

SAN ANSELMO PLANNING COMMISSION  
MINUTES OF APRIL 16, 2007

A. **CALL TO ORDER**

**Commissioners Present:** Vice Chair Schinner, Harris, Overberger, Purl, Sisich, Zwick  
**Commissioners Absent:** Chair Krebs

B. **OPEN TIME FOR PUBLIC EXPRESSION**

None.

C. **CONTINUED PUBLIC HEARING ITEM**

1. **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. CONTINUED TO MAY 7, 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 MAY 7, 2007

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

1. **Minutes – April 2, 2007**

M/s Sisich/Harris and passed (4:2 abstentions; Overberger/Zwick) to approve the minutes with minor corrections.

2. **V-0709/DR-0709 – Albert and Elizabeth Malka, 52 Durham Road, APN 005-202-21**, Setback Variances to: 1) add a ±36 square foot entry addition within ±11 feet of the front property line but 20' off pavement; 2) relocated three parking spaces from the south side of the property to 1: 9'x19' parking space in the garage within 4'-6" of the north side property line and 2: 9'x19' parking spaces on the driveway within 0' of the north side property line and partially in the right-of-way (off pavement) (Code: 8' and 20'); 3) modify the originally approved second story Setback Variance within 4'-6" of the north side property line; and Amendment to the previously approved Hillside Design Review, located within the R-1 zoning district. (staff person: Chambers)

Commissioner Zwick requested this item be removed from Consent to the Regular Agenda.

**REGULAR AGENDA**

2. **V-0709/DR-0709 – Albert and Elizabeth Malka, 52 Durham Road, APN 005-202-21**, Setback Variances to: 1) add a ±36 square foot entry addition within ±11 feet of the front property line but 20' off pavement; 2) relocated three parking spaces from the south side of the property to 1: 9'x19' parking space in the garage within 4'-6" of the north side property line and 2: 9'x19' parking spaces on the driveway within 0' of the north side property line and partially in the right-of-way (off pavement) (Code: 8' and 20'); 3) modify the originally approved second story Setback Variance within 4'-6" of the north side property line; and Amendment to the previously approved Hillside Design Review, located within the R-1 zoning district. (staff person: Chambers)

Planner Chambers introduced the staff report and explained that modifications had been made to the original plans approved by the Commission during construction.

Commissioner Harris said he is inclined to support the staff report, but noted that the Commission is, once more, being asked to grant approval for work that has already taken place. Ms. Chambers noted that there were several changes but the applicants said their neighbors support the project and wish for it to be completed.

David Rising, 62 Durham, said he supported the project during the last hearings, but that a number of changes have taken place of which he was not aware. The applicants have not spoken to him, but he said that his neighbors would like to see the project finished, and that he is disappointed that the original plans were not adhered to.

Planning and Building Director Wight noted that the project will be further delayed if it is not approved, tonight.

In response to Commissioner Overberger, Mr. Malka, applicant, said that no one has told him that the siding is unacceptable.

Commissioner Harris said that the project could be denied, but it would appear that the neighbors would not wish the project to be prolonged.

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M/s Sisich/Overberger and unanimously passed (6-0), to approve the project with the findings and conditions as set out in the staff report. Vice Chair Schinner reminded the public of the 10-day appeal notice to the Town Council.

3. **DR-0708 – Scott and Toni Pinsky, 68 Longwood Drive, APN 006-262-23**, Hillside Design Review to add a ±839 square foot addition and decks totaling approximately 703 square feet, located within the R-1 zoning district (above 150' msl). (staff person: Chambers).

Planner Chambers presented the staff report

Mr. Kler, architect, spoke briefly on the reasons they have not changed the plans. They believed the overriding concern of the Commissioners at the first meeting was that they had exceeded the FAR maximum, which has since been reduced to conform to Code. Mr. Kler briefly described other changes they have made to the project with the aid of a slide presentation, which included screening for the neighbor at 72 Longwood.

Commissioner Harris commented on the letter from the owner of 64 Longwood, noting that it was the first negative response from this owner. In response, Mr. Kler said that the owner lives in Davis and has probably not seen the story poles, and that it is unlikely the views from his home will be affected by the addition. Furthermore, they were unable to reach him by telephone.

In response to Vice Chair Schinner, Ms. Chambers noted that a property owner is sent the notice, and not the tenants.

Toni Pinsky, applicant, said they had hand-delivered a letter to all the neighbors and that she had spoken to the renters about the project. She does not believe the owner has visited the project, and he has their telephone number.

