

**A. CALL TO ORDER**

Commissioners Present: Harris, Krebs, Overberger, Schinner, Sisich, Zwick  
Commissioners Present: None

**B. OPEN TIME FOR PUBLIC EXPRESSION**

An audience member provided a magazine article to the Commission, requested that the Town's Tree Ordinance be reviewed, expressed concern that the Commission is recommending approval of the Zoning Ordinance in piecemeal, and that the May 7<sup>th</sup> minutes were not ready for this meeting.

**C. CONTINUED ITEMS**

1. **V-0713/DR-0714/U-0706 – 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 west side property line, Use Permit and Setback Variance to permit the existing 429 square foot legal, non-conforming 2<sup>nd</sup> Unit to remain within 0' of the south and east side property line (Code: 20' and 8'), located within the R-1 zoning district. (staff person: Chambers). **CONTINUED TO JUNE 4, 2007**
2. **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. (staff person: Wight). **CONTINUED TO JUNE 4, 2007**
3. **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. (staff person: Wight). **CONTINUED TO JUNE 4, 2007**
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 10' (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. (staff person: Wight). **CONTINUED TO JUNE 4, 2007**

**D. PUBLIC HEARING ITEMS**

**CONSENT AGENDA**

1. **Minutes – May 7, 2007 – CONTINUED TO JUNE 4, 2007**

**REGULAR AGENDA**

2. **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 Subcommittee for future consideration.

Planning and Building Director Wight presented the staff report.

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Regarding the items for recommendation to the Town Council (identified as Section I in the staff report), the Commission made the following comments:

Commissioner Harris noted that under the third "Whereas" in the Resolution, the word "Subcommittee" should be changed to "Planning Commission". In response to Harris' questions, Wight clarified proposed 10-3.506(b) language regarding parking, that no dimension change is proposed for a legal parking space or for the minimum number of spaces; and clarified proposed 10-3.607 language regarding nonconforming uses and improvements.

An audience member reiterated her concerns about the amount of time spent discussing the details at the last meeting, but the minutes are not yet available, and that all items should be approved and passed along to the Council at one time, not piece meal.

M/s Overberger, Zwick, and unanimously passed, to recommend to the Town Council a resolution next in order with Exhibit A for adoption by the Town Council. It was noted that the Town Council will hear this item on Tuesday, June 12, 2007.

Commissioner Overberger noted a member of the Commission could attend the Council meeting to be present for questions.

Regarding further consideration of expanding flatland residential design review findings, flatland residential floor area ratio, and amendments to Table 4A (identified as Section II in the staff report), Chair Krebs inquired about the number of lots being less than 7,000 square feet, to which Wight said she had not obtained that information.

Jonathan Braun, Scenic Avenue, said the 35% lot coverage is not adequate because it allows for a building scale of 70% FAR. He supports a sliding scale FAR table 45% down to 35% with a maximum dwelling size of 5,000 square feet, just as allowed in the hillsides, and supports a design review finding of neighborhood character.

An audience member suggested addressing too large of homes on small lots and questioned this going to the Town Council to be on a consent agenda. Wight noted that a zoning ordinance amendment requires a public hearing by the Town Council.

Commissioner Zwick supports using FAR as an additional tool, even if the sliding scale is 45% down to 40% because it will be an improvement over just having lot coverage now. Noting that San Anselmo has one of the more liberal regulations in terms of dwelling size, he said expectations with a 35% lot coverage are for 70% FAR because today people max out their homes. Both he and Harris support using a combination of FAR and lot coverage to give more flexibility on design, but Harris would start with 40% rather than 45%. Zwick added that in a future ordinance, there could be a permeability quotient to limit lengths of driveways when calculating lot coverage, and once a house reaches a certain size it could be subject to limiting energy use to that of a specific smaller sized house.

With regard to the recommended step back zone of 5' for the second story, Harris feels that may be too restrictive, that footnote (1)(c) of the proposed FAR table should be 80 square feet of potential living area, rather than 8' x 10' which is used for the hillside FAR table, and that footnote (d) have a 250 square foot threshold in the flatlands.

Commissioner Sisich said his biggest concern is giving more flexibility with design review and having good design criteria is very important. He feels that all families should be able to add on somewhat so people don't move. He thinks the step back will help the design somewhat but would like more findings. Zwick noted that size is really a factor to changing the character of the neighborhood.

Commissioner Schinner echoed Harris, noting that he would like a dual standard, but is comfortable with starting at 45%. He would support a sliding scale down to 30% to a maximum of 5,000 square feet. He noted that a large, single story would not be energy efficient and would have less permeable surface. Harris said permeability could be used as a design review finding.

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Harris suggested that with the addition of FAR, there might be interest in increasing the lot coverage above 35%, to which Overberger said that is risky because it brings structures closer. Krebs agreed, one of the goals is to limit coverage and bulk, not increase coverage.

