed.

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Planning Director Wight said that ID cards will be issued to the Planning Commissioners.

G. ADJOURNMENT TO THE MEETING ON MONDAY, MAY 16, 2005

The meeting was adjourned at 9.45pm.



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