Margaret Gorin, Longwood Drive, said she has nothing new to add and that the project remains preposterous in size and she cannot believe that anything so large and long conforms to the criteria of hugging the hillside. Furthermore, it will be one of the largest houses in the area.

In response to Commissioner Harris, Ms. Gorin said she had spoken with Mr. Mortel of 64 Longwood. She said that she has never met him but he would like to return to San Anselmo one day, and he was surprised to learn about the addition. He apparently received the notice late, but she knows that he has not visited his house.

Mr. Kler believes that there is little they can do to satisfy Ms. Gorin in that they are the first homeowners to construct an addition in the area.

Commissioner Overberger said she visited the applicants' deck, and believes that there will be no further privacy issues, noting that Ms. Gorin's privacy is already affected. Furthermore, planting mature trees will do an enormous amount to screen the addition from Ms. Gorin's deck, and she believes that the design improves upon that which was presented at the first meeting. Commissioner Overberger noted that many houses have been improved significantly but that little has changed in this area, so the first project is the hardest. The design does not appear to be so radical, and she does not share staff's negative feelings about the project.

Commissioner Sisich said that he voted against the project previously and he will do so, again, because the applicants have not looked at alternative designs. The addition protrudes outwards and appears to hang in mid-air, and the neighbors also have an issue. Furthermore, a higher standard of design needs to be applied in the hillsides and there are alternative designs, which he discussed.

In response to Commissioner Zwick, Planning and Building Director Wight read aloud the Code section which dictates that hillside designs should maintain a low visual profile. Commissioner Zwick said that opportunities exist to change the design, which he discussed in more detail, noting that the length could be collapsed to some degree and the design could adhere to the contours of the hillside. However, although the addition does not affect the neighbors on either side to a great extent, it is necessary for impacts to be minimized and there are opportunities to do so with this design. Commissioner Zwick would support a continuance for redesign.

Commissioner Purl noted that he had visited Ms. Gorin's deck, and does not believe that her primary views of Mt. Tamalpais or the valley will be affected. Furthermore, the proposed deck will present a more attractive view for Ms. Gorin rather than the underside of the existing deck that is currently visible, and which will, in any case, be screened by trees. Commissioner Purl believes that many houses seem to extend out over the hill and this design appears to be less offensive. He favors the project.

Commissioner Harris noted that if proper legal notice had been sent to the owner of 64 Longwood, then this project should not necessarily be impeded for the reason that he now opposes the project, albeit the letter clearly states that the owner's view of Mt. Tamalpais will be obliterated. Overall, however, he does not think this project, as proposed, would affect Ms. Gorin's views at the level which the Code protects, since her valley views and view of Mt. Tamalpais will not be affected and screening will be provided.

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However, aesthetically, the addition protrudes significantly, and he would like to see an alternative design, for which he made suggestions. Commissioner Harris supports a continuance.

Vice Chair Schinner said that he is unable to make the first finding, noting that the addition extends too far out and looms in a massive way. Furthermore, it appears to impact neighbors who have gone on record opposing the project. He suggested that the design be stepped down the hill, or perhaps the extension could be reduced, and that with tree screening, he could support the project. He would not wish to see a continuance to review this design, again, and he will not vote for the present project. The applicants should be guided by the Design Review Code.

Mr. Kler said they would like to redesign the addition by pulling it in and after further discussion, they agreed to a continuation of the project.

M/s Sisich/Zwick, and passed (5:1 against: Overberger) to continue the project to the meeting of Monday May 7, 2007.

4. V-0707/DR-0707 – Scott and Heidi McCarthy, 114 Alder Avenue, APN 007-041-20, Setback Variance to construct a ±483 square foot garage within 3' of the west side property line (Code: 8'), and Setback and Flatland Design Review to add first and second story additions totaling ±2,088 square feet within ±6'-2" of the east side property line, located within the R-1 zoning district. (staff person: Chambers)

Planner Chambers introduced the staff report.

In response to Vice Chair Schinner, Ms. Chambers explained how the setback could be met, noting that the floor area for the entry way could be reduced or the stairs reoriented.

In response to Commissioner Sisich, Ms. Chambers discussed the shadow study and stated that at 2:15pm, the neighbor's house was already in shadow due to the existing two story house and vegetation.

Scott McCarthy, applicant, said that they had tried to address the issues raised at the last meeting, which he discussed. They believe that a 3 foot side yard setback is not unusual in the neighborhood and he gave examples of other properties with garages that are closer to the property line.

