

**TOWN OF SAN ANSELMO  
PLANNING COMMISSION MINUTES OF SEPTEMBER 21, 2009**

Planning Commissioners' present: Brown, Harris, Krebs, Overberger, Sisich, Schinner, Zwick  
Planning Commissioner's absent: None

**OPEN TIME FOR PUBLIC EXPRESSION**

No one spoke

**CONTINUED ITEMS**

1. **Dr-0904/v-0903 – Alice Tompkins, 24 Cypress Road, APN 006-113-14**, Hillside Design Review and Setback Variance to construct a one car, 239 square foot garage within 2'-6" of the north side property line and 6" of the rear property line (Code: 8' and 20' respectively); and for the two uncovered parking spaces to be substandard in length between 16'-4" and 18'-3" (Code: 19'), located within the R-1 zoning district above 15' msl elevation. **CONTINUED TO 10/05/0**

2.

**3. CONSENT AGENDA**

1. Minutes – August 17, 2009
2. **UP-0908/DR-0908 – Dana & Jennifer Sulprizio, 101 San Anselmo Avenue, APN 007-301-20**, Use Permit to operate a bakery/café and Design Review for signs and modifications to the exterior of a commercial building located in the C-3 zoning district (Staff: Boyle)
3. **UP-0909 – Walter S. Moews, 304 The Alameda, APN 005-043-02**, Use Permit to demolish a 1,027 square foot single family residence in response to a 30 Day Notice of Violation/Public Nuisance located in the R-1 zoning district. (Staff: Chambers)
4. **UP-0910 – Michael McKee, 255 San Francisco Boulevard, APN 005-204-37**, Use Permit to demolish a 748 square foot single family dwelling located in the R-1 zoning district (a new single family dwelling will be constructed that meets all zoning requirements). (Staff: Boyle)

M/s Schinner/Zwick to remove 255 San Francisco Boulevard from consent and continue the application to the meeting of October 5, 2009. Motion carried 6-1 Abstain: Harris

M/s Schinner/Brown, and unanimously approved 7-0 to approve Consent Agenda.

**Discussion regarding 304 The Alameda**

A friend of the applicant spoke about the project. He noted that the applicant has been trying to maintain the property but it became catastrophic once a tree fell on the house. The request to demolish the house is to satisfy the notice from the Town. He noted that the applicant would like to do work on the property himself.

Alex Thomas, The Alameda, said he is happy to see what is happening; it is long over due. He is pleased that the garage has been torn down. He has concerns about how demolition of the house will happen and is concerned about rodents and raccoons that have been living in the area. It would be nice if the house could be restored rather than demolished. He is also concerned about removal of debris off site.

Overberger said that the conditions of approval talked about deadlines for the demolition.

Krebs asked about whether the Town must take any measures regarding demolition and, what, if any requirements there are about abatement of the rodents. He suggested the owner talk to the neighbors about a plan to avoid more of a problem. Boyle said he is not certain what the Building Division requires in terms of conditions for a demolition.

**TOWN OF SAN ANSELMO  
PLANNING COMMISSION MINUTES OF SEPTEMBER 21, 2009**

Walter Moews, applicant, said he has already removed the garage and there was no rodent problem and they have fencing around the property. He submitted a letter to ask if he can rebuild or build farther back on the lot. He was hoping that someone from the Building Division would come out and see that the garage was demolished.

Krebs asked about the timing for the demolition. Boyle said the applicant is required to obtain a building permit to demolish the building within 10 days after approval of the Use Permit and work completed within 30 days after the building permit is issued.

Krebs said if the applicant changes his mind, can he remove the house via some other process. Town Attorney Hurd said he can apply for something else within the time frame set forth by the Town.

Boyle said his application is to demolish the house. He explained the conditions of approval. Hurd added that the applicant can appeal the conditions of approval or approach the Building Official to work out a solution in a very speedy manner.

Moews stated that he never received the letter addressed to him dated May 2007.

Brown asked how long ago the tree fell on the house. The neighbor said it was over 6 years ago.

Harris said at the minimum, a Notice of Violation was placed on the property in July 2009. The Commission cannot judge the violation from the Town. We can only discuss the Use Permit that is before us. The Town has certain procedures and if the applicant wants to challenge them, he can appeal to the Town Council. It appears this is a long standing problem and there has been ample opportunity to make changes, and he supports the Use Permit to demolish the dwelling.