Zwick said he likes 45% FAR sliding down to 30%, limiting the dwelling size to 5,000 square feet. He likes proposed footnote (1)(a) of the FAR Table that the garage space after 400 square feet be included, change footnote (1)(c) so double height spaces are not counted in FAR, that porches (footnote (1)(d)) be included after the first 250 square feet, and has no problems with the proposed Exemptions in footnote (4).

Harris stated that footnote (4) allowing 500 additional square feet because of efficiency seems high, to which Krebs agreed.

Regarding adding flatland design review findings, Zwick said he supports numbers 2 and 4 of the staff report (expanding the existing privacy finding, and adding the "Will complement . . ." finding, would support review of colors and materials, and eliminating the step back.

Sisich said he concurs with Zwick.

M/s Zwick, Overberger to recommend to the Town Council that FAR be added with a range between 45% and 30%, with a cap of 5,000 square feet (lot size of 16,667 square feet would be at 30%), change proposed footnote (1) to not double count heights of spaces twice, add the number 250 to the proposed footnote (1)(d), change the proposed footnote (4) such that the number 500 is changed to 250, delete proposed footnote 20 from Table 4A, add proposed findings 2 and 5, and "Selection of architectural features and colors . . . in a low visual profile" from the Hillside Design Review findings. That this be brought back to the Commission in the form of a resolution for the next meeting.

Ayes: 5 ayes. No: Harris.

Harris said he voted no only because he supports an FAR sliding scale from 40% to 30% rather than starting with 45%.

After discussing the fact that the meeting room would not be available to the Commission on June 4<sup>th</sup>, it was agreed that the next Planning Commission meeting would be on Tuesday, June 5<sup>th</sup>.

It was then announced that those matters discussed under Section II of the Staff Report would be presented in a Resolution at the June 5<sup>th</sup> special meeting.

- DR-0712/U-0705 – David and Elizabeth Bordeson, 49 Cedar Street, APN 007-222-57**, Use Permit/Design Review of an incline elevator within 3' of the north side property line, a ± 447 square foot carport within 0' of the north side and 20' of the east side property lines, retaining walls with open wire mesh fence that varies in height from 6' up to a maximum of 7' in height along the north and south side property lines, decks on grade; and a hot tub, located in the SPD zoning district. (staff person: Chambers)

Assistant Planner Chambers presented the staff report.

The public hearing was opened.

David Bordeson, applicant, submitted photographs and a written discussion of the neighbors' concerns. He said that at the time of purchase 3 years ago, they wanted to construct a Hillhiker (incline elevator), and now with newborn twins that need is even more urgent. Additionally, they have some family and friends who cannot access the dwelling. He reviewed the written documentation previously submitted.

In response to Commissioner Harris, the retaining wall would be visible and screened with ivy or fig and the stairs would be washed or tinted. The Hillhiker color is proposed to be muddy, woody brown, but could also be green.

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In response to Commissioner Sisich, the fence running north to south would be 5' tall and constructed with wire mesh with ivy, with the exception of the fencing in front of No. 47 which would be solid to block the neighboring view of the concrete steps. The purpose of fencing is for safety reasons. Plans are to store kayaks above the car in the carport and Sisich mentioned his concern about the aesthetics. Sisich suggested more elevation work on the fascia to confirm the applicant's contention that due to the slope of the roof the kayaks should not be visible. The applicant advised that the carport will have four posts and the Hillhiker landing will have two, with green asphalt shingles on the roof to match the dwelling roof.

In response to Commissioner Zwick, the applicant advised that an intercom would be installed so that the Hillhiker can be called up to the house or down to the street. Zwick said there is difficulty following the plans due to a lack of information.

Discussion ensued about the height of fences and retaining walls, the width of the track and the Hillhiker, the location of the tree in relation to the track, and setback for the retaining wall.

Marte Milks-Martin, 47 Cedar Street, (south side) advised they have worked some things out, but would like the side fencing eliminated completely as it is not required for safety and eliminate the use of cement on that corridor possibly by using simple steps at the side and no walls. She added that the tree is on the common property line, which canopies her house, and would like it retained, and the existing floodlighting of the trees shines in their windows.

Thea Maerz, 81 Magnolia Avenue (north side), referenced her letter in the packet, noting her primary concerns are maintaining the fencing, the 7' high retaining wall will be at the common property line and she would support it being setback a little, the motor should be housed to minimize potential noise from the motor, the amount of concrete proposed, and reducing the size of the Hillhiker so that it still meets the applicants' needs.

An audience member from 45 A Cedar Street expressed concern about the amount of concrete and the proposed hot tub. He said he was advised by a landscaper that additional structures on that hillside might not be a good idea.

