

**SAN ANSELMO PLANNING COMMISSION  
MINUTES OF JUNE 19, 2006**

**A. CALL TO ORDER**

**Commissioners Present:** House, Overberger, Schinner, Sisich,  
**Commissioners absent:** Harris, Vice-Chair Krebs, Zwick

**B. OPEN TIME FOR PUBLIC EXPRESSION**  
No-one wished to speak

**C. CONTINUED PUBLIC HEARING ITEMS**  
None at this time.

**D. PUBLIC HEARING ITEMS**  
**CONSENT AGENDA**

**1. Minutes – May 15, 2006**

M/s Overberger/Schinner and unanimously passed (4-0) to approve the minutes of June 5, 2006.

- 2. V-0631 - Thomas Tunny, 58 Madrone Avenue, APN 006-082-25, Amendment to Setback Variance granted June 5, 2006 to raise the dwelling 3'6"± in height to clear the December 31, 2005 flood elevation within 5' of the south side property line (Nokomis frontage) (Code: 12') and within 0' of the north side property line (Code: 8') (the existing dwelling encroaches onto APN 006-082-24 and an encroachment easement will be recorded to maintain this encroachment) on property located within the R-1 zoning district. (staff person: Wight).**

Commissioner Overberger recused herself because she lives within 500 yards of the property.

Planning Director Wight reported that a survey confirms that the house no longer encroaches on a setback, which she explained in more detail. Thus, no action is necessary, tonight, and the Commission's decision at the last meeting still stands.

**CONSENT AGENDA**

- 3. V-0633 - Nate and Ozlem Bishop, 47 Nokomis Avenue, APN 006-074-37, Setback Variance to raise the dwelling 2'6"± in height to clear the December 31, 2005 flood elevation within 3' of the south side property line on property located within the R-1 zoning district. (staff person: Wight).**

Commissioner Overberger excused herself because she lives within 300 ft of the property.

M/s Sisich/Schinner and passed unanimously (4-0) to approve the staff report with the findings and conditions of approval.

Chair House reminded the audience of the 10-day appeal period to the Town Council.

**REGULAR AGENDA**

- 4. DR-0610 - Andreas F. Kristen, 800-804 San Anselmo Avenue, APN 006-103-04, commercial design review to raise the existing building 3.5± feet above grade in order to clear the December 31, 2005 flood elevation, located within the C-2 zoning district (staff person: Wight).**

The reading of the staff report was waived. The hearing was opened for public comment, but no-one wished to speak.

M/s Sisich/Overberger and unanimously passed (4-0) to approve the staff report with the findings and conditions of approval.

Chair House reminded the hearing of the 10-day appeal period to the Town Council.

- 5. DR- 0611 - Mark Berger and Laurie Rosen, 244 Los Angeles Blvd., APN 006-013-37, Flatland Design Review of a 809 square foot second story addition, located within the R-1 zoning district. (staff person: Chambers).**

The reading of the staff report was waived. The hearing was opened for public comment, but no-one wished to speak.

M/s Sisich/Overberger and unanimously passed (4-0) to approve the staff report with the findings and conditions of approval.

Chair House reminded the hearing of the 10-day appeal period to the Town Council.

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6. **PDP-0601/DR-0612/V-0634 - Mark and Randy Methven, 305 Oak Avenue, APN 007-241-67,** Precise Development Plan and Hillside Design Review of a new 4,396 square foot single family dwelling, a 536 square foot garage, and approximately 1,400 square feet of deck area; and an Access Variance for the driveway to be across APN 007-241-69, located within the R-1H zoning district. (consulting planner: Henderson).

Diane Henderson, Consultant Planner, introduced the staff report. She provided background information on the project, noting that it has been reduced in size since the original application was submitted. Ms. Henderson said that the requirements of the Bald Hill Plan have been addressed in the revised proposal, and she noted that the driveway has been approved by the Fire Chief and Town Engineer.

In response to Commissioner Sisich, Ms. Henderson produced a color board and discussed the construction materials.

Mark Methven, applicant, discussed the neighborhood meeting. He said that they have made changes that were recommended by staff, and they are happy with the new design.

Bob Swatt, Swatt Architecture, used a model of the house to describe the project in further detail. He discussed the design, noting that they wanted to minimize cut and fill and earth moving. Mr. Swatt explained the other options that were considered for locating the house, and the reasons these were not favored. He discussed the landscape plan in the absence of the landscape architect.

Bob Rourke, Civil Engineer, explained the drainage system in more detail, in response to Commissioner Sisich. He said they will work with the Town Engineer to ensure there is a good system in place. He discussed the options available for dealing with water run-off.

Patrick Ritter, 183 Oak Avenue, who also spoke on behalf of Bill Abright, said that this is not a suitable site for a home. Mr. Ritter said that the project will exacerbate current drainage problems, and he does not believe this is a stable site for a house. He is against the removal of trees and would prefer that they at least be replaced by larger trees than recommended. Mr. Ritter said that the house is massive and the height should be lowered.

