

TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES OF SEPTEMBER 17, 2007

A. CALL TO ORDER

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

B. OPEN TIME FOR PUBLIC EXPRESSION

Kathryn Gant Bradley, Durham Road, reminded the audience of the first Planning Vision and Policy Direction Workshop for San Anselmo Avenue between Ross and Bolinas Avenues to be held on Tuesday, September 18, 2007 at Wade Thomas School, Multi-Purpose Room, Ross and Kensington Avenues from 7pm to 9:30pm.

C. CONTINUED ITEMS

1. **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.
2. **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%).
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; and 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 203 square foot lower level deck extension, a 188 square foot main level deck extension (considered third floor); 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), on property located in the R-1 zoning district above 150 msl elevation.

D. PUBLIC HEARING ITEMS

CONSENT AGENDA

1. **Minutes – August 7, 2007 and August 20, 2007**
2. **V-0732 – Barbara Milton, 540 Sequoia Drive, APN 006-118-06**, Setback Variance to construct a ±372 square foot deck and stairway extension within 3' of the rear property line (Code: 14').
3. **U-0717 – Mary Mock for Grasshopper Pilates, 141 and 141 ½ Tunstead Avenue, APN 007-251-14**, Use Permit to operate a private school and for a change in occupancy in a ±2,306 square foot building.

M/s Schinner/Overberger and unanimously passed (5-0) to approve the August 7, 2007 and August 20, 2007 minutes with some changes and applications for 540 Sequoia Drive and 141 and 141-1/2 Tunstead Avenue.

Audience was advised of the 10-day appeal period.

REGULAR AGENDA

1. **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.

Chair Krebs recused himself.

Consultant Jan Vazquez presented the staff report. She also reported that in regard to a letter received from the resident of 218 Crescent Road objection to the on going construction near her property conducted on weekends, the Municipal Code under Section 4-7.203 Construction and Demolition has numerous specifications related to when and how much noise can be generated by construction and in general, construction and/or demolition can be conducted on Saturdays from 9am to 5pm and on Sundays from noon to 5pm.

In response to Commissioner Sisich's inquiry of whether the story poles had been lowered, David Eiseman responded that the story poles were not. The applicant also stated that the garage is 15' in height overall. Sisich also asked about the shadow study and how the shadow would be reduced, and Vazquez noted that the 2nd floor has been pulled back 5 feet and by doing so, when the sun is cast, the tallest portion is now further away, and the shadow length can't extend as previously shown. Sisich also asked if a landscape proposal had been submitted with the application and Vazquez noted that there was an original plan that showed trees that were going to be removed and that the plan has not been amended and that an arborist report had been provided.

Architect Ivan Lukridge stated that substantial adjustments have been made to satisfy the neighbors and that the applicant has addressed the privacy, design, setback and tree issues. He advised that the two large heritage oak trees in question were taken into consideration as the proposed design is based on the trees. Vice Chair Schinner clarified that the trees would not be removed.

Tina Kroot, Crescent Road, expressed concern that the house is out of scale and will have a detrimental effect on the houses around it. She is worried about privacy, light and views and expressed concerns about the Heritage Oak trees on the property.

Jeff Kroot (speaking for adjacent neighbor Rex Thompson, who is deaf) expressed that Rex appreciates the removal of the storage shed and the reduction of height of the garage, but is concerned with the demolition of the 1907 house, and the size and bulk of the proposed house. Kroot expressed that Rex would like the motion to preclude future construction of a shed on the property.

Jeff Kroot, Crescent Road, asked the Commission to consider buildings that have been in the neighborhood for a long time. In response to his questions about the trees, Vazquez responded that the arborist noted that construction could happen without damaging the trees. Finally, Mr. Kroot noted that he feels the town and neighborhood are under attack.

Mary, Laurel Avenue, noted that she thinks the changes are a good start, but from her property it is hard to tell where the changes have occurred as privacy is still an issue. She also expressed concern about a 100-year-old house being knocked down as well as weekend construction.

Andrea Crow, Crescent Road, expressed concern about privacy issues and noted that her house runs parallel with the proposed property and that there are a significant number of windows that look onto their property that are blocked by natural foliage and expressed hope that owners will put up foliage that will grow quickly and screen the windows. Ms. Crow also expressed that she is concerned about the trees in the backyard being removed. Finally, Ms. Crow asked if it was possible to have the bottom of the house built out.

