

**SAN ANSELMO PLANNING COMMISSION
MINUTES OF APRIL 4, 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 7-191-10**, 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 THE MEETING OF APRIL 18, 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 THE MEETING OF APRIL 18, 2005**
3. **DR-0504 – David and Jennifer Boesel, 81 Holstein Road, APN 5-053-49**, design review of a new two-story, 4,255± square foot single family dwelling and 792± square foot attached garage, located within the R-1 zoning district (above 150' msl). (staff person: Wight) **CONTINUED TO THE MEETING OF APRIL 18, 2005**
5. **DR-0512 - Howard and Stephanie Levine, 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)

**D. PUBLIC HEARING ITEMS
CONSENT AGENDA**

1. **Minutes – March 21, 2005**
2. **V-0509 – Tim and Valerie McLaughlin, 49 Bennitt Avenue, APN 005-093-07**, setback variance for one of the three required parking spaces to be within 0' of the front property line and encroaching 4'-2" into the right-of-way (off pavement) in connection with a master bedroom addition in the existing basement (Code: 3:9'x19' spaces on property), located within the R-1 zoning district (above 150' msl). (staff person: Chambers)

In response to Louise Matthews, Foothill Road, Ms. Chambers said that the granting of a Variance applies to the land and not to the property owner.

3. **DR-0510 – Gwen Lydon and Brian McGuinn, 47 Tomahawk Drive, APN 177-250-58**, amendment to the original approved design review to replace windows, smaller in size and without mullions, located within the R-1H zoning district (staff person: Wight)

In response to Chair Zwick, Mr. McGuinn explained that they wished to install new windows that meet code requirements and which provide relief against direct sunlight.

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

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REGULAR AGENDA

3. **V-0507/DR- 0508/V-0506 - Josef F. and Corinne A. Kremlaceck, 186 Scenic Avenue, APN 7-063-11 (located across from Nos. 179 and 203 Scenic Avenue)**, height variance for three chimneys to be 37.94' above average grade (Code: 35') and design review of a new 3,007 ± square foot, three story single family dwelling with uncovered deck terraces and a 426 ± square foot garage; and setback variances for 1) a retaining wall approximately 140' in length and up to 6.5' above grade to be constructed off the property and in the Scenic right of way below and setback from the existing road; and 2) columns and a gate on the driveway, located in the R-1 zoning district (above 150 msl). Encroachment permits from the Public Works Director will be required for both the retaining wall and chain and gate in the right of way. (staff person: Wight).

The Commission waived the reading of the staff report.

In response to Commissioner Sisich, Ms, Wight said that there are no changes to the project with the exception of the request for a variance for the chimney heights.

David Jochum , Architect for the project, said that the house is in keeping with the neighborhood. Mr. Jochum noted that the General Plan calls for residential developments to be designed in a way that minimizes the visual mass. Mr Jochum described how this had been achieved with the use of materials and design and he said that the color pallet will be darker. Furthermore, the landscape plan provides adequate screening. Mr. Jochum noted that the variance request for a gate in the public right-of-way is a common request that is often given and that, in this instance, it will not pose a problem to Scenic Avenue.

In response to Commissioner House, Mr. Jochum said that the Fire Department and the Public Works Director have not ordered the widening of the road, although it would be feasible. However, this would require a high retaining wall.

In response to Commissioner Freeman, Mr. Jochum said that it would be possible to move the gate a few feet further into the property. However, following further discussion with Commissioner House, Mr. Jochum said that the gate would still encroach upon the public-right-of-way.

Jonathan Braun, 479 Scenic Ave, said that the project does not meet the criteria of the General Plan because the house is too big and the design is striking and in dramatic contrast to the neighborhood. Mr. Braun was involved in drafting the General Plan, and he discussed the rules and objectives of the General Plan in more detail. He said that the Planning Commission has the authority to reduce the square footage and visual impact of the project. Mr. Braun also discussed other aspects of the project that he considers are problematic, including the radius of the driveway, driveway encroachment, and the gate. Mr. Braun noted that with work continuing on a neighboring property the noise will be appalling and that construction activities should be restricted lest there be conflict with morning traffic. Overall, Mr. Braun emphasized that this project is ill-suited for the location and that it could be redesigned and made more suitable for the site.

Louise Matthews is in agreement with Mr. Braun and she emphasized her objection to the chimney heights.

In response to the various public comments, Mr. Jochum said that the gate does not represent a gated community and that it is for a single house. Mr. Jochum noted that access cannot be gained to the property without encroaching on the right-of-way.

In response to Chair Zwick, Mr. Jochum said that a problem does not exist with the turning radius on the driveway, which is the reason that the Public Works Director has not required the widening of the road.

In response to Commissioner Sisich, Mr. Jochum said that a 9' ceiling height is more suitable than a lower ceiling height.

