

TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES OF OCTOBER 1, 2007

A. CALL TO ORDER

Commissioners present: Krebs, Harris, Overberger, Schinner, Sisich, Zwick
Commissioners absent:

B. OPEN TIME FOR PUBLIC EXPRESSION

C. CONTINUED ITEMS

1. **V-0727 – Susan Hoy, 90 Melville Avenue, APN 007-263-31**, Setback and Parking Variance to construct a 398+ square foot garage with a 398+ square foot studio on top of the garage within 4' of the north side yard property line and 9'-6" of the rear property line (Code: 8' and 20'); and a Lot Coverage Variance to allow the proposed two story structure on property with an existing lot coverage of 39.8% (Code maximum: 35%), located in the R-1 zoning district. (staff person: Chambers)
2. **DR-0726/U-0714 - Claudia and David Eiseman, 48 Raymond Avenue, APN 007-171-28**, Use Permit to demolish a single family dwelling; Flatland Design Review of a 1,452+ square foot second floor in a new 3,871+ square foot single family dwelling with a 456+ square foot covered porch, and 672+ square feet of decking, on property located in the R-1 zoning district. (staff person: consultant Vazquez)
3. **U-0715/DR-0727/V-0726 - Patrick and Denise Courtney, 194 Scenic Avenue, APN 007-063-17**, Use Permit for the demolition of an existing 1,490 square foot single family dwelling; Hillside Design Review of a proposed 3,739 square foot, two-story single family dwelling, 499 square foot garage, with 1,752 square feet of decks and terraces; Setback Variance to construct a garage within 3'9" of the front property line and driveway support walls up to 7' in height within 1' of the front property line (Code setback: 20'); and Heritage Tree removal permits to remove 5 Heritage trees (one oak and four bays) located in the R-1 C zoning district. (staff person: consultant Vazquez)

D. PUBLIC HEARING ITEMS

CONSENT AGENDA

1. Minutes – September 17, 2007

M/s Zwick/Schinner passed (5-1: 4 Ayes, 1 Abstain – Harris) to approve the September 17, 2007 minutes with some changes.

REGULAR AGENDA

2. **LLR-0701 - Appellants: Michael J. Lawson and Nancy McCarthy; Applicants: Richard Hirsch, James Alexander, and Richard Tatlow, 158 Prospect Avenue, APN 006-192-29, 160 Prospect Avenue, APN 006-192-22, and 166 Prospect Avenue, APN 006-192-19**, Appeal of administrative approval of Lot Line Relocations to increase the size of 160 and 166 Prospect Avenue and reduce the size of 158 Prospect Avenue. The lot line relocations will not create an additional lot. Properties are zoned R-1 (Single Family Residential) above 150 msl elevation. (staff person: Wight)

Planning and Building Director Lisa Wight presented the staff report.

In response to Commissioner Harris' inquiry of whether there was a practical effect of the lot line with respect to drainage, Wight stated that there is no apparent possible effect; however, there could be an effect if one or more of the applicants were to increase the size of their house, which would increase the hardscape, which is why the drainage study would be required. Wight also noted that the lower patio at 158 Prospect Avenue would be transferred to 166 Prospect Avenue.

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Commissioner Overberger asked if a drainage report would be a requirement of any new development, and Wight responded that Public Works Director Rabi Elias is requiring it on hillside projects and includes construction of a retention facility.

Harris asked if Elias suggesting having the work done now or waiting for some potential development, to which Wight replied potential development as this project is just lot line adjustments.

Appellant Nancy McCarthy explained to the Commission that the lower patio with the sport court has drainage pipes that run onto their property. Appellant also informed the Commission that she and her husband have had drainage issues for the past 10 years. Appellant stated that she is concerned that the proposal does not address the issue of drainage; however there is talk about possible future development. Appellant asked the Commission to make the suggestions by Elias very clear and defined. Appellant also noted that she and her husband have offered to buy the small parcel of land from the applicants that have serious drainage issues.

In response to Commissioner Zwick's inquiry of who built the sport court, Appellant responded that the previous owner built the sport court, which drains water directly onto her property.

Harris asked Wight if the Commission has the authority to deal with drainage improvements at this stage and Wight responded the Commission did not have the authority, which is why staff recommended that the appeal be denied.

