

**TOWN OF SAN ANSELMO PLANNING COMMISSION MINUTES
MAY 19, 2008**

A. CALL TO ORDER

Commissioners present: Harris, Krebs, Overberger, Schinner, Sisich, Zwick
Commissioners absent: None

B. OPEN TIME FOR PUBLIC EXPRESSION

Louise Matthews, Foothill Road, stated that 186 Scenic is on the market and asked if the project could be revisited by the Planning Commission to review drainage and other site improvements.

C. CONTINUED ITEMS

D. PUBLIC HEARING ITEMS

CONSENT AGENDA

1. Minutes – May 5, 2008 – CONTINUED TO 6/2/0

REGULAR AGENDA

2. Town of San Anselmo, above Sir Francis Drake Boulevard between Loma Robles and Shaw Drive, APN 006-061-34, advisory design review of slope stabilization of a 1,400± square foot portion of a 5+ acre undeveloped hillside Town property.

Public Works Director Elias presented the staff report. He noted that the wall will be shotcrete and will be painted the same color as Red Hill so the wall will blend into the environment.

Commissioner Zwick stated that he had not seen in soil reports that vegetation is the way to help hold slides and Elias agreed. Zwick also asked if the piece above this portion would fail and Elias answered no. Elias pointed out that upon completion of the project, the area would be the most stable portion on the hill. Zwick also asked about the soil report covering the rest of the 5 acres. Elias responded that the soils report only address this part of the site.

Commissioner Krebs asked if the next step would be to take the matter before the Town Council and Elisa noted that the matter would be before the Town Council on May 27, 2008. This would include a report on the fiscal impact, which is approximately \$100,000.

Commissioner Harris stated that since the matter is only before the Commission as an advisory matter, the Council should try to get the best geological information possible regarding slide risk and what construction activity is going on with the adjacent property and make sure those issues are understood before going forward with the issues of construction. Harris added that the Town Council should make that a consideration in its negotiations. He also noted that he did not favor shotcrete but said he sees the current time as an opportunity for the work, as the access is already available.

Zwick stated that it is a big scar in the hillside and may be necessary, but unfortunate. He added that this kind of earth movement and site disturbance would not be allowed in other jurisdictions. Unfortunately the zoning ordinance does not have enough regulations about sustainability,

Krebs stated that hind sight is 20/20. He was not sure if it was looked at before as part of the project below, and if so, additional conditions could have been placed on the project. It is a blight on the hillside.

M/s Overberger/Harris and passed (6-0) to move the staff report, incorporating comments made by the Commission.

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3. **DR-0806/U-0808 – Catherine and Guy Sene, 53 Indian Rock Road, APN-177-250-24,** Hillside Design Review of a new 3,624± square foot, two story dwelling with a 346± square foot garage and a 497± square foot, detached, two story second unit with a 500± square foot attached garage.

Chair Schinner recused himself and turned the gavel over to Overberger.

Consultant Diane Henderson presented the staff report and noted that the item was continued because the neighbor at 2 Tomahawk requested that the Commissioners look at the proposal from his private driveway, and the Commission asked the applicant to explore a single story unit. Henderson stated that alternative plans have been submitted, but that the neighbors at 47 Indian Rock Road have signed off on the 2-story plans.

Commissioner Sisich asked about alternative parking arrangements such as the turnaround in front of the proposed second unit and asked if it is to be used by the Fire Department. Sisich asked if any rules prohibited parking in the turnaround and Henderson replied that the turnaround needs to be free for the use of the Fire Department.

Sisich asked if the 2 trees on Alternative 3 were heritage trees and he also inquired about the requirement for uncovered parking. Henderson stated that 4 parking spaces are required, but 2 can be tandem, although none have to be covered. Henderson stated that the applicants would like covered parking.

In response to Sisich's inquiry about the finding for the Use Permit, Henderson noted that the finding could be made to allow the second unit on the second floor of a detached building, with a plate height that exceeds that of the first floor of the main residence.

Commissioner Harris asked Henderson if she is satisfied that she's seen all the reasonable alternatives, and Henderson responded that she feels the applicants have explored reasonable alternatives.

