

TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES OF JULY 2, 2007

A. CALL TO ORDER

Commissioners Present: Zwick, Krebs, Harris, Sisich
Commissioners Absent: Overberger, Schinner

B. OPEN TIME FOR PUBLIC EXPRESSION

There were no comments from the audience.

C. WITHDRAWN ITEMS

1. **UP-0603 – Amory Donohue for Hola Kids by Language in Action, 25 Tamalpais Avenue, APN 007-212-18, Six month review of a Use Permit for a private school on property located within the C-2 zoning district (staff person: Wight).**

D. CONTINUED ITEMS

1. **DR-0721 – Peter Joseph and Marcy Levine, 53 Summit Road, APN 007-031-44, Design Review to add a ±260 square foot screened gazebo 11' in height, and retaining walls up to 2' in height, located within the R-1H zoning district. (staff person: Wight). CONTINUED TO JULY 16, 2007.**

E. PUBLIC HEARING ITEMS

CONSENT AGENDA

1. **Minutes – June 5, and June 18, 2007**

M/s Harris, Zwick and unanimously passed to approve the June 5, 2007 minutes with some changes, and the June 18, 2007 minutes as written.

2. **V-0713/DR-0714 – John and Kendra Bartolomi, 8 Broadmoor Avenue, APN 005-183-13, Flatland and Setback Design Review to add a ±747 second story addition within 5' of the southwest side property line, and Parking Variance for the existing parking space in the garage to measure 18'-1" in length (Code: 19') on property located within the R-1 zoning district. (staff person: Chambers).**
3. **V-0721/DR-0718 - Linda Jensen and Bob Schulz, 130 Madrone Avenue, APN 007-114-16, Story Variance to extend the previously approved third story 149+ square feet to enclose a previously approved upper story porch; and Flatland Design Review of the porch enclosure and a 170+ square foot uncovered upper story deck on property located within the R-1 zoning district. (staff person: Wight)**
4. **U-0709/SR-0701/DR-0719/V-0718 – Marc Dimalanta for Teapod Organic Tea Bar, 701 San Anselmo Avenue, APN 007-211-18, Use Permit for a change of occupancy in a 2,348 square foot building from retail to a café tea service; Design Review of exterior alterations; Sign Review of signs; and a Parking Variance for a change in use, located within the C-2 zoning district. (staff person: Wight).**
5. **DR-0720 – Mark and Terri Haddix, 39 Tomahawk Drive, APN 177-250-62, Design Review Amendment to modify windows and doors on the north and west side of the dwelling and to change the exterior siding of the east elevation (front) from cedar wood lap siding painted brown to cedar shingle stained natural, on property located within the R-1H zoning district. (staff person: Chambers)**

There were no public comments.

Commissioner Sisich wished to pull item 4 for the reason that he'd like to look at the colors which were not included in the packets.

TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES OF JULY 2, 2007

Commissioner Harris, in regard to item 5, the house was painted rather than stained as approved and it's visibility on the hillside, questioned if paint is more visible or reflective than stain. In response, Assistant Planner Barbara Chambers discussed that the color and tone were similar to what was originally approved and didn't appear to be any more glaring. Planning and Building Director Wight discussed that there was not a deed restriction, so it's possible that current owners wouldn't be aware of the approval of that time.

M/s Harris/ Zwick and unanimously passed to move the staff report on items 2, 3, and 5.

REGULAR AGENDA

- 6. U-0709/SR-0701/DR-0719/V-0718 – Marc Dimalanta for Teapod Organic Tea Bar, 701 San Anselmo Avenue, APN 007-211-18, Use Permit for a change of occupancy in a 2,348 square foot building from retail to a café tea service; Design Review of exterior alterations; Sign Review of signs; and a Parking Variance for a change in use, located within the C-2 zoning district.**

Chair Krebs stated that the primary question had to do with the colors. Commissioner Sisich stated he wanted to see the colors and wondered if the issue on outdoor seating would be a separate application. Planning and Building Director Wight said she will put outdoor seating on the next agenda. She clarified that on Town property tables cannot be into the sidewalk.

Commissioner Harris asked if the Town owns the sidewalk or if it's a right of way. In response to Harris' question, Wight stated the sidewalk is the right of way and private uses are not allowed on the right of way.