Appellant asked for a definition of development and Wight explained that development was related to hardscape, for example a new house or patio.

Appellant then asked if there was a review of the drainage issues on the site prior to the administrative approval being given and Wight responded that there was no drainage report.

Krebs stated that while the Commission does not have the authority to solve the drainage issue, there are other ways to solve the problem.

Applicant Richard Tatlow stated that was not changing anything, just requesting lot line adjustments, and that he is happy to work with his neighbors as he doesn't want to be a bad neighbor. Tatlow noted that he has no plans to build another house and will address any drainage issues in the future should he plan to build out.

Applicant Rick Hersch stated that he has owned his house for 15 years and that the sport court has been on the property for at least 20 years. Applicant also stated that this was the first time he was hearing of any issues with the sport court. Finally, Applicant said that he was willing to consider transferring ownership of 1,100 square feet of property to Nancy McCarthy and Michael Lawson.

Kathryn Gant Bradley, Durham Road, noted to the Commission that changing lot lines changes the lot sizes, which determines the different size developments on each lot. Bradley also stated that water rights and drainage should be determined clearly and that it is important to get drainage issues looked at professionally. Bradley asked the Commission to continue the matter to a later date.

Harris expressed that he is sympathetic to the drainage problem; however the Commission has no authority over the issue. Harris further stated that there is no connection between the lot line and any drainage issues and that no development application has been received. Harris stated that he supports the staff report.

Overberger stated that there is an entire body of law that will support a legal solution regarding the drainage issue and that Marin is involved and concerned about the downward flow of water. Overberger further stated that it behooves all to work collectively. Overberger stated that she supports the staff report.

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Sisich asked if the lots could be further subdivided later, and Wight responded that it might be possible for 160 Prospect Avenue to subdivide. Wight also stated that it would take a public hearing and specific findings would have to be made, but that the current application will not create new lots.

Commissioner Schinner stated that he agrees with Harris that this is a private matter and to address the issues would be speculative at this point. Schinner noted that the Commission does have the discretion to impose reasonable conditions given that there will be more runoff by any development.

Zwick stated that he supports the staff report.

Krebs stated that he supports the staff report and suggested finding a private solution to the drainage issue.

M/s Overberger/Zwick and passed (6-0) to move the staff report.

Applicant was advised of the 10-day appeal period to the Town Council.

3. **V-0730/DR-0730 - Richard and Laurie Childers, 27 Millbrae Avenue, APN 006-124-09**, Setback Variances to construct: 1) a 459 square foot carport and enclosed storage within 0' of the front and southeast side property lines; 2) a 219 square foot addition to the dwelling within 3'8" of the northwest side property line (Code setbacks: 20' front and rear; 8' sides); and Hillside Design Review of: 1) a 219 square foot lower level addition (considered second story), a 188 square foot main deck extension; and 2) for the dwelling to further exceed the maximum floor area (Code maximum 1,625 square feet; existing: 1,783 square feet; proposed 2,002 square feet), located in the R-1 zoning district above 150' msl elevation. (staff person: Wight)

Planning and Building Director Lisa Wight presented the staff report.

Commissioner Sisich asked if there were any concerns from the neighbors, to which Wight responded there were not.

Designer Jennifer Assistine, stated to the Commission that the additions will be a benefit to the owners, as well as the neighbors because it is currently exposed on the underside, and that the proposal includes enclosing the bottom of the house to cover up the structural work. Assistine further noted that the landscaping will continued to be developed and the house will appear much more finished and coherent.

Applicant Richard Childers expressed to the Commission that when he purchased the house it had structural problems and the original footings were inadequate. Applicant also noted that he has had great consultation with all of his neighbors about the project.

M/s Harris/Schinner and passed (6-0) to move the staff report.

Applicant was advised of the 10-day appeal period to the Town Council.

4. **U-0718/DR-0733/V-0734 - Moshe and Cindy Yacob, 939 San Anselmo Avenue, APN 007-114-05**, Use Permit for the demolition of an existing 1,165 square-foot single family dwelling; Flatland Design Review to construct a ±1,341 square-foot second story in conjunction with a new ±2,322 square-foot single family dwelling; and Setback Variance to construct a covered porch within 15 feet of the front property line, on property located in the R-1 zoning district. (staff person: consultant Henderson)

Planning and Building Director Lisa Wight presented the staff report.

