

TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES OF JUNE 5, 2007

**SAN ANSELMO PLANNING COMMISSION
MINUTES OF JUNE 5, 2007**

A. CALL TO ORDER

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

B. OPEN TIME FOR PUBLIC EXPRESSION

Janice Phillips, Austin Avenue, questioned why the Town doesn't have the Art Festival in June that they have every year, to which staff said they would respond once they have that information.

CONSENT AGENDA

1. Minutes- May 7, 2007 and May 21, 2007

M/s Schinner, Overberger and unanimously passed to approve the May 7, 2007 minutes, as amended with minor sentence changes, and the May 21, 2007 minutes as written.

REGULAR AGENDA

2. 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.

Commissioner Harris wanted to know what's intended with the existing garage on the Melville frontage, to which Wight clarified to still be used as a garage, adding that the permit has been renewed to do some miscellaneous work, but even so it is located way down the hill and impractical for the house.

Richard Boyce, applicant, expressed concern about Oak Avenue being a dangerous street and having a dangerous corner. One point of Oak Avenue is extremely steep and narrow and it's a blind corner for drivers coming from both directions. The proposed garage would provide parking for two cars inside and two cars on the driveway, which will get vehicles off the shoulder and make this corner significantly safer. Off street parking is essential for many reasons but one of which is the safety of the residents, the visitors to this address and more generally, all the people who live on Oak Avenue and have to pass by this corner daily or many times a day.

Harold Bexton, architect, submitted photographs that show the view from the neighbor's house to the north, typical carports in the neighborhood, and shows the site from the street with the story poles. He reiterated safety reasons for off street parking.

Commissioner Schinner questioned the purpose of the separate permit and the intended use for the garage on Melville. Bexton responded that the permit was just for repairs, that is the retaining wall was broken from tree roots, the tree had to be removed, the wall repaired, and the roof repaired. Bexton stated now it's used for storage but it will be used for probably one collector car.

Commissioner Harris asked about the rule about two driveways, and Wight said that two driveways are permitted if located on different streets.

Commissioner Overberger stated it was odd that he would go ahead when asking for so many variances but wondered if he considered the location and placement of the deck. She agreed that that curb is terrible and that what he wants to do is maximize the space off the street. The way the platform was placed, she was curious about the potential impact to people down below on Austin who have a row of redwood trees that are separating this property from them and questioned whether anybody talked to them. Bexton pointed out the lot has an odd shape and because this is a renovation, they couldn't move the existing house and had to fit the new garage

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and a driveway onto the lot. Overberger stated that he could easily move the garage at least five feet closer to the house. Bexton stated they had to fit stairs in and had to allow a little air around the entry where the courtyard is for landscaping. He will have landscaping around the back of the garage as well.

Janice Phillips, Austin Avenue, expressed concern that she will view concrete, whereas now she enjoys the nice view of trees and likes the character of the neighborhood. She does not feel safety is an issue on Oak Avenue stating that there has never been an accident there. Acknowledging that people do hit the guard rail, but doesn't believe having a garage will make a difference. People who lived there before parked safely on the side of the street and she urged the Town to be overly cautious in what they allow.

Ken Phillips, Austin Avenue, said the photos are not representative because of construction trucks currently working on the property. The proposed garage is a straight up stucco wall and it will take away their sunlight. There is a current garage, and if the Commission deems it appropriate for them to build a garage then he wants them to build a garage that doesn't impact as egregiously on the two surrounding properties.

Ann Adams, Austin Avenue, expressed concern about the height of the proposed structure as viewed from her property and impacts to drainage and soil stability. She questioned the purpose of the garage, wondering if a second unit was intended to be on the property, the property line locations, and said the existing redwood trees have a negative impact. She wanted to know the combined square footage of this new two story structure and what the intended and expected use will be.

Bruce Adams, Austin Avenue, expressed concern about privacy issues, agreeing that the structure doesn't have to be so close to his house. He noted he doesn't want to look up to a straight wall. He also brought up the issue of water run off, stating that there was no runoff problem this last year.

Katherine Gant Bradley, Durham Road, agreed with everything the neighbors had said.

Bexton addressed drainage and structural stability, stating that the garage is going to be on drilled piers so it will actually stabilize the hillside. All the drainage will be picked up on site and piped directly to the storm drain, so that there will be less drainage going on to anybody's adjacent property.

In response to Schinner's question of slope of the driveway if the garage were relocated downhill and reduced to one-car, Bexton said if they regraded the street on the Town roadway and it was approved by Rabi Elias, the garage height could drop 1 to 1.5 feet and still maintain a legal slope on the driveway. Bexton added that no trees are being removed for the garage; in fact, they'll be planting trees to provide more privacy to the other properties, and that because the proposed garage is north of the neighboring homes, sunlight cannot be affected.