Sisich stated that he met with Tommy Kennedy of 2 Tomahawk Lane to view the story pole closest to his property and verify the distance from the story pole to his home. Sisich asked about the 8-foot overhang beyond the story pole, and Henderson noted that the distance from Mr. Kennedy's house to the proposed residence is approximately three times the requirement. Sisich also asked for clarification on the setbacks, and Henderson responded that the setback requirements are 8 feet on the sides and 20 feet in the front and back.

Architect Fani Hansen addressed the Commission noting that the applicant was back before the Commission as they had been asked to review height, location and visibility of the second unit.

Hansen noted that the original roof of the second unit with the solar collectors was above 18 feet, but had been revised to fall within the 18-foot height.

Hansen also noted that the required access for emergency vehicles took up substantial space on the site, and that the owners did meet and discuss alternatives with the neighbors. Hansen stated that the owners of the property at 47 Indian Rock didn't like one of the alternatives proposed, as it would make the structure visible from their property. Hansen also reported that Alternative 1 moves the parking area downhill and increases the house from the grade to the level of parking by 17 feet and eliminates a lot of the mature planting. Hansen further reported that Alternative 2 was to dig into the hill and requires 66 linear feet of retaining walls and 2400 cubic yards of earth to be removed, which isn't feasible. Alternative 3 would require the removal of mature trees.

In regard to the view from Tomahawk Lane, Hansen showed photos that depicted the story pole at the very end of the overhang and photos that showed where the previously existing house was located. Hansen said that the proposed structure is more than nine times the required distance from Mr. Kennedy at 2 Tomahawk Lane.

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Zwick asked if there were any retaining walls and Hansen replied no, but that there was a ditch filled with dark blue Mexican pebbles that would collect drainage. Zwick also requested to see a materials board, and Hansen noted that it had been submitted. Zwick asked about the materials of the roof, and Hansen replied that the roof would be 24 gauge metal at 18 inches apart with solar panels in between. When asked about the reflection of the paint, Hansen replied that matte paint would be used on the roof.

Krebs asked which corner of which elevation is closest to 2 Tomahawk Lane, and Hansen identified the area on the site plans. Krebs clarified that the story pole begins at the eaves of the overhang.

Tommy Kennedy, 2 Tomahawk Lane, stated that the proposed house is not on the existing pad, but about 40 feet past it. Kennedy stated that he wants to ensure that a civil engineer looks at the project and would like assurance that excess water from the Sene property will not drain onto his property. Kennedy also stated that he was concerned about visibility from his site, and that while the applicants accommodated one neighbor, they did not make time to meet with him. Kennedy requested that the Town Architect review the plans and approve them.

Hansen replied that she considered the location of his home when drafting the plans and that there are mature plants currently on the property and with additional planting, the area will be practically invisible.

Applicant Guy Sene stated that he wanted to do everything to integrate the house into the hillside, and that a misunderstanding about the story pole derailed the rest of the discussion about the plans. He noted that he has worked with all neighbors and has really tried to accommodate everyone.

Sisich asked if there was a landscape plan and Hansen noted that the landscaping key is printed on the plans and that the landscaping plan has not changed at all.

Harris stated that he has no problem with the house and that he understands Mr. Kennedy's concerns, but that there is no impact from the proposed home that is unreasonable, given the elevation difference between the two properties. Harris also stated that he has the sense that the applicant would work with Mr. Kennedy if a problem were to arise, and that any such problem could be resolved with landscaping in the future. Harris said that he has no problem with the project if staff is satisfied that it has seen reasonable alternatives for a use permit, being that the unit doesn't have any offsite visibility issues; however, he does not want it to be precedent setting. Harris further stated that the findings required are meaningless and that it would be hard to make a finding against a second unit, given the use permit language. Harris said that he supports the staff report.

