

TOWN OF SAN ANSELMO PLANNING COMMISSION  
MINUTES, JANUARY 14, 2008

**A. CALL TO ORDER**

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

**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) **CONTINUED TO 2/4/08**
2. **DR-0741 – Sean Condry, 15 Fernwood Drive, APN 007-131-36**, Design Review Amendment to the previously approved 2,348± square foot dwelling, 745± square foot decking, and 500 square foot garage to add a 1,135± square foot additional floor area in a new lower floor, bringing the total floor area to 3,427± square feet, add a 745± square foot lower deck bringing the total deck area to 1,735± square feet, reduce the garage to 440 square feet, and other design modifications, located within the R-1 zoning district (above 150' msl). **CONTINUED TO 2/4/08**
3. **DR-0739 – Hal Walker, 754 Sir Francis Drake Boulevard, APN 006-091-39**, Commercial Design Review of a change to the exterior materials and colors (wood siding to be replaced with stucco; brown stain to be replaced with brown and orange tone colors) and a change to the sign program, located within the C-L zoning district (staff person: Wight). **CONTINUED TO 2/4/08**

**D. PUBLIC HEARING ITEMS**

**CONSENT AGENDA**

1. **Minutes – December 17, 2007**

**REGULAR AGENDA**

2. **U-0721/DR-0740 – Kenneth Holder for Epstein Properties LLC, 129 Madrone Avenue, APN 007-161-31**, 1) Use permit to demolish a single family dwelling; 2) Flatland Design Review of a 1,394± square foot second story in conjunction with the construction of a new 3,078± square foot single family dwelling and 518± square foot garage on property located in the R-1 zoning district. (staff person: Consultant Vazquez)

Consultant Jan Vazquez presented the staff report noting the application had been heard before the Planning Commission on December 3, 2007, and that the Commission had expressed concern about the deck and impact on privacy of neighbors. Vazquez stated that revisions to the original plan had made and a landscape plan had been submitted.

In response to Commissioner Sisich's inquiry of whether any communication had been received from neighbors, Vazquez replied no.

Applicant Ralph Epstein stated to the Commission that he accepts the staff report.

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Commissioner Harris asked what other alternatives had been considered and Applicant responded that he is open to any material that would allow light to filter through. Applicant stated that Redwood lattice is the proposed material for the rail atop the deck. Applicant also stated that a trellis was considered and offered to submit a material board to Building and Planning Director Lisa Wight for approval.

Cathy Day, Madrone Avenue, stated that the story poles are no longer erected and that makes it difficult to determine exactly where the balcony would be located. Day also stated that once the new owners could easily remove the lattice from atop the fence. Finally, Day noted that she prefers that there be no balcony and that landscaping is not an effective way to provide privacy.

In response to Chair Schinner's inquiry about subsequent owners removing the latticework, Wight noted that leaving the latticework in tact could be made a condition of approval.

Kathryn Gant Bradley, Durham Road, stated that that the privacy issue was very critical and that deed restrictions may be necessary in some instances.

Applicant stated that he does not feel that the design is unreasonably affecting the privacy of neighboring properties and that he has done everything reasonably possible not to invade on the privacy of neighbors.

In response to Sisich's inquiry about the windows facing Cathy Day's property, Vazquez stated that the three windows in the master bath would be obscured.

Vazquez also noted that in proximity to the Day house, the forward portion of the proposed dwelling is in alignment with the Day's living room.

Sisich asked about the story poles, and Vazquez responded that the story poles had not been put back up since they were removed by the applicant due to the impending storm.

Sisich asked if the story poles should be up through the entire hearing and Wight responded yes.

Sisich also stated that at the last meeting there were strong comments about the deck and reiterated that he did not support a deck or a sleeping porch. Sisich also noted that landscaping could be taken down and that he doesn't accept the lattice work. Finally, Sisich noted that he could not support the project.