In response to Harris, Bexton said he could change the window if there was a privacy issue. He stated that the applicant would prefer a two car garage on Oak as opposed to a one car garage on Oak and a one or two car garage on Melville, otherwise one car is going to be parked on the street.

Wight advised that there is a 51 foot difference in elevation between the front wall of the garage on Melville to the deck by the house, and the distance is 153 feet, for a 33% slope.

Richard Boyce said the existing garage, which is vintage, is half on Town property and he has a revocable encroachment permit, so that the Town can tell us to make the garage go away at any time at their discretion. He is proposing to make the driveway leading to the garage as steep as the building code will allow and thinks he can reduce the interior height of the proposed garage to as low as 7.5'.

Harris said he understands the concerns of the Austin neighbors, but at the same time their concerns need to be put in context: there is no view ordinance in the Town; the applicant's property is below the 150 sea level so the design review is limited to light, air and privacy; there is no light issue because both Austin houses are looking northward; and having a structure 20 feet from a house is not uncommon. Harris supported the staff report, and taking into account the applicant making a number of concessions, he would like to see the project revised to take

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those into account: to make the driveway as steep as legally possible, drop the ceiling height which would only get six inches, create some articulation to break up the massing of the wall on the east elevation, and lastly moving the proposed garage closer to the applicant's house.

Overberger agreed with Harris that findings are only around light, air and privacy issues. However, she suspected that the applicant is probably not going to live in this house or they would have done a different way of communicating with the neighbors and that dropping off a copy of the plan is not equal to discussing how you're going to do this with people. She supports breaking up the articulation of the 24 foot wall and rotating the entire surface so that it rotates north or away from the Austin Street homes. The only issue for her is the one of privacy and from Austin you are going to be looking up at a very large surface.

Schinner said this case requires some balance with neighbors and the applicant. There is no view easement, but there is a right to privacy. He asked that the applicant take into account the neighbor's rights to have a view that is not looking up at wall. Schinner believes that in terms of its' size and mass, issues of drainage and soil stability will be alleviated. Schinner believes cutting it back from a two car to a single car garage would be appropriate, still having an existing one garage on site, and he agreed with the other four conditions that Commissioner Harris talked about. Schinner supports a continuance of the project to allow the applicant to meet with the neighbors to discuss a revised project within those guidelines.

Commissioner Krebs agreed with those five conditions. Krebs echoed what his colleagues have said before which is both the applicant and the neighbors will need to compromise. Krebs acknowledged that there needs to be a determination made by July 16th. Wight agreed that it can be continued to June 18th.

Commissioner Harris suggested that the neighbors who will be on vacation to submit their concerns in writing so as to not delay the applicant.

M/s Harris, Krebs, and unanimously passed to continue this matter to June 18, 2007.

Commissioner Zwick arrived at the meeting.

Commissioner Harris complimented the architect on the first page of his plan set. He stated it was very helpful and would like to see more applicants provide that kind of information, which includes color photos.

4. **DR-0715/V-0716- Alice Tompkins, 24 Cypress Avenue, APN 006-113-14** Hillside and Setback Design Review of a 222 + square foot lower floor addition, 212+ square foot main floor addition, and 356+ square foot upper floor addition within 5' of the north side property line (Code setback: 8') Setback Variances to construct a garage within 2' of the north side property line and 1'4" of the rear property line and retaining walls with a fence on top for a total height up to 12.5' (Code setbacks: 8' and 20' respectively; fence: 6'); and a Parking Variance for the two required driveway parking spaces to be substandard in length at 17' (Code: 19') on property located in the R-1 zoning district above 150 msl elevation.

Consultant Planner Jan Vazquez presented the staff report.

Commissioner Schinner asked if the onsite parking requirement is three spaces; which was confirmed by Jan Vazquez.

Laura Kehrlein, architect, pointed out that this is a corner lot and is limited in the building area. The bedrooms and the house are all very small. She explored adding a second floor to the house so that they could still meet the setback 5 feet from the adjacent property line. The replacement garage will be pushed back in order so that she can provide off street tandem parking, and a 2 foot setback between the property line and the rear wall of the garage will allow for future maintenance. To provide the parking spaces she needs a 4 foot retaining wall.

Lisa Wight said that the Public Works Director would review whether she could have a 6' high fence within 20 feet of her property line. Kehrlein's only other concern is the fact that when there is a 4 foot retaining wall there may be a building code requirement to put a guard rail on top of it.