Dan Phipps, architect, presented materials showing that the trees on the property already cast shadows, and he discussed the colors and the roof. He explained why the 3 foot setback is necessary for the garage, which does not impact the neighbor on the west side. Mr. Phipps believes it is not an extraordinary precedence to grant a variance to place the garage close to the property line.

In response to Commissioner Sisich, Mr. Phipps explained that unusable space would be created on the first floor if they were to make changes to the master suite above.

Commissioner Harris and Mr. Phipps discussed the design of the east side of the house, and possible findings for the variance. Mr. Phipps believes that the location of the swimming pool and creek prevent changes being made to the garage, which should be sufficient grounds for a variance.

Janine Thompson, Alder Avenue, said that moving the east wall 6" is not a significant change and will not change the light to her home. She understands they will have light into their home during the summer months but they are concerned about light access during the rest of the year.

In response, Mr. Phipps said they would paint the dwelling a light color.

In response to Commissioner Zwick, Ms. Chambers noted that there is no requirement for a garage and the 8' setback needs to be met because a structure is not already in existence.

In response to Commissioner Purl, Commissioner Zwick explained that many garages are in violation of setback codes because they were built before codes were established, and it is desirable that space is maintained between property lines. General discussion amongst the Commissioners followed, and Ms. Wight discussed the rules in more detail, noting that more space is required between property lines for new construction.

Commissioner Sisich said he would deny the project. He said there will be light impacts to the neighboring property, and that this home is large. He requested greater articulation of the eastern wall than 6", and he would suggest the upper level on the east side be reduced. Furthermore, he will not support the variance for the garage because findings do not seem to exist.

Commissioner Zwick said that the addition could be pulled back, and there are often ways to articulate the building facade. However, he is not sure that it is casting a shadow.

Commissioner Harris said he is not convinced that issues surrounding light, air and privacy for the neighbors exist, but it would seem to benefit the applicant and neighbor if a little more space is created between the two properties. He understands why the applicants desire a two-car garage, but he has not heard evidence that justifies the granting of a variance. Furthermore, they are able to enjoy the benefit of

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a special rule for an exception to be granted for the east side; the lot is wide and changes are possible. Commissioner Harris said that he is unable to support a variance for a two-car garage on a large lot, and that a large one-car garage is possible to build.

Commissioner Zwick said that he likes the house, and that the issue of the neighbor's light, air and privacy will be no worse because their own house is close to the property line. The master bedroom could be reduced in size, but the real issue is the variance for the garage. Commissioner Zwick would support a one-car garage, but the project is otherwise well done and the neighbor would benefit if the addition were painted a light color to reflect light.

Commissioner Overberger said that the house is large but not out-of-scale with the neighborhood. Furthermore, she noted that the owners benefit by the grandfathered extension of the east side; there is a swimming pool and the house is comparatively large in relation to others. Thus, she does not favor the variance, noting that the applicants could have a one-car garage and swimming pool, or a two-car garage without a pool. She believes that too much is being requested, but she likes the house.

Vice-Chair Schinner concurs with most of the comments of the Commissioners.

M/s Harris/Sisich and passed (5-1 against: Overberger) to continue the project to the meeting of May 7, 2007, in order to redesign the two-car garage that requires a setback variance and improve the articulation on the east side to ensure the design is more in keeping with the neighborhood.

Mr. Phipps and the Commissioners discussed the changes further, and Commissioner Sisich said he would prefer a smaller addition.

5. **U-0704/DR-0711 - Sarita Patel for George Lucas, 40 Park Way, 50 Park Way and 65 Sequoia Drive, APN 006-163-14, 35 and 39.** Use Permit to demolish three single family dwellings and Design Review to construct a new 1,290± square foot, two-story single-family dwelling and attached 515 square foot garage at 40 Park Way; and a new 4,407± square foot single family dwelling at 50 Park Way located within the R-1 zoning district above 150 msl elevation. (staff person: Consultant Henderson)

Consultant Planner Diane Henderson introduced the staff report, noting that the application consists of the removal of three dwellings and the building of two new residences. She discussed the parcel merger, noting that one home needed to be removed as a condition of approval, and that one of the lots concerns the removal of the residence, only.

Ms. Henderson discussed 40 Park Way, noting that the two-story structure appears to be a single story because of the way it will be built into the hillside, with the lower level consisting of a garage, entry way and staircase to the upper level. The design is attractive and will blend into the neighborhood well, and the home is smaller with less lot coverage than the existing building.