Marc Dimalanta, architect, discussed the colors, noting that the orange is part of the logo and letters. The existing fascia is painted green and it will be simplified since the storefront is being taken out.

M/s Sisich/ Harris and unanimously passed to approve the application as described in the staff report.

- 7. DR-0712/U-0705 – David and Elizabeth Borgeson, 49 Cedar Street, APN 007-222-57, Use Permit/Design Review of an incline elevator within $\pm 3.5'$ of the north and $\pm 5.5'$ of the south side property lines; a ± 447 square foot carport up to 12' in height within 8" of the north and south side property lines; a retaining wall up to 7' in height within $\pm 5''$ of the north and south side property lines; wire mesh fencing up to a maximum of 6' in height within 0' of the north and south side property lines; a landing on grade; a landing up to $\pm 5'-7''$ in height within $\pm 7'$ of the north side property line, landscape lighting; a hot tub; and, removal of a 20.6" diseased oak, located within the SPD zoning district.**

Assistant Planner Chambers presented the staff report.

In response to Harris, Chambers stated there isn't a code setback for this lot because it has an SPD. She noted the spacing between the tracks has to be four feet wide. Chair Krebs complimented staff on the organization of the report.

The public hearing was opened.

David Borgeson, applicant, stated he could not angle rails if the tree does not get removed. He said the two reasons for moving the tracks another foot into the middle of the property is to give more room at the top and to allow plants more vegetation. In regards to the tree, one arborist said it was 40% rotted and another said it was diseased. He provided a color board to look at examples of low wattage, hooded lighting near the ground, shining down at the stairway. He asked that stone veneer, which would be cheaper and easier to paint, be added to the deed restriction. Regarding up lighting, he asked for lighting of the rock feature and two trees, possibly horizontal lighting rather than up lighting. He discussed the fence height.

In response to Harris, Borgeson clarified that the rails are over as far as possible. The thirty-six inch stairway gives enough space. In response to Harris, Borgeson stated that the boulder has been on the property a long time. In response to the hot tub issue, Borgeson noted that it is a small

TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES OF JULY 2, 2007

tub, only one on the market being smaller and will be located on a flat area of the lot. Krebs referred to a letter dated June 14th from the neighbors at 81 Magnolia in which they identified five matters. Borgeson added that he was going to have a solid fence but a neighbor preferred to have it open just a mesh, not solid. He stated they could add solid fencing to that area at a later time.

Jessie Martin, Cedar Street, asked if the stairs would be cement. David Borgeson clarified that the stairs would be made with concrete but will be blended in. In response to Martin the applicant stated that the elevator would not exceed a foot in height.

Marte Milks-Martin, Cedar Street, stated that she has met with the applicant, David Borgeson and some compromises have been made. She reiterated that an arborist confirmed that the tree is diseased and they agreed that the tree has to go but maybe arrangements can be made to get another tree. She expressed concerned about the excavation stating that David said they wanted to take the whole root system out. She had a slide on other side of the house twenty years ago and it's unstable. In response, the applicant said there will be engineers on site.

The public hearing was closed.

Commissioner Zwick noted that he likes to see the neighbors working together. It sounds like there is good communication. He expressed concern about the lighting. Up lights don't make sense to him and if it remains that way he will vote against this project. He suggested keeping it low voltage, and if the lights were pointed down then he could support this project.

Commissioner Harris agreed with Zwick. He complimented the applicant on listening and following up with neighbors. In regards to the lighting, Harris explained that if it doesn't impact other people, up lighting a tree at night can be attractive. But if it impacts others and they don't like it he wouldn't support that. Zwick disagreed stating that there is a lot of light pollution that is not needed.

Commissioner Sisich questioned if there were any added conditions. Commissioner Zwick urged that the words flood lights should be changed to low voltage down lights. Discussion resumed about conditions on the lighting.

Commissioner Krebs noted that the applicant had made a request to have an alternative for the retaining wall with a stone veneer option instead of painted. It was agreed to add stone veneer to condition number 2.