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There were no questions of the applicant.

Vazquez pointed out that she received three letters as of yesterday, all in support from adjacent neighbors, copies of which were given to the Commissioners.

Katherine Gant Bradley, Durham Road, said she was concerned about the setback being kept.

Kehrlein stated that it is an unusual property and the Surveyor had to spend a lot of time researching boundaries and there has been a survey obtained.

M/s Overberger, Zwick, and unanimously passed approval of the staff report and conditions as follows: 1. Construction shall be substantial conformance with the plans prepared by Fredric C. Divine Associates, May 15, 2007, sheets A-1 through A-4; 2. Conditions of approval shall be printed at the top of Sheet 1 of Building Permit drawings; 3. Should construction not begin within one year from the date of the approval, the approval shall be considered null and void. A one-time-only, one-year extension can be requested in writing to the Planning Director prior to the expiration date; 4. Exterior lighting shall be designed to eliminate off-site spread of light through the use of hooded, low level, low wattage light fixtures, which cast light in a downward direction in certain locations. Such lighting should be premitted for safety and security purposes only and must be unobtrusive and maintain privacy.; 5. Colors and materials of the house, garage, and retaining walls are specific. 6. Prior to building permit issuance, a deed restriction listing the conditions four and five shall be signed by the applicant, notarized, and recorded at the County.

5. **U-0707- Robert Herman, 145 Tunstead Avenue, APN 007-251-13.** Use Permit for a professional office in a 2,272 square foot building located within the C-2 zoning district.

Planning and Building Director Lisa Wight presented the staff report and acknowledged that the property owner is Robert Herman and the applicant is Richard Childers.

Although written in the staff report as a recommended condition, Wight stated that it is not necessary to limit a maximum number of employees and that with finding growth to the business would be addressed.

Commissioner Harris discussed the lack of parking on site and how it gets grandfathered so that none is required, to which Wight stated they were granted a parking variance years ago on that property.

Richard Childers, applicant, understood that the major concerns at the property are parking. He stated he lives in San Anselmo so he can walk to the office, two employees are student interns that come in on the ferry, and the other employee is in the process of negotiating to rent a parking space. He stated the noise will not be a factor being that the employees wear head phones. There are no clients at all because it's a design site of a development project with the bulk of the work being done in India. The employees are concept designers that are doing detail drawings and it's a bigger space than he needs but it was available, cheap and pretty.

There were no comments from the public.

Commissioner Overberger proposed to take the hour limitations out altogether even though the concerns were understood, and that the noise issue would be dealt with by the noise ordinance.

M/s Harris, Schinner, and unanimously passed, approval of the staff report based on the floor plan as dated and stamped received by the Twon on May 22, 2007; should the use propose to expand such that it is beyond the use of computers for software development and/or generates customers visiting the site, the applicant shall first contact the Planning and Building Department to determine whether the use meets the description of this particular use permit; any changes to the exterior of the building shall first require approval by the Planning and Building Director; should the use not begin within one year from the date of this approval, the approval shall be considered null and void. A one-time-only, one-year extension can be requested in writing to the Planning and Building Director prior to the expiration date.

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6. **Z-0701/ER-0701 – TOWN OF SAN ANSELMO**, Environmental Review (Negative Declaration) and Revisions to the Zoning Ordinance of the Town of San Anselmo (including development standards for structures: setbacks, height, lot coverage, and floor area; fences and vegetative screening; parking and driveways; demolition of structures; definitions and uses; required findings; design review, nonconforming structures), and additional recommendations from the Zoning Ordinance Sub-Committee for future consideration.

Discussion ensued about the FAR and Lot Coverage Table with Planning and Building Director Wight describing different scenarios that could take place with this combined number. Commissioner Harris suggested the FAR/LC Table be between 40% and 30% rather than 45% and 30%.

Commissioner Zwick noted there are 768 lots in San Anselmo below 150 sea level and 5,000 square feet or less, and 2,075 lots below 150 sea level and 7,500 square feet or less. And of all the lots below 150 feet sea level there's 4,849. Wight said that out of that 768, there's also some lots that are part of SPD's or condos, which would be unaffected by an FAR requirement. Zwick added that some of the lots are publicly owned, such as Drake High School.

The hearing was open for comments from the public.

Tom Nolan, Foss Avenue, stated he is in the process of having plans approved on a 5,000 square foot lot that he purchased with the idea to remodel and expand. His concern is that this could negatively impact his plans and questioned when this might go into effect.

Chair Krebs noted they don't know exactly how long it would take for these zoning changes to be implemented. Wight stated that the earliest this can be effective would be July 26th, after Council public hearings. Wight was not certain that the Council would consider going retroactive for people who have already submitted applications.