Hurd said the information he has heard from the applicant should be discussed at the Notice of Violation Hearing.

Harris said the applicant can withdraw his application, in which case the Planning Commission would have nothing to vote on. However, there will be a Notice of Violation heard on the property to discuss the nuisance abatement.

Zwick said the Building Official has written a letter to the applicant, advising what is necessary to repair the building. The letter spells out exactly what is required.

Brown said enough time has passed since the tree fell on the house; it is time to move forward.

Krebs said the Commission can only address the Use Permit, unless the applicant wants to withdraw the application.

Harris suggests the applicant go out into the hall and discuss how they wish to proceed. The applicant agreed to this suggestion and left the meeting to deliberate with his friend.

**REGULAR AGENDA**

5. **V-0909 – Andrew Gidney, 49 Belle Avenue, APN 007-302-02**, Sideyard Setback Variance to construct a single car garage within 10 inches of the east side property line (Code: 8'), located within the R-1 zoning district. (Staff: Boyle).

Senior Planner Boyle presented the staff report, noting that staff is able to support the application.

Harris asked if this is being built in the same location as the previous garage. Boyle said this is a new application, although the proposal has not changed since the previous approval. Harris stated that there is nothing about the property in terms of its size, shade, and topography regarding the Variance Findings.

**TOWN OF SAN ANSELMO**  
**PLANNING COMMISSION MINUTES OF SEPTEMBER 21, 2009**

Sisich asked about the neighbor's letter of support. Boyle said it was from the neighbor adjacent to the garage ( 45 Belle Ave.).

In response to Harris, Boyle said the garage is larger than the previous garage that was demolished and moved slightly on the lot, thus, a setback variance.

Andrew Gidney, applicant, said they have support from neighbors on both sides of his property and felt the plans are self explanatory.

Katie Sargent, Belle Avenue, is in support of the application.

M/s Sisich/Brown, to move the staff report.

Looking at minutes from the previous application Zwick commented that the only controversy was that it is longer and bigger and not a replacement in kind.

Motion carried (6-1; No: Harris). The applicant was advised of a ten day appeal period to the Town Council.

6. **DR-0909/UP-0910 – George Morf, 115 Calumet Avenue, APN 006-072-28**, Design Review for construction of a 3,079 square foot dwelling and a 514 square foot garage and a Use Permit for demolition of a 1,168 square foot single family dwelling located in the R-1 zoning district. (Staff: Boyle)

Senior Planner Boyle presented the staff report, noting that staff is in support of the application.

Sisich asked if the arborist report is peer reviewed by the Town. Boyle explained that an application for tree work is required because of the Heritage Trees and it is reviewed by the Public Works Department. It is up to the Public Works Department to determine whether or not a peer review is required. However, an initial review of the trees by Public Works appears they are in agreement with the report.

Zwick said there are no specific requirements listed in the arborist report, only recommendations. It seems ambiguous.

Brown asked if there is a bond required if there is a demolition of a house, but they decide not to rebuild. Hurd explained there is no requirement to build on their lot.

Harris questioned the arborist's wording about tree number 5 about "out grown its useful landscape potential and amenity value". Boyle said he is not familiar with this language but most probably means the tree is old.

George Morf, applicant, said he put a lot of thought into the trees when planning the dwelling and because of that they will have a pier foundation. He will have the arborist on site during construction and will move the piers if necessary. It can be a condition of approval. He does not plan on demolishing the existing house until he gets approval for the new dwelling. With regard to the wording in the arborist report, he also has not heard the wording about the Blue Atlas Cedar (Tree no. 5) before but he is not an arborist. He explained the proposed project and believes it is good for the neighborhood as well as for the family that will live there. The house meets the lot coverage requirements as well as the FAR that was passed by the Council. He noted that he will be day lighting some of the existing trees.

Schinner asked if there is a plan to replace the trees that will be removed. Morf said they are not proposing to add trees at this point but is open to that if the neighbors want it.

Harris asked about the second story balcony. Morf said it is a Juliette balcony, not a balcony you can walk out on.

Steven Lee, 142 Calumet, is opposed to the project because it is out of scale and size of other houses in the neighborhood. He said this house will set a precedent in the neighborhood. He is

**TOWN OF SAN ANSELMO  
PLANNING COMMISSION MINUTES OF SEPTEMBER 21, 2009**

also opposed to the removal of the heritage trees because they are beautiful and should not be removed just to build a house.