Zwick stated that the drawings were very difficult to read. Zwick noted that the hammerhead turnaround doesn't have to extend so far, and that there is an alternative where the garage could be split from the second unit. Zwick stated that the existing site where the previous house was located was almost totally screened by trees, but without the screening the house doesn't meet ridgeline criteria. Zwick stated that he doesn't have a lot of objections, because you won't see this house, but he would have objections if this house were located at another site. Zwick stated that he thinks the house is very interesting, that the ceiling does transmit a lot of light and that he is concerned about the metal roof. Zwick said he thinks there is an alternative if any Commissioner objects to the 2-story structure.

Sisich noted that he appreciates the fact that the house is smaller than the previously approved plans, but that his trouble with the plans is that it is an adventurous house. Sisich stated that he was concerned about Mr. Kennedy, but thinks the house will be okay with the screening, and that Mr. Kennedy's house is also quite large and visible. Sisich stated that his problem with the house is that he doesn't see the need to have the second unit elevated. Sisich also stated that he met with Mr. Israel at 47 Indian Rock Road who approves of the plans. Sisich stated that he thinks the Senes want the second unit elevated for the view and that parking could be put other places on the property. Sisich

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said he thinks the alternatives are draconian, and he feels there are other options that haven't been explored. He can't support the second story.

Krebs stated that he had two concerns: proximity to Mr. Kennedy's home and the second story. Krebs stated that he visited the site, and given the nature of the location of Mr. Kennedy's home, he doesn't think the house will be substantially different from what was previously there. Krebs stated that privacy concerns could be addressed by additional screening. Krebs also stated that initially he wasn't concerned with the second unit, but he shares Sisich's concern of whether there is an alternative. Krebs stated that he was willing to approve the staff report, as the project is fairly unobtrusive, but that he is concerned about vegetation in the future.

Zwick asked if the Fire Department had reviewed the plans for the Urban Wildlife Interface Code, and Hansen stated that the Fire Department actually wanted to remove a cypress tree, but the owner refused.

Zwick stated that he is willing to support the project assuming the plants listed on the plan will be used for additional privacy.

Krebs stated that Condition 13 in the staff report is helpful.

Commissioner Overberger stated that she is basically in favor of the project and loves more modern buildings. Overberger said that the fact that the house sits down low makes it a perfect site for the house. Overberger said that last time she was not supportive of the second story unit, and agreed that the plans could be changed to accommodate more parking with only one story. Overberger also stated that the entire property sits out of the sight of everyone. Overberger noted that she likes the metal roofs, and stated that if there are concerns about the materials on the roof, they should be made part of the motion.

Zwick said that his concern about the roof is reflectivity and asked the architect to ensure that the least reflective and most matte paint is used. Zwick further stated that all materials, including glazing and Cal Wall, shall be non-reflective and matte finish. Hansen stated that the roof would be aluminum brushed metal and that the chosen paints will be matte finish.

Overberger clarified that the Commission did not defer to Zwick as the Town Architect, but that he is an architect and did review the plans.

M/s Krebs/Harris and passed (4-1) to move the staff report and to have staff, prior to issuance of a building permit, approve all materials as least reflective finish, including brushed, not shiny, aluminum, matte finishes, non-reflective glass, and non-reflective roof materials..

Ayes: Harris, Krebs, Overberger, Zwick. Nos: Sisich. Recused: Schinner.

E. ITEMS FROM THE PLANNING COMMISSION

Chambers and Henderson reported that 10 Foss was heard at the Town Council and the Council continued the item to May 27th in order to have the applicant work out a landscaping plan to provide screening with the adjacent neighbor at 129 Sunnyside.

F. ITEMS FROM STAFF

Overberger asked if it was required to inform residents when a neighbor is going to start construction on a project, particularly when the project had been approved by the Commission and a substantial amount of time has elapsed. Overberger noted that it would be good social practice to notify residents.

Chambers stated there is no legal requirement to advise neighbors about a building permit however a job card must be placed on the property advising that the work being performed has a permit.

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Harris suggested making it an obligation of the permit holder to give notice to neighbors when beginning a project.

Chambers reported that the Town Council approved the first reading of the modifications to Flatland Design Review with a vote of 3-2 and the second reading will be on May 27th.

ADJOURNMENT

The meeting was adjourned at 8:40pm to the meeting of Monday, June 2, 2008.

Respectfully submitted,

LaShaun Williams