There was discussion on the lighting in the carport, as there was none shown on the plan. Wight clarified that Commissioner Zwick wanted to know how many exterior lights are going to be in the project. In response to Commissioner Krebs, the applicant noted that to light the carport area there will be two lights, a motion sensor light for security purposes and one light over the number in the front as indicated on the plan. The only light that is not in the plan is sticking up from underneath the carport which would be an on/off switch. Zwick commented that there is only one shown on the plan. Discussion continued about the lighting. The applicant noted that there are other lights that are not shown on the plans.

M/s Harris, Zwick and unanimously passed to approve the staff report with amendments as follows to condition approval number 3 shall be amended in accordance with Commissioner Zwick's comments with respect to the lights indicated on the site plan, the first sentence which staff already has the language for, and then it would be further amended so such that the applicant will come back to staff with a lighting plan depicting all lighting to be installed in the carport, carport area, landings, stairs, hillevator and any other lighting proposed in connection with this project; the applicant will show lighting plans to neighbors before presenting the staff.

- 8. DR-0710 – Laura O'Heidhin, 285 Redwood Road, APN 007-097-06, amendment to previously approved landscape plan, on property within the R-1H zoning district.**

Building and Planning Director Wight presented the staff report.

In response to Commissioner Sisich, Wight suggested tightening condition number 9.

TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES OF JULY 2, 2007

Laura O'Heidin, applicant, commented about the plastic webbing on Redwood Road stating that she did what the Public Works Department wanted done. She originally planted plants that the deer ate. She noted she will do whatever the Public Works Department wants her to do.

Henry Cole, landscape architect, stated he did the original landscape plan and then he wasn't involved until 2005. The fence line would sit on the property and existing trees would not be removed.

Commissioner Sisich suggested the solution is a retaining wall for along the property line because there is no way of stabilizing the slope otherwise. In response to Sisich, Cole noted posts rather than stakes are used for the fence and he will need to go down and make sure they are sited properly. He tried to do easiest route with the existing trees.

Gay Kagy, Redwood Road, requested number 11 tree be removed to protect other healthy oak trees nearby. The proposed wire mesh fence poses a problem for the deer as the deer travel parallel to Redwood Road above the bank with limited access for the deer from the road to the property. She suggested that the fence be moved back 20 feet from the road to alleviate more bank damage with posts for fences. She doesn't think toys rolling down are a good rationale to have a fence all the way around Redwood Road. In regards to the webbing, she agrees that the webbing has eroded over the years and cannot be backfilled because of the rocks behind it.

Henry Cole, architect, responded that the purpose of the fence was to prevent toys and other debris rolling down the hill. He added with two deer openings on either side it wouldn't make a difference. He said there was discussion as far of what the Town wants to do with the corner of Redwood with the black webbing supporting the hillside. In response to the oak tree number 11 and the arborist recommending that it not be removed is what people want to do. His thought is to try to save and keep it there unless it's necessary. Wight stated that the arborist felt that where the tree was located coupled with the fact that there isn't a lot of staining that it was okay for now. Cole discussed the concerns with tree numbers 18 and 22 and their survivability.

In response to Commissioner Krebs on moving the fence back a bit, Henry Cole stated that the advantage is that there is a row of trees just along the edge and if pulled back the deer path is cut across as well. Another reason to put the fence there is to separate the two areas.

Discussion followed about the long history of this project and who was involved originally.

Commissioner Sisich stated that the deer will be fine and he hoped that the fence will be moved back if it's too close to the bank and wants to see the debris cleaned up. He stated the webbing should be cut back. Commissioner Harris is fine with what staff recommends and accepts proposed amendment to condition of approval number 9 to include that the applicant and the Public Works look at the stability of the hillside by Redwood Road Frontage. Harris expressed concern and frustration with the process taken and grudgingly supports the staff report as amended. Discussion continued with the staff and Commission. Planning and Building Director Wight clarified that it is a driveway and not a right of way. Harris stated that the conditional approval number 2 uses the term right of way. Commissioner Krebs, based on his review, said that he seconds that it is frustrating and hopes that they do follow the process and if it comes up again in this manner it will be treated differently. Wight stated that staff will be diligent in watching this project and the arborist is there throughout the whole process.

M/s Harris, Sisich and unanimously passed approval of staff report with the following amendments: deleting condition number 2 and amending condition number 9 to add in the third line after the word frontage, "and stability of the slope near the Redwood Road frontage,".