In response to Commissioner Zwick, Ms. Wight said that the construction management plan would be presented at the building permit stage. This would regulate traffic on Scenic Avenue, in addition to noise and dust. Commissioner Zwick said that it is not possible to say that all has been done to make the house smaller if the ceiling heights have not been changed. The house is as large as it can possibly be but the design is a mitigating factor. The house is articulated and better than many designs that are presented before the Commission. The materials aid in breaking up the mass. The house could have been smaller but with a larger visual impact.

Commissioner Sisich said that it would be possible to building a home with lower ceiling heights but that he recognizes that higher ceilings would be desirable in such a home. Commissioner Sisich also said that a 2,000 square foot home would appear to be large on the lot. He noted that it would make little overall difference if the road were widened for that property, only. Overall, Commissioner Sisich believes that the house will be less intrusive when it has been completed and he approves the house with a darker color pallet.

Commissioner Harris said that the house is beautifully designed but that it reaches its maximum allowable size on an exposed hillside. Commissioner Harris would prefer another design that reduces the size and scale of the house and he favors darker colors that should be presented on color boards at the site.

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Commissioner Harris suggested that the gate be moved as far back as possible on the property to make it less visible from the road and suggested that the Public Works Director re-consider softening the turning radius on the road.

Vice-Chair House said that a 9' plate height is considered normal and that a 3,000 square foot home is not necessarily considered a large home. This is not the Commissioner's personal preference but it appears to be of a size that people want and the Commission has approved of other homes of that size. Vice-Chair House believes that the downhill neighbors will not see the house when vegetation has grown. The house is visible from across the valley but the design is well articulated and she approves of the materials. Vice-Chair House noted that road widening has been requested for some projects and she would suggest that the road be widened for this project.

In response to Vice-Chair House, Mr. Jochum said that his clients desire a gate and that the landscape plans would have to be changed if a deer fence were moved.

Ms. Wight responded to Commissioner Freeman's inquiries regarding the development on neighboring lots. Commissioner Freeman is in support of the project with the exception of the chimneys. He would prefer the gate to be moved further back so that it is less visible from the road.

Chair Zwick and Mr. Jochum discussed the feasibility of sliding the house further down the hill. Chair Zwick noted that a lot of time had been spent ensuring the house remains under the height requirements. However, Chair Zwick said that it is hard to make the findings for the chimney variance. Mr. Jochum explained further their need for the variance and suggested that special circumstances of steep topography merited the granting of the variance. Chair Zwick said that the extraordinary effort made by the architect to mitigate problems and the good design would persuade him to vote for the project.

A motion was put forward by Commissioner Sisich that made the following findings for design review, setback and height variances:

Design Review

1. The House is stepped down the hillside, and incorporates elements such as bay windows and building materials that help to mitigate the mass; natural colors will be chosen to blend into the surrounding area and the design is such that the house is evocative of other houses in the neighborhood.
2. A Town-approved construction management plan will provide protection against noise, odors, and other factors, which may make the environment less desirable.
3. The development will not tend to cause the surrounding area to depreciate materially in appearance or value or otherwise discourage occupancy, investment, or development in the area.
4. The project has been reviewed by the Planning Commission and will be further reviewed by the Public Works Department and the Fire Department.
5. The house will be constructed in accordance with the Building Code and other codes pertaining to the Town.
6. A professional landscape plan will provide adequate screening.
7. A darker color pallet will be brought before the Commission for approval and the materials used will be of a natural character and blend in with the environment and provide a low visual profile.

Setback and Height Variances

1. The steep topography of the lot would make it impossible for the chimney heights to remain within the interpreted height limits set by the current Planning Code. Special privileges are not being granted because the shape and topography of the site, and its proximity to the road, make it impossible to locate the gate and columns within setbacks on the property. Furthermore, the Public Works Director has requested that a wall be built to support Scenic Avenue where there is already an existing wall.
2. Since the chimneys and gate are being constructed for a single family home, they should have no adverse affect on the health and safety of persons residing or working in the neighborhood of the property.

Ayes: Sisich
House
Freeman
Sisich

Noe: Harris

The motion passed (4-1). Chair Zwick reminded the hearing of the 10-day appeal period to the Town Council.

E. ITEMS FROM PLANNING COMMISSION

In response to Commissioner Sisich, Ms. Wight said that there is no time limit on building permits, provided that inspections are made according to the Building Code.

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In response to Commissioner Freeman, Ms. Wight explained why the project at 47 Tomahawk Drive was presented to the Commission.

Ms. Wight said that an application for landscaping at the Redhill Shopping Center will be presented to the Commission at a future Hearing.

F. ITEMS FROM STAFF

The project at 1535 Sir Francis Drake Blvd will be heard at the Council Meeting on April 12, 2005.

G. ADJOURNMENT TO THE MEETING ON MONDAY, APRIL 18, 2005

The meeting was adjourned at 9pm.



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