Commissioner Sisich asked about historical architecture and noted that the house has nice details. Sisich also asked if the Planning Department is using a checklist

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for historical significance and Wight responded no. Sisich also asked for confirmation on the number of parking spaces for the 5-bedroom property, and Wight responded that only two parking spaces were required as the house is on the flatlands. Sisich also asked Wight if shadow studies are at the discretion of the staff, and Wight responded that there was no obvious impact on light and that a shadow study did not seem necessary. Sisich noted that a large tree is shown on the proposal as being part of the deck, and asked if an arborist had seen the design, to which staff referenced the Arborist Report.

Chair Krebs noted that the proposal may have the potential for a shadow study as to the left of the property is a senior residence and wondered about the possible shadow cast at 3 or 4pm.

Harris asked what the basis was for the setback variance, and Wight responded that the large trees in the rear eliminate the ability to go further back.

Schinner asked about the difference in the proposed setback and the rear wall of the existing dwelling, and Wight responded that the difference was 3 feet.

Applicant Moshe Yacob expressed to the Commission that his intention was to build and blend in with the neighborhood and not overshadow any other houses. Applicant noted that the trees on the property are very important and that he worked closely with an arborist to save the trees.

Krebs asked the applicant if he had received any comments or opposition and the applicant responded that he had only received good comments.

Commissioner Overberger stated that she supports the staff report.

Sisich noted that he spoke to a neighbor that noted it was a pretty big house. Sisich also noted that he doesn't think the size is too big in terms of square footage, but that he does have problems with the east and west elevations and would like to see a shadow study.

Schinner stated that he can support the project, and further noted that he has an issue with the setback variance, and sees no basis for granting a variance in the front yard.

Commissioner Zwick stated that he could support without variance.

Harris noted that he agrees with Zwick and Schinner regarding the setback variance and that he thinks the proposed height is high for the neighborhood. Harris also added that he would like to see the east and west sides more aesthetically interesting.

Krebs noted that he felt the proposed house was fairly block like and stood out, and that he thinks a shadow study might be appropriate, or reducing bulk to cast a smaller shadow.

The applicant said that he submitted two sets of plans and informed staff that he would work with whichever plan could be approved. Wight noted that the applicant did meet with staff, and although the staff did support the plans with the porch, it's up to the Planning Commission to approve the application.

M/s Sisich/Harris and passed (5-1 4 ayes, 1 abstain - Overberger) to continue the item to October 15, 2007 with direction to the applicant to consider an alternate roof pitch, roof ridge height, add articulations on the east and west elevations such as detailing on the shingles or belt course and preparation of a shadow study.

5. **DR-0734 - Larry and Debbie Stadtner, 10 Foss Avenue, APN 007-232-50,** Flatland Design Review of a ±1,617 second story addition, 126 square foot 2nd story deck and 180 square foot roof deck over the 1st floor, in conjunction with a new

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±3,974 square foot dwelling, on property located in the R-1 zoning district. (staff person: consultant Henderson)

Building and Planning Director Wight presented the staff report.

Commissioner Harris asked for the definition of a "story" and Wight responded that a story is defined as 6 feet to the adjacent grade to the next story.

Architect Jeff Kroot, informed the commission that he decided to push the house back in order to minimize the impact on the immediate neighbors. Kroot also explained that he met with neighbors to discuss the project and that the neighbors at 14 Foss Avenue initially supported the project. Kroot further noted that after meeting with the neighbors last week he feels some changes can be made. Kroot also stated that he took pictures of the homes in the neighborhood and noted that some of the homes are as tall as the proposed, and have a greater impact. Kroot also informed the commission that a certified energy analyst did a shadow study and that shading will occur after 4pm at 129 Sunnyside Avenue.

Applicant Larry Stadtner noted that foliage screening is actually shading the patio at 129 Sunnyside Avenue. Applicant reported that after reviewing the shade study, he strongly urged that another study be done to see if the existing plants have an effect on the neighbors deck and at this time of the year, the sun hits the existing trees and shades before at 3:45pm.