Chris Locke, 299 Oak Avenue, shares Mr. Ritter's concerns. The house is out of character with the neighborhood and does not blend in with its surroundings.

Dill William, 506 Redhill Avenue, is concerned that the landscaping will not be maintained and the house will, therefore, not be adequately screened. He believes the house is too large.

Gary Arnstein, 303 Oak Avenue, supports the project. He is pleased that the applicant cleared the lot of dead trees and brush, which were a fire hazard. Mr. Arnstein said that there are a variety of designs of homes on the hill.

Miranda Leonard, 395 Oak Avenue, likes the design but she is concerned about tree removal.

Douglas Eggers, 375 Oak, is concerned with tree removal, and he believes that drainage issues have not been adequately covered. He does not like the design.

Linda Ellison, Redhill Avenue, enjoys a town that is characterized by many trees and she would not want the house to be visible.

Mr. Methven said they have tried to minimize tree removal. He cares about trees, too, and will do all he can to maintain the existing trees and new plantings.

In response to public comment, Mr. Swatt noted that 15 gallon trees will be planted, and he explained that Mr. Ritter is unlikely to be visually impacted by the development, particularly since his property lies 175 feet away. He said that there does not appear to be a particular style of dwelling on the hill, and he produced photographic materials to support his theory.

Bob Rourke said they will undertake a drainage study of the site and ensure the effects of run-off are mitigated.

Stan Urban, building contractor for the project, spoke in-favor of the project. He said that it is a difficult site but not impossible to build on.

In response to Commissioner Schinner, Mr. Swatt discussed the color pallet, and Diane Henderson discussed the trees that are slated for removal. She noted that not all the trees being removed are heritage trees.

Commissioner Sisich said that this is a legal lot on which a dwelling can be built, and that it should be adequately screened and blend into the hillside. He noted that grading and cut and fill would be increased if the house were built further up the hill, and it appears to be the best location for the house. Commissioner Sisich will defer to the expertise of the geotechnical engineer and Town Engineer with regard to the stability of the soil, and to the Town Engineer for drainage issues. He suggested that

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members of the public address their concerns on such matters to the Town Engineer. Commissioner Sisich supports the project.

Commissioner Schinner commended the owner for working with his neighbors. However, he would prefer the mass to be reduced, which would thereby reduce the number of trees that need to be removed and improve drainage. He is concerned that the house will be visible from across the valley.

Commissioner Overberger said that the public generally do not favor dwellings being built upon open lots. This is a fairly large house but it meets all the Town's requirements, and does not reach the maximum allowable size. She noted that there are many styles of dwellings in the area, and she said that care should be taken with the planting of trees to ensure there is sufficient screening, which should be made a condition of approval. Commissioner Overberger said that she has faith in the Town Engineer with regard to drainage issues; that drainage problems exist but that this project should not be responsible for correcting all those problems. She suggested that something could be done to rectify the existing conditions downhill. The impact of this project should be minimized as much as possible, and she supports the project.

Chair House would prefer that the color pallet were darker to mitigate any possible visibility problems, particularly if a future owner removed trees on the property. The redwood siding and light-colored concrete wall are of concern, and she would like staff to approve the darkness of the redwood to blend into the hillside. Chair House likes the design, although the amount of glass could mean that the dwelling could become a beacon of light in the neighborhood if all the lights were on at night. She would recommend pavers, rather than gravel which produces noise when car tires roll across it, to assist drainage and noise. With regard to water and soils issues, professionals are paid to ensure these problems are managed and do not exacerbate current conditions. The reports will be peer-reviewed and approved by the Town Engineer, to whom residents should take their concerns about drainage. In summary, Chair House said that a minor variance is requested and albeit that this is a large home, the design meets the Town's Codes and the lot is large. She is able to support the project with the added condition that staff will approve the colors at the framing stage.

M/s Overberger/Sisich and passed (3-1 no: Schinner) to approve the project with the findings and conditions of approval, with the additional condition that the color pallet is approved by staff at the framing stage.

Chair House reminded the hearing of the 10-day appeal period to the Town Council.

7. **U-0612/DR-0613/V-0635 - Fred and Melinda Meitz, 15 Fernwood Drive, APN 007-131-36**, Use Permit to demolish a single family dwelling; Hillside Design Review of a new 2,348 square foot single family dwelling, a 500 square foot garage, 937± square foot uncovered decks, and a 170 square foot covered porch; Setback Variances for the garage to be within 9'6" of the front property line, the dwelling to be within 15' of the rear property line, and a deck to be within 5'6" of the rear property line; and a heritage tree removal permit to remove four bay trees, on property located within the R-1 zoning district above 150 msl elevation. (consulting planner: Vazquez).

Planning Consultant Vazquez introduced the staff report. She addressed the design review aspects of the project and tree removal, and noted that dark colors have been recommended per the Bald Hill Plan. However, she believes the trim is too light and recommends a darker color.