- 9. V-0714 – Richard Boyce, 136 Oak Avenue, APN 007-273-28, Setback Variance to construct a ±484 square foot two story, 2-car garage within 0' of the rear property line (fronting Oak Avenue) and stairway within ±0' of the rear property line (Code: 20'), located within the R-1 zoning district.**

Planning and Building Director Lisa Wight presented the staff report.

Harold Bexton, architect, reported that the owner sends his apologies for not being present due to the fact that he is on vacation. He added that they took the Commission's comments to heart and dropped the proposed garage height two feet with the driveway slope rotated it and increased the side setback. The minimum setback has gone from 10 feet to 28 feet. The other corner of the

TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES OF JULY 2, 2007

garage is 25 feet which puts it 75 feet from the neighbor on the corner and over 40 feet from the neighbor directly behind. By rotating it that close to the house it dropped to slightly less than 2 stories. The crawl space goes from 5 feet on one side to 8 feet on the high side. He added the deck was broken up with stone to blend in better. In response to Commissioner Krebs, Bexton stated that Mr. Boyce met with both neighbors. He said the neighbors on the corner were going to write a letter agreeing with it.

Krebs asked if a single car garage was considered. Harold Bexton responded that they felt it was better to make the drastic changes and keep the two covered parking spaces.

Bruce Adams, Austin Avenue, suggested that a trellis or hedge would be better than a massive wall for privacy purposes. He stated the trees were there before them and erosion started to crumble down on his side. He had concern about the redwood trees and stated that they are not a good screen.

Ann Adams, Austin Avenue, explained that Mr. Boyce stopped by before the plans were revised and after the revised plans her phone calls hadn't been returned. She said she would like clarification on the south, east and west boundary lines. She expressed concern about the lower unfinished crawl space and that it would remain unfinished crawl space because of the excavation on the property which has been going on for over five years. The project's approval was based on a visual screen from Melville looking up which was based on redwood trees and a cypress tree that is next to corner of her house. She would like to see an arborist report be included in the project's approval. She expressed concern about the deck that extends from the residence to the garage that further impacts her privacy. She is further concerned about the approval of construction based on what was submitted to the Town and whether the plans of approval are being followed.

Bexton, in regards to Bruce Adams comments, stated that they would be willing to consider a trellis if they preferred, although the landscaping plan was for privacy purposes. He stated that the property line has been verified and they have a survey. The fence is several feet over the property line so that the Adam's perceived yard is actually partially on the Boyce's property. In terms of the redwoods trees, he said they would like to keep them as a screen.

Discussion continued about the landscaping plan and the concerns about privacy stating the landscaping plan is not complete yet.

In response to Commissioner Zwick, Bexton explained that presently the fence is over the property line and it is being moved back and full off street parking is being made. Wight stated that any off site parking space would be subject to the Town engineer's review. Commissioner Harris said that the project is much improved. It has met all the main goals and comments that the Planning Commission expressed many of which were generated by comment from the public. He said the staff report is vastly improved in many ways. He would support adding a condition of approval for the applicant to work with the Adams as far as landscaping to create some privacy screening. Commissioner Sisich said he does not have a problem with the project and thinks it's logical to have a garage there and it will be attractive. It is quite far from the Adam's property. He would like to see the landscape plan before approving the project.

Zwick wanted to confirm that the area of the site is 12,360 feet. In response Wight stated that the lot cannot be subdivided because of the slope. Zwick stated that he is more comfortable with this proposal as compared to the last.

Krebs commented on the focus on privacy and trying to create some additional landscaping. He discussed leaving the landscape plan up to the staff's discretion, trying to take neighbor's recommendations into consideration. Harris suggested the plan be submitted to Wight.

Commissioner Harris said that he doesn't think things should be decided just between neighbors as the Commission has a responsibility to the community. However, in this incidence he believed this would be appropriate since there was no requirement in the flatland for a landscape plan. He noted that the applicant and the neighbors should try to work together in good faith to come up with a win/win type of screening.

M/s Sisich/Zwick and unanimously passed approval to move the staff report with an added condition that the applicant will submit to Planning Staff a landscaping/screening plan which would attempt to address the concerns of particularly the neighbors at 68 Austin, and subject to staff approval.

TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES OF JULY 2, 2007

10. DR-0716/U-070710 - Andrew and Anna Clare, 23 Vine Avenue, APN 007-273-26, Use Permit to demolish a single family dwelling; and Flatland Design review of a 695+ square foot upper floor and a 1,976+ square foot main floor over a lower level in a new 4,066+ square foot, three level single family dwelling (plus a 492 square foot garage), located within the R-1 zoning district below 150 msl elevation.

Planning Consultant Jan Vazquez presented the staff report.

In response to Commissioner Zwick, Vazquez stated that the shingles on the outside were made out of horizontal siding which was reflective in a letter stating that they were going to switch to that. Commissioner Sisich expressed concerns about the privacy impacts on adjoining neighbors and the high windows on the front portion of the side of the house. Discussion continued regarding windows and the issue of privacy for the neighbors. Vazquez pointed out that they are frosted bathroom windows and stairway windows.

Chair Krebs questioned how the fences and hedges will be configured and how this will impact the access of 19 Vine. In response, Vazquez said that the subdivision of the lots is relatively modern and the hillside was cut into so there is a steep slope around the edge of the house at the bottom floor. If the owner wanted to grant pedestrian access easement it would be a private affair and the Town has no part in it.

Bill O'Callaghan, designer, discussed the neighbor's landscaping/pathway. The previous owners created their access on the end and landscaped about 700 square feet onto the applicant's property. The applicant is willing to move the fence back and work with having it be a transparent fence. In regards to the windows, the only window that has a low sill is the one for the small office; the others are bathrooms or stairways. He reiterated that any intrusion into the yard is minimized. In response to Commissioner Zwick, O'Callaghan stated that the outside would be a cedar siding.

O'Callaghan said that applicants met with neighbors to go over the landscape plan. He referred to the letter that was written by the neighbor and said that the applicant is going to work with them as far as the fence and the hedge. Commissioner Zwick questioned if there have been many phone calls. In response, Jan Vazquez stated that she has talked with the Gleseners and she got a couple of calls and answered questions on the Fire Department turn around. The last letter from the Gleseners requested that the meeting be postponed so they had the opportunity to address the Commissioners in person. Through the letters, their concerns were clear and ultimately the Planning Commission needs to decide whether it has sufficient information.

Commissioner Harris said as viewed from the street, a third story is in the back and the first story isn't very deep. He noted that the main floor and the upper floor have a fair amount of attic space and questioned if there was some reasonable way to reduce the attic space so that it's not quite as high a structure from the street side. O'Callaghan stated he was trying to mitigate the light issue but could bring it down. He referenced picture A11 which shows the distance to the neighbor's house.

There was discussion about the neighbors not being present at this meeting.

Glen Fries, 16 Vine, approves the project. He stated as he drove to the meeting he noticed particular neighbors are home. He is surprised that the Johnson's, who are on vacation this week, are on the letter because they went to the Clare's and said that they would both come to the meeting and speak in favor of the project. There are several neighbors at both ends of the street that refused to sign the letter and like the project.

Chair Krebs expressed concern about the neighbors stating that it is their responsibility to show up. The letter from the Gleseners, 19 Vine, specifically says that they would be out of town on July 2nd.

The public hearing was closed.

Commissioner Harris is in favor of neighbors giving their input but the things need to be on a schedule. They have appeared in written form. Harris urged not to continue this project. He is generally not in favor of 4,000 square foot houses but he likes the design. He noted that the neighbors at 27 Vine felt the house was out of character for the neighborhood. However, the one

TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES OF JULY 2, 2007

side of Vine has new and big houses. He stated that there are no issues of light, air or privacy that he's seen because of the way the homes on 19 and 27 are towards the front and the living space on the proposed structure goes back. The homes are not aligned or in sync with each other in ways that will affect privacy.

Commissioner Sisich expressed concern about the two immediate neighbors who are the most closely impacted.

M/s Harris, Krebs and unanimously passed approval of the staff report.

E. ITEMS FROM PLANNING COMMISSION

Commissioner Harris expressed concern about the number of items on the agenda.

F. ITEMS FROM STAFF

Wight noted that the Zoning Ordinance will be heard by the Council July 10th.

G. ADJOURNMENT

The meeting was adjourned at 10:05 to the next regular meeting on July 16, 2007.

Respectfully submitted by:

Megan Young