Kroot noted that neighbor Steve Woolridge sent a letter to the town claiming certain things that he disputed. Kroot noted that the lot is legal and has a certificate of compliance, 611 feet of the house is below grade and should be considered basement, proposed house is 2 stories, not three. In regard to the ceiling heights, Kroot noted that he doesn't feel they are excessive as the main floor is 9.6 feet and the others are 9 feet.

Kroot acknowledged that screening needs to be planted.

Tom and Lisa, Foss Avenue, noted that the ridge of the home would impact their view and thinks the house can be pushed forward and the slope of the ridge could be lowered.

Kroot acknowledged that he has pulled the house forward about 5 feet, the chimney can be lowered out of their view and the dormer can be revised; however the window will have to remain. Kroot also acknowledged that the applicant is not asking for any variances nor is the applicant against making adjustments to the design

Commissioner Sisich noted that using a gas fireplace could reduce the height of the chimney. Sisich also asked if the applicant is proposing any alternative glazing on the windows. Kroot responded that the applicant is willing to glaze the widows.

In response to Sisich's inquiry regarding the deck, Kroot noted that the deck is far away around the corner and there is no impact on 129 Sunnyside Avenue.

Kroot noted that ceiling height of the basement is 9 feet, main floor ceiling height is 9.6 feet, bedrooms ceiling height is 9 feet and the roof pitch is 8.12 feet. Kroot noted that the story poles are 6-12 inches too high and that he thinks he can reduce the height 5 or 6 feet.

In response to the inquiry of how much soil would be hauled away, Applicant noted approximately 500 yards of soil.

Commissioner Harris asked if there were any issues near the west elevation, and Kroot noted that he has had discussions with neighbors about removing the dormer roof.

Steven Woolridge, Sunnyside Avenue, noted that he met with the applicant and appreciates the meetings and has voiced concerns over the project. Woolridge also stated that FAR is a subjective and difficult process and that he feels the project has

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a significant impact on privacy. Woolridge asked for clarification on the shade study. Woolridge also noted that in regards to privacy, there is a significant view corridor to his family's primary living space.

Woolridge noted that he also feels the project is out of scale with the surrounding properties, as well as oversized for the lot. Woolridge stated that he is concerned about the retaining wall and disagrees with the finding that the house is not 3 stories.

Tim Navone, Foss Avenue, said he didn't know how to be involved in the review of the project at 26 Foss, and he will now be next door to a house with a 68% FAR. They will lose their view, privacy and light. He said he is here for 129 Sunnyside who built additions, but did it within scale. He said the combination of 26 Foss, 34 Foss's Italian villa, is enough that they're tired of it. He expressed concern about FAR and stated that the Foss Avenue community has pulled together. Navone also noted that the character of Foss Avenue is changing. He said that people's reactions to the story poles are that this is the San Anselmo I don't want to live in.

Tom and Lisa Schlisser (sp?), Foss Avenue, noted that their backyard light and privacy will be impacted and that the proposed home is 12 feet above their deck and that the story poles tower over their pool and outdoor area. Tom and Lisa noted that their biggest issue is the light and the way it towers over their living space

Kelly Wooldrige, Sunnyside Avenue stated that on the shade study her house is not properly sited.

Lenny Nash, Foss Avenue, noted that he lives directly across the street and uses his outdoor space a lot. Nash noted that they would be looking right into his yard and that he appreciates the applicant's willingness to work on the height of the house.

Tom Lavine, Sunnyside Avenue, requested a shadow study that shows shadow, and thinks the calculations on the drawings would be helpful.

Marilyn, Sunnyside Avenue, expressed that the house looks onto her yard more than anyone else's and stated that she feels the house is too big.

Kathryn Gant Bradley, Durham Road, noted that there is pressure to build now while you can, and stated that she feels a moratorium should be enacted until the city council makes a decision on the FAR. Bradley also stated that she thinks the staff report needs to be supported with conditions. She also noted that she is concerned about the flatland and hillside reviews and expressed concern that the property is too large for the lot.

Carl Basar, Foss Avenue, expressed there is symmetry with the houses going up the hill and unity in the neighborhood and that seeing the story poles at the lot is a shock. Basar also expressed that he is concerned about the scale and the size of the house.