Ms. Henderson continued with discussions on 50 Park Way, which also appears to be a single level building but in a conservatory-type style. It consists of metal and a lot of glazing, but the design complements the existing dwelling at 52 Park Way, where there is provision for parking. Ms. Henderson noted that a parking agreement is required so that parking is provided in perpetuity should one of the properties be sold in the future. She discussed the necessary findings, the main one being that the project must not create a visual impact. Ms. Henderson said that staff originally felt that the project would cause a visual impact, but that investigations concluded that there would be no impact off-site, which she discussed in more detail. The dwelling is attractive and consistent with the necessary findings for design review, and findings can also be made to allow the height to be measured from finished grade in order to protect surrounding trees. Staff thus recommends approval of the project.

Commissioner Sisich and Ms. Henderson discussed the position of the building at 50 Park Way on the property, part of which will be below grade. Ms. Henderson said that the applicant could address access to the property, and she discussed night lighting, noting that it will be confined to the site with no spillage on to adjacent properties.

Jim Sunseri, architect, used photographic materials to describe the project in more detail, particularly the building at 40 Park Way. He discussed the driveways and the new house and its materials, and he noted that a large portion of the house is underground for storage purposes. The building has been sited to fit between large oak trees that will provide screening. Overall, the project meets the maximum FAR allowable, and will be built in an historic style to complement the existing residence.

In response to Commissioner Sisich, Mr. Sunseri said that the residence at 40 Park Way is 5' closer to the property line of the neighbor to the east, which he does not believe is significant. They also discussed glazing, and Mr. Sunseri presented materials showing views of the property from various locations.

In response to Commissioner Harris, Mr. Sunseri said that the pavilion meets the requirements of a single family home and will be lit occasionally. It is not intended to be a grand structure that is lit every night, and the landscape light is of low voltage along the pathway. Lighting will be inside and the dome lights will be shielded fixtures that cast light downwards.

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In response to Vice Chair Schinner, Ms. Henderson said they could not see any glare from South Oak Avenue.

Mr. Sunseri and Commissioner Zwick discussed the driveway, for which a permit was issued. Commissioner Zwick expressed concern that he saw a damaged oak on the property near the driveway.

Serita Patel, representing the applicant, said that an arborist confirmed all was in order before the driveway was poured.

Commissioner Zwick and Mr. Sunseri used the plans to discuss the patio, and the cut and fill that will be necessary. Commissioner Zwick is concerned that there is no information on the number of truck trips that will be necessary. He is further concerned that the state of the swimming pool might cause mosquitoes to multiply, and that the copper roof, which covers a large expanse, will leak in its lifetime. He suggested zinc would be preferable, which does not leak. Commissioner Zwick is also concerned that the dome will cast bright light, and he finds it difficult to understand why it is not thought that it will not be seen from across the valley.

A concerned citizen said that this is a wonderful project but she is concerned about the effect of lighting, in addition to run-off and drainage. In response, Mr. Sunseri said they are decreasing the amount of impervious surfaces.

Pete Taylor, Sequoia Drive, has enjoyed the improvements the homeowner has made in the neighborhood, including the planting of mature trees. He addressed lighting, which he believes will have a positive effect, and he noted that the Water District undertook a project that required trucks to drive up and down, causing tremendous impact, and he does not believe this project will be worse. Mr. Taylor supports the project.

Mr. Sunseri noted that the storage area below ground is designed around the basement of the current homes they intend demolishing.

Commissioner Harris said that this is a beautiful project and tasteful, and that he is relying heavily on staff's advice about lighting. He does not believe the pavilion will cause significant impacts and will make an interesting landmark. He has no problem with the gardener's cottage and will support the staff report. However, he suggested that an alternative material be used for the roof if it is acceptable to the applicants and approved at staff level.

Commissioner Overberger supports the project.

Commissioner Sisich likes the gardener's cottage, but he has issues with the pavilion. He has a hard time accepting without further evidence that the pavilion is not going to be visible at night.

Commissioner Schinner said he would support the staff report. Further light studies would be helpful, but staff have spent two nights studying the lighting and he will therefore defer to their advice that lighting will not have an adverse impact.

M/s Harris/Sisich and passed (4: 2 against; Zwick/Sisich) to approve the staff report. Vice Chair Schinner advised the audience of the 10-day appeal period to the Town Council.

**E. ITEMS FROM PLANNING COMMISSION**


Commissioner Zwick provided materials on FAR (floor area ratio) for the Commissioners to peruse prior to the next meeting.

**F. ITEMS FROM STAFF**

None.

**G. ADJOURNMENT TO REGULAR MEETING OF MONDAY, May 7, 2007**

Meeting was adjourned at 10.10pm

  
Joanne O'Hehir  
Sr. Admin. Services Asst.