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In response to public comment, Architect Lukridge stated that there would be opposition to whatever plans are submitted and that the house has to have windows for light, the total square footage has been reduced, there will be some fast growing trees to help with the privacy issues and that the current house is much closer to the Heritage Oak tree than the proposed plans. Lukridge also stated that the applicant has no intention of excavating or building out the downstairs.

Schinner asked about the height of the home and Lukridge noted that the ridgeline is approximately 28.6 feet, second floor ceiling is 8 feet and first floor ceiling is 9 feet. In response to Schinner's inquiry about the privacy issue to the Thompson house, Vasquez responded that there are no privacy impacts to the Thompson house, the shadowing to the Thompson house would be lessened, and there is only one window that could be affected by shadowing at 3pm or later from September to March.

Sisich asked about the height from grade to first peak in the back of the house, and Lukridge responded that the height is 25 feet from grade level to the first gable and 29 feet from the peak of the 2nd floor to second level. Eiseman also noted that the plan is to plant trees to cover the lower level to try and remove it from the view of the neighbors.

In response to Zwick's inquiry regarding the demolition ordinance and what the ordinance allows, Building and Planning Director Wight responded that the ordinance findings are not very strong and some of the findings are at the Commission's discretion.

In response to Sisich's inquiry of whether it is allowable for the deck to intrude into the setback without a variance on the Crow residence side, Wight noted that the deck could be within 6 feet of the property line unless it's less than 36 inches, and then it can go right up to the property line.

Sisich also noted that he still has a few concerns, but accepts the historic review report, accepts the revised shadow implications of the new house, thinks screening along the Davis/Eiseman property line would be a good idea, requested to see a landscaping plan, and the under area of the house should not be developed, nor should the shed be rebuilt.

Schinner noted that he generally felt the house was too big for the neighborhood and was concerned about the historical features of the property, which have been addressed. Schinner noted that given there is not a historic component to the property the town should encourage restoration. He doesn't think the proposed plans impair light and air and that there is no unreasonable impact on privacy, but agreed that foliage screening would be helpful. Schinner further stated that he would like to see a landscape plan and would agree with the additional requirement on restrictions on the construction of the lower level and the shed. In terms of height, Schinner said that he appreciates the applicants attempt to reduce the square footage of the property.

Commissioner Overberger stated that she agrees with all former comments made and thinks the owners have done a lot of work to attempt to meet some of the neighbors concerns. Overberger stated that it is not a small house, however it is a large piece of property, and that she has some concerns about the deck around the trees.

Zwick noted that he is concerned about the Town's history and noted that the architect has done a good job. Zwick also noted that he would like a deed restriction for the under area and shed, a landscape plan, a diagram of the provisions of the 100-year flood retention plan mentioned in the staff report, and would like to see if they could lower the rooms on the 2nd floor.

Wight stated that if the Commission's intentions for landscaping were very clear she could review and administratively approve a landscape plan.

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Overberger noted that a landscape plan is a two way street, as neighbors have the option of planning on their side of the fence as well.

Schinner stated that he would like to see the height reduced if possible.

Wight referenced the Permit Streamlining Act and the need to have the applicant request a one-time only, 90 day extension if action was not taken at this meeting, to which the applicant agreed to the extension.

M/s Sisich, Overberger, continue with the request that the applicant return with a complete landscape plan and suggested that the applicant meet with three adjoining neighbors to suggest landscape screening to the Davis, Crow and Thompson properties. The landscape plans should include a drainage plan with attention to details that are available for the 100 year storm retention and following the recommendation in the staff report and deed restrictions recommendation on the under story area of the house for any future outbuildings. The landscape plan should include expected growth in five years, and continue to the October 1, 2007 meeting (4 ayes; 1 recused).

Applicant asked about the height restriction, as it was not in the motion and Schinner suggested looking at all issues as he and Zwick have expressed concern about the height.

Chair Krebs returned and participated in the meeting.

4. V-0733/DR-0732 – Randy Raugh, 312 Scenic Avenue, APN 007-024-20, Setback Variance to expand the existing parking deck within 0' of the front property line (Code: 20'); Parking Variance for one of the three 9' x 19' parking spaces to be within the right-of-way (off pavement) (Code: wholly on property); Setback and Hillside Design Review to: 1) raise the existing flat roof a maximum of 4' in order to accommodate a pitched roof; and 2) add a ±1,052 square foot lower story addition within 5'-4" of the north side and 6'-1" of the south side property lines; and, Hillside Design Review to add a deck totaling ±118.5 square feet, located in the R-1 zoning district (above 150' msl). (staff person: Consultant Henderson)

Consultant Diane Henderson presented the staff report.