Tom Nowell, 26 Foss Avenue, He said it comes down to how planning laws work or don't work. He understands that the laws have not yet changed regarding FAR, and does not understand the division between flatland and hillside. He said he is distressed that after getting support from his neighbors and now the story poles are installed at 10 Foss, he is being criticized and feel it's unfair. The Town is evolving with bigger houses being built. He suggested "hillside" properties be defined by slope. As the rules are now, it pits neighbor against neighbor.

Steven Woolridge, Sunnyside Avenue, noted that the floor level and height of house has been significantly misrepresented on the shadow study.

Wight noted that difference in elevations may be due to the fact that 129 Sunnyside's plans were drawn with msl datum, and 10 Foss's plans drawn at local datum.

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Camden Hicks, Crescent Road, noted that it is important that discretion is involved. Hicks also stated that it is obvious those in attendance don't really understand what the design review process entails, and that the project needs to be evaluated to get a better picture.

Kroot reminded the commission that the purpose of the hearing was to look at light, air and privacy issues and that all requirements have been met.

Commissioner Harris stated that he would support a continuance for redesign. Harris noted that the applicants are entitled to make use of the code, but thinks the house is too large for the lot. Harris also stated that he would like a computer generated shadow study, and that it seems like the dormer at the front of the house does create shadowing issues. Harris further encouraged the applicant and architect to look at other solutions.

Sisich stated that we don't even know if the Town Council is going to approve FAR in the flatlands and a 3,000 square foot house is not unusual. What drives it for him is whether a proposed house is so big that it will unreasonably affect people around it. In this case, the house is too big because it will impact 129 Sunnyside and 14 Foss. Sisich also noted that the house needs to be small enough and mitigated enough so that the neighbors feel that isn't wholly unreasonable. Sisich also noted that he would like a more graphic shadow study and noted that the proposal packages should show elevation models of neighbor's homes. Sisich also noted that he would like to see the project lowered, story pole height corrected, project reduced in size, glazing in the windows, window sill heights raised and alternate glazing proposed and a landscaping plan.

Commissioner Schinner stated that in reality size does affect privacy, light and air. Schinner also noted that he thinks most of the properties in the neighborhood tend to be about 1500 square feet, and that the issue is more of a neighborhood issue. Schinner further noted that more than one neighbor will be impacted and that the entire neighborhood has commented on the impact of privacy, light and air. Schinner also suggested looking at the staff report and trying to accommodate some of the concerns and requested a computer generated shadow study. Finally, Schinner noted that he would like to see height reduced.

Commissioner Zwick stated that the design is very nice, and that the other commissioners have made points about the light, air and privacy. Zwick also stated that he wants to give guidance to the client, that there are some things about this house that takes away from what an architect is able to do. Zwick stated that the applicant might want to consider changing the plans.

Schinner noted doesn't see pulling the house forward as the solution, as there will be a lot of excavation and even more massing in front of the street.

Commissioner Overberger noted that it is important to think about things that can be done that are not incremental. Overberger also noted that it is a very nice house and that the problem is that it is up on a hill. Overberger further noted that resident's privacy issues are very important and that the house is very big.

Harris noted that when looking at the site plan one possibility that came to mind was of having the basement and one level in the front of the house and have the second story more in the center of the house.

Chair Krebs stated that the upper floor creates bulk that significantly impacts the privacy and light of the neighbors and that changes to reduce the height may mitigate the impacts. Krebs also noted that there is sentiment that the upper floor may be too large, and noted that agrees with that concern. Krebs further noted that the project as proposed does impact privacy and light. Finally, Krebs requested a computer generated shadow study that takes into 14 Foss Avenue into account and said that he echoes the comments of the other commissioners.

M/s Harris/Zwick and passed (6-0) to continue the project to November 5, 2007.

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Applicant was advised of the 10-day appeal period to the town council.

E. ITEMS FROM PLANNING COMMISSION

Commissioner Overberger announced that the Town Council is interviewing three candidates for the Planning Commission.

F. ITEMS FROM STAFF

Wight reported that the Downtown Workshop #1 went really well and that the presentation made by the developers is on the Town website. Wight also stated that Workshop #2 will have a design charrette and said 8 architects and designers have volunteered to assist in the small group exercises.

G. ADJOURNMENT

The meeting was adjourned at 10:45 pm to the next meeting of Monday, October 15, 2007.

Respectfully submitted,

La Shaun Williams