Another audience member questioned the proposed amount of concrete and whether there was a formal survey, adding that she is confused by the stairway, to which Chambers noted the survey is in the Commissioners' packets and setbacks are not applicable in this Specific Planned Development zoning overlay. In response to Chair Krebs and Commissioner Schinner, staff explained the Specific Planned Development zoning overlay and purpose of the use permit/design review procedure, and noted that removal of the tree is part of the design review consideration.

Bordeson said the stair lighting would be low voltage and the existing tree spotlights are proposed to be removed. He further described the dimensions, colors and materials of the tub, opting for a soft sided tub. He added that the existing stairs are concrete, except for small wooden segments that have been replaced since the original installation, and these wood sections are slippery in wet weather. In response to Chair Krebs, Bordeson said he feels the fencing is a safety necessity due to its close proximity to the property line.

Bordeson noted the original intent was to work the stairs around the tree, but the Building Official confirmed the stairs cannot be reduced below 36" in width as they are considered the primary access to the dwelling. In response to Commissioner Overberger, the applicant said he selected the Hillhiker brand due to the sophistication of the safety mechanisms and said many locations in Marin have used this brand. Commissioner Zwick suggested that assuming there is no radius to these tracks they would not need to be placed in a straight line and the tree might be retained.

Commissioner Overberger noted that if the track is just inches from the tree, the Commission needs to consider that the tree will continue to grow, which could eventually make the access less useable.

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Harris suggested a continuance to provide additional information about a solution to retain that tree. Sisich agreed, adding that he would like more detailed elevations of the carport to assure the kayaks will be hidden, the neighbors will not see the walls, the fence seems to be a good idea for safety, but doesn't have a strong opinion about it, he is neutral on the tree, and the concrete steps should be replaced.

Schinner also supported continuance, adding that the Hillhiker should be reduced to a 4' width in order to retain the tree, he has no problem with the concrete steps, noting the existing wooden steps are dilapidated and prone to dilapidation in the future, he supports a fence so long as it is limited to 4' in height, the noise concerns seem addressed, the floodlights are going to be removed, and the new lights should be hooded.

Overberger agreed to a continuance noting the key to all of this is everyone working together. The neighbors aren't going to get all they want nor will the applicant. She suggested the applicant save the tree and consider the suggestion made by the Commission.

Zwick said the tree is important to save; he pointed out that he is not sure the "boundary diagram" is an actual survey and it does not include the subject tree, he does not support the existing spotlights on the trees, and requested that the applicant submit a cross section of the retaining wall so all can understand it.

Krebs requested that the drawings of the carport structure be a little clearer because it is so close to the street, the fencing seems reasonable particularly because it is see-through and will have vegetation and will provide some safety, and retention of the tree is important.

M/s Harris, Schinner, and unanimously passed to continue this matter to the June 18, 2007 Planning Commission meeting for the application to submit additional information in accordance with the guidance and comments given this evening.

4. **V-0715 – Vince and Tracy Genovese, 300 Greenfield Avenue, APN-006-212-40**, Setback Variance to add a single story addition of ±190 square feet within 12' of the front property line located within the R-1 zoning district. (Code: 20'). (staff person: Chambers).

Assistant Planner Chambers presented the staff report.

Commissioner Sisich suggested the special circumstance could be the location and surroundings of a corner lot.

In response to Commissioner Harris, Chambers advised the Greenfield frontage is considered the front property line as it is the shortest street frontage. In response to Commissioner Schinner, Chambers suggested pulling the addition back 8' in the area of the deck, to which Sisich said would infringe on the yard. Commissioners Zwick and Harris agreed. Chair Krebs noted that had the other street side been considered the front property line, the previous owners would not have been able to build as close to that property line as they had.

Bill O'Callaghan, designer, presented the project, noting the intent is to try and gain a room because the current living room is more like a hallway than a room. Further, he used the 60' right of way width and lot size as a reason to grant the setback variance.

Discussion ensued about right of way versus street paving and private landscaping.

Krebs indicated the necessity for findings to be made. Harris added that he supports the project, but in terms of the required findings he is not sure, pointing out that the location of the building is not a finding at it is a fairly flat lot, even though it makes sense from a design standpoint, to which Krebs agreed.

M/s Schinner, Sisich, to approve the project on the grounds that the special circumstance applicable to the property is its location, subject to the conditions listed in

the staff report. Motion passed; Harris: No. The audience was advised of the 10 day appeal period to the Town Council.

**E. ITEMS FROM PLANNING COMMISSION**

The Commissioners inquired if a 7<sup>th</sup> Commissioner had been appointed and would recommend appointing a design professional. Some felt that a 6 member board was adequate.

**F. ITEMS FROM STAFF**

Based on the Commission's recent discussions and actions on two street side setback variances, Wight suggested they might wish to consider whether they feel that Code standard should be amended. The Commission agreed to not entertain a change to the Code street side setback standard.

**G. ADJOURNMENT**

The meeting was adjourned at 10:45 p.m. to the special meeting on June 5, 2007.

**Respectfully submitted by:**

**Planning Staff**