M/s Zwick/Overberger and passed (5-0) to move the staff report.

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

5. DR-0731 – Catherine and Alexander Hargrave, 50 Alder Avenue, APN 007-041-29, Flatland Design Review to add a ±1,353 square foot second story addition, located in the R-1 zoning district. (staff person: Chambers)

Assistant Planner Chambers presented the staff report.

Commissioner Sisich asked about flooding and if the property is in the flood zone and Chambers responded that the zone is considered a C Zone, but as it has a creek running through a portion of the rear of the property, the creek is contained in the channel and doesn't need to be elevated.

Architect Jill Tardy noted that the existing house is a charming house and was the source of inspiration for the additions. Tardy also stated that the applicant is proposing to keep the front windows and add similar windows to the upper floor. Tardy also explained that the second floor will be used for the master suite, laundry room and guest room with an existing plate height of 9 feet on the first floor and as low as 6.9 feet on the second floor. Tardy stated that the deck has been made smaller, and that the plan is to demolish the existing garage and that new screening in the backyard is being proposed.

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In response to Commissioner Schinner's inquiry about the windows that would be facing 56 Alder Avenue, Tardy explained that the window sills in the master alcove are very high at 4.8 feet and that master bath windows are opaque. The laundry room will have two windows above the washer and dryer.

Jack Anderson, Saunders Avenue, expressed concern about the deck sitting up at 5 feet while the fence is only 6 feet high, as he and his family use their backyard a lot during the summer. Mr. Anderson stated that the deck will be looming over his backyard and will change their lifestyle, and further stated that he has proposed to the applicants that if they would be change the swing of the French doors in and have the steps down to the patio on the side, rather than orienting towards them.

Schinner asked how far back from the property line the deck is located and Tardy explained that the deck is 15 feet away from their property line and that the stairs have been turned away from the Anderson's yard. Tardy also noted that the applicants did neighborhood outreach and that the neighbors were fine with the screening proposed.

Commissioner Zwick stated that the house was a nice design and would add to the neighborhood, as the neighborhood is mostly two-story homes. Zwick also noted that he thinks screening would help with the deck privacy issue. Zwick stated he has no problem with the project.

Commissioner Overberger stated that she has no problem with the house.

Schinner stated that he appreciates sustainability and can support the findings.

Sisich expressed concern with the story poles and asked who was responsible for the placement of them. Tardy replied that the story poles were erected by Columba Duffy. Sisich also expressed that while he doesn't have a problem with the size of the house, he is concerned about the deck.

Chair Krebs stated that the deck is not under design review and that the screening will help mitigate the privacy issue. Krebs asked if the trees were a condition of the proposal, and Chambers responded that the trees could be a condition of the proposal. Krebs also stated that it is a nice house and will be a great addition.

M/s Overberger/Zwick and passed (5-0) to approve the staff report with the addition of obscure glass in the master bathroom excluding the shower and the planting of a minimum of four 15-gallon evergreen trees as shown on the landscape plan.

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

6. **V-0731 – Steve Wilson, 460 Scenic Avenue, APN 007-031-34, Setback Variance** to construct a retaining wall varying in height from 4.5' up to a maximum of 16' in height within 1'-4" of the side and 0' of the front property line and encroaching into the right-of-way (Revocable Encroachment Permit required).

Planning and Building Director Wight presented the staff report.

M/s Overberger/Zwick and passed to approve the staff report with the addition of color of the wall and trailing vines to be approved administratively (5 ayes).

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

ITEMS FROM PLANNING COMMISSION

Commissioner Schinner suggested revisiting the conversation about construction hours and asked for clarification on hours homeowners can perform construction work. Wight confirmed she would schedule that soon.

Commissioner Zwick requested aerial photographs of drawings for submitted applications.

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E. ITEMS FROM STAFF

Wight discussed the pending Workshop #1 to take place the following evening on September 18, 2007 at Wade Thomas School.

F. ADJOURNMENT

The meeting was adjourned at 10:30 pm to the next meeting of Monday, October 1, 2007.

Respectfully submitted,

La Shaun Williams