Ms. Vasquez discussed the driveway and design, and noted that grading is minimized. She also explained the reasons for tree removal, and said that some will be replaced. Staff recommends that a privet bush remains to provide screening.

Staff supports the garage variance for reasons Ms. Vasquez explained, but that she is unable to support the rear yard setback variance. She noted one letter of comment by residents who are concerned about construction trucks.

Ms Vasquez satisfied a query by Commissioner Sisich on the sewer easement.

Jeff Kroot, architect, explained why the current site is the best location for the house, and noted that this is not a huge home. He discussed the parking area, and said that neighbors support the project. Furthermore, he is working with a surveyor and Sanitary District who believe that 5' is adequate for a sewer line. Mr. Kroot disagrees that findings do not exist to grant the rear yard setback, and he explained the problems involved were they to change the design. He said that the off-white trim would not be visible from afar and that there are other houses in the area with white trim. He also explained why a survey is not necessary.

Fred Meitz, applicant, said that the lot is difficult to build on, and he explained why they do not wish to change the design.

Mr. Kroot clarified aspects of the design for Commissioner Sisich.

Brian Beard, 25 Fernwood Drive, supports the project. He said that the new design is much better than the present house, and that he will not be impacted.

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In response to Chair House, Ive Haugeland, landscape architect, said that they wish to remove the privet because it is tall and skinny and disliked by the neighbor.

Mr. Kroot discussed the deck in response to Chair House. She noted that increased noise levels do not constitute findings to allow the rear yard setback.

In response to Commissioner Schinner, Ms. Haugeland explained that fire regulations prevent them from planting as many trees as they are removing.

Commissioner Overberger said that findings cannot be made for the rear yard variance.

Commissioner House and Ms. Vasquez discussed a finding based on soils stability. Ms. Vasquez explained that circumstances exist where soils stability could be a finding but that it is not the case in this instance.

Commissioner Overberger and Ms. Vasquez discussed alternative designs that would not require a variance. Mr. Kroot explained why the design cannot be changed, and he explained why he believes that soils and topography constitute findings.

Commissioner Sisich is unable to support the rear setback encroachment, and he suggested that the deck be redesigned to conform to setback requirements. However, he agrees with staff that findings for the variance for the garage can be made.

Commissioner Schinner concurs with staff.

Commissioner Overberger is in agreement with the previous commissioners. However, she is concerned that the number of replacement trees will not match the number felled. The Planning Director said that if a site is not large enough to provide a 1:1 replacement, then an in-lieu fee can be paid to fund tree planting in another part of town. The decision should be taken at the final inspection.

Commissioner House said that she supports the use permit, design review, heritage tree removal and the garage variance. She suggested that the drainage bowl and the minimizing of grading might constitute findings for the rear yard variances.

M/s Schinner/Sisich and passed (3:1 no: House) to continue the project to the meeting of July 17, 2006.

Mr. Kroot suggested they move the hot tub out of the setback to remove one of the variances, and general discussion followed between staff and commissioners.

The motion and second were withdrawn.

M/s Schinner/Sisich and unanimously passed (4-0) to deny the application because findings to allow variances for the dwelling to be within 15' of the rear property line, and a deck to be within 5'6" of the rear property line could not be made, and the applicant chose not to redesign the project.

Chair House reminded the audience of the 10-day appeal period to the Town Council.

8. **DR-9614 - Cory and Kimberly Carroll, 91 Valley Road, APN 005-081-23**, Hillside Design Review of a 578 square foot lower floor addition, a 749 square foot main floor addition, 412 square feet of uncovered decks on property located within the R-1 zoning district above 150 msl elevation. (staff person: Wight).

The Planning Director introduced the staff report. She discussed aspects of the project that do not concern design review, and explained that staff is able to make findings to support the project. Ms. Wight said that a condition should be made that the Public Works Director should approve the drainage plan.

Discussion between the applicant and staff followed about the drainage issue. Chair House explained that the applicant is obligated to ensure others are not impacted by their project, and that they would need to rectify a drainage condition that had been exacerbated or caused by their project.

M/s Overberger/Sisich and unanimously approved (4-0) to move the staff report with the added condition that a drainage plan be drawn up to the satisfaction of the Public Works Director, and that the applicant will undertake corrective drainage work if drainage conditions are adversely affected by the project.

Chair House reminded the hearing of the 10-day appeal period.

9. **Appointment of two Planning Commissioners to a joint Town Council/Planning Commission Subcommittee to review Zoning Ordinance Regulations.**

M/s Overberger/Sisich and unanimously passed (4-0) to appoint Chair House and Commissioner Zwick to the subcommittee.

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**F. ITEMS FROM STAFF**

*The appeal of 325 Greenfield Avenue will be heard by the Town Council on July 11, 2006.*

**G. ADJOURNMENT TO THE MEETING OF JULY 17, 2006.**

The meeting was adjourned at 10.30pm.

Joanne O'Hehir  
Sr. Admin. Services Asst.