Commissioner Overberger noted that she feels as strongly as Sisich and feels that there are two privacy impacts: visual and sound. Overberger stated that sound from a second story level really impacts the neighbors. Finally, Overberger noted that she could not support the project.

Harris stated that he has concerns with privacy and understands Overberger's comment about sound from a second story. Harris also said that he has a problem with the deck and that there is no assurance that the proposed screening will always be on the deck. Harris also said that he thinks another room would be a good idea. In regards to the north facing windows, Harris stated that he concurs with staff; higher set windows would be a more permanent solution than frosted glass. Harris stated that he is comfortable with staff reviewing the landscape plan, but concurs with Sisich that it is frustrating to not have the story poles up.

Wight noted that before the meeting she spoke with the applicant and that he brought alternative plans to the meeting to show the deck area enclosed.

Wight confirmed that those plans have not yet been made public.

Sisich noted won't support a room in place of a deck.

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Vasquez noted that the application has to be acted on by January 20, 2008, meaning that the applicant would have to agree to a 90 extension if a determination is not made tonight.

Applicant asked if the Commission was intending to approve the house and reject the deck and Schinner noted the motion would be to reject the design.

Sisich noted that if the deck were removed he would support the application.

Schinner noted that removal of the deck would address a majority of the Commission's concerns.

Wight stated that the applicant could agree to a one-time only 90-day continuance as the deadline for the application is near.

Applicant asked the Commission to approve the house without the deck.

Sisich noted that the application is for the house with the deck; therefore he would need to see the entire project.

Applicant asked about the expected timeline, and Wight noted that in all likelihood the process would not take 90 days.

M/s Harris/Overberger and passed (4-0) to deny the project on grounds that findings as required for design review cannot be made because the project will unreasonably affect the privacy of neighboring properties.

M/s Overberger/Harris and passed (4-0) to allow a Use Permit to demolish the existing dwelling.

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

**E. WORKSHOP**

Discussion of Residential Hours of Construction

Commissioner Overberger noted that the conversation was begun to look at and review the permitted construction hours in San Anselmo and see if they serve the needs of the town. Town staff gathered hours from nearby towns.

Ken Mayer, Knoll Avenue noted that it is most important to keep the hours close to what they are now, as changing the hours would create traffic issues.

Commissioner Sisich noted that the Town is pretty generous with construction times.

Overberger stated that there isn't a lot of respect and negotiation between hours and that 4 hours of construction free time on the weekend is a very slim margin.

Harris noted that Mayer's comment about the traffic makes a lot of sense and asked if there had been a lot of letters received about the current hours. Wight responded no.

Harris agreed that there should be more solace on the weekends and that homeowner and professional issues should be kept separate.

Harris noted longer construction hours are better for the homeowner economically.

Kathryn Gant Bradley, Durham Road, stated that she was very concerned and that the issue is very serious. Bradley stated that the leaf blower rule is not

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enforced and that construction management plans for all projects is critical. Bradley also stated that more notice of the meetings should be given.

Wight responded that Public Works enforces road bonds and that notice of the workshop was sent to all on the mailing list, the Independent Journal and on the Town Website.

Ms. Bradley noted just more announcement to the public.

Overberger noted that she is enlightened to see that the Town is not far off from other town's construction hours.

Sisich noted he likes it just fine the way it is.

Harris agreed that the hours should be tweaked.

**F. ITEMS FROM PLANNING COMMISSION**

Wight advised that the Town Council was going to support the appeal of 48 Raymond and would vote on a resolution on January 22, 2008.

Overberger asked if an item could be added to the Consent Agenda if there was only a minor change to the application that would result in approval. Wight responded that the item could be noticed on the Consent Agenda.

**G. ITEMS FROM STAFF**

**ADJOURNMENT**

The meeting was adjourned at 8:30 pm to the next meeting of Monday, February 4, 2008

Respectfully submitted,

La Shaun Williams