Scott Couture, Allen Avenue, stated that this is a great, long overdue proposal. He particularly liked the fact that it allows for higher lot coverage.

Katherine Gant Bradley, Durham Road, supports the 40% FAR of which Commissioner Harris spoke.

Krebs stated that the Commission is also considering both FAR and Lot Coverage needs to be met, not one or the other, currently it's just lot coverage.

Wight clarified that the setback zone for the second floor is no longer proposed by the Commission, and discussed the proposed footnotes for Table 4A and Table 4F which is flatland FAR/Lot Coverage Table.

There was discussion of changing the footnote in Table 4F from an 8' x 10' measurement to 80 square feet as suggested by Harris. It was stated that the crawl space on a hillside dwelling is typically the result of a steep slope. The concern is that someone wouldn't come in later and put another room down in there and add some extra floor area. It's just residual crawl space, not to become a livable area because it's too narrow. Zwick noted that we are still making a big dramatic change for the good whether it's left at 8' x 10' or at 80 square feet. Commissioner Overberger thinks too many things are being changed already. Wight stated it is easier for staff if it is the same for flat and hillside and suggested leaving it at 8' x 10'. In response to the Commission's request, Wight inserted a footnote stating that "double height spaces are not counted twice (floor area is counted once)."

Everyone agreed to take out the word "careful" in design review finding number 2, and add "decks" and "but not limited to" so that it would read, "neighboring properties, including, but not limited to placement of windows, skylights and decks." With regard to the new finding of "distinctive and creative solution", Harris suggested and the Commission agreed to take out "unique characteristics" so that it would not be a limitation. Wight and others were troubled with having a flatland design review finding of low visual profile as it would be impossible in most cases to make that finding. It was agreed to delete number 4.

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Katherine Gant Bradley thinks color and material review should be reviewed because she believes it's very important with green buildings, the colors, whether light absorbs or reflects, etc.

Zwick stated that a little variety is what San Anselmo is about.

Jennifer Asselstine, San Anselmo Avenue, stated that there are some very difficult issues when you start to get into color. It could work against you in terms of sustainability, energy issues, and housing space.

Krebs responded to Katherine Gann Bradley stating that the primary reason is because it's above 150 elevation and so it's a visual profile issue where he doesn't believe that that's appropriate or necessary to include that if it's below 150 msl elevation.

Harris discussed another jurisdiction in Marin, where their level of scrutiny is so high on the size of window panes and they get so detailed that it really creates an environment that doesn't allow for an eclectic variety of homes. He stated that he likes the fact that San Anselmo allows some freedom in the fact that this Planning Commission is not deciding every aspect about a project.

M/s Zwick, Overberger and passed (Ayes: 4, Noes: 1 Harris) to approve the Resolution provided by staff and as amended by the Planning Commission, which would amend Table 4A, Design Review in the Flatlands, and a new Table 4F for Maximum dwelling size in the flatlands.

Commissioner Schinner noted that based on a scenario table that Wight prepared, the maximum dwelling size will be reduced approximately 25- 40% across the board. He would be inclined to go the other direction towards starting at a 50% FAR because as one of the members of the public commented today this is a substantial reduction. He stated that being restricted to building something only two-thirds of the size would have a substantial economic impact so he would be opposed to a reduction to 40%.

Harris sympathized with the situation and encouraged the Town Council to consider something in the nature of a transition. He stated when any law is passed there must be a point in time where the old goes out and the new comes in and people will be affected. He stated if there's a way to ease that transition he urged the Council to take a look at it.

Wight stated that the Sub-Committee had come up with a list of recommendations that they would like the Council to address after this work was done. She will forward those to the Council as recommended by the Sub-Committee and she asked if the Planning Commission also wants to forward these recommendations, to which the Commissioners responded affirmatively.

Katherine Gant Bradley, Durham Road, stated that she had brought up a number of times a review of the tree ordinance and wondered how it could be fit in, that maybe this would be a good place to put it on that list. Wight suggested if there are specific concerns, that she recommend this to the Town Council as it is not actually in the Planning Code.

Krebs stated that both of these resolutions related to the Zoning Ordinance amendments will be heard by the Town Council on June 12th.

F. ITEMS FROM PLANNING COMMISSION

Commissioner Overberger announced that she will be gone until September and they are letting her take a leave. This will be her last meeting until then.

G. ITEMS FROM STAFF

There were no items from staff.

H. ADJOURNMENT

The meeting was adjourned at 9:58 to the next regular meeting on June 18, 2007.

Respectfully submitted by:

Megan Young