Schinner asked Lee if he met and discussed his concerns with the applicant. Lee said he has not talked to the applicant.

In response to Krebs, Lee said he believes that if he talked to his neighbors, there would be other people in the neighborhood that are opposed to this large house.

Sisich asked what size house would be compatible. Lee responded that his house is about 1,800 square feet and sits nicely on the lot. The applicant's property is long and deep and seems like the house is oversized because of the shape of the lot. Lee stated that a 2,500 sq ft. house would be a reasonable size.

Brown asked if it is the curbside appeal that is objectionable. Lee responded that it is the massiveness of the house and it is right on the street, and that a heritage tree is being removed.

Dina Leitch, 111 Calumet, said the applicant has dropped the roof height by 2' but does agree that it is a large house. There are windows facing her living room and she is concerned about privacy. She does not want the house to be set back further on the lot because she has a second unit on her lot. She is requesting additional plantings and fencing that will provide privacy.

Harris asked if the first floor was moved farther back and the second story reduced in size would that help with privacy and reduce the mass. Leitch responded that she is uncertain what the impacts would be because she does not know what the second story would look like.

Morf said this house will be less obtrusive than if they added on to the existing house.

Gary Milar, Santa Barbara Avenue, wanted to urge the Commission to look at the neighborhood character and consider the streetscape and consider more articulation, both at the front as well as the sides.

Zwick said no windows should be opaque because they can't see through them; they should be translucent. The house is craftsman style as presented but the house is too bulky for the site and he would like architectural details, and articulation at the streetscape. The applicant has not presented a landscape plan or color board yet.

Sisich said the applicant has done a good job going to the surrounding neighbors. He felt articulation has been left out of the design. He felt the proposed house will overlook the adjacent neighbor and appears to loom. He would be open to suggestions of articulating the front of the house. This house would be more in character if it was articulated.

Schinner stated that because this is a long and deep lot he would like to see articulation from the front. He would also like to see some condition of large gallon trees to replace the two that are being removed.

Brown stated he wanted a more detailed plan, more articulation, and color board and landscape plan.

Krebs said the flatter side should be more articulated and reduced in size and a design that would fit in more with the neighborhood.

Harris said he has concerns with the project, particularly coming up Calumet to Sais. The looming nature of the house as well as privacy concerns for the neighbor. He would rather have more massing on the first story, such as move the laundry room to the first floor. He said 114 Calumet is a comparable sized house but it looks like it is in character with the neighborhood based on how it sits on the lot. He would like to see the heritage tree saved because there is a heritage tree ordinance to try to preserve the trees. He suggested jogging the house at the north elevation to save the tree.

**TOWN OF SAN ANSELMO  
PLANNING COMMISSION MINUTES OF SEPTEMBER 21, 2009**

Overberger agreed with Sisich and Zwick. She would like to avoid the railroad house. There are many houses in the neighborhood that are of a similar size and not out of character in terms of size. She would like to see the fence that is requested by the neighbor be made a condition of approval, and would suggest a modification of the windows and more articulation to the house. Also, she would like to see a landscape plan.

M/s Sisich/Zwick, to continue the application to the meeting of October 19, 2009. All ayes.

Boyles noted that colors and material boards are not required on flatland design review. Overberger said she would still like to see them.

304 The Alameda was reconvened.

Walter Moews said he wants to go forward with the demolition.

All ayes from the Commission on the Consent Agenda. The audience was advised of a ten day appeal period to the Town Council.

**ITEMS FROM PLANNING COMMISSION**

Krebs stated that he asked the Town Attorney if any members of the Commission could discuss the upcoming Proposition E that is on the November ballot without being in violation of the Brown Act. He received an e-mail back from Town Attorney Epstein which indicates it will not be a violation of the Brown Act because it allows for freedom of speech.

Harris said the Town Attorney states that if the Commission supports the FAR, we can ask staff to prepare a resolution. He would like to go forward with this and place it on the October 5<sup>th</sup> agenda. The rest of the Commission concurred with Harris.

Overberger said it is time to schedule a joint meeting with Planning Commission and the Council. Krebs suggests the meeting take place after the election.

Overberger and Zwick will not be present on October 5<sup>th</sup>.

**ITEMS FROM STAFF**

None

The meeting was adjourned at 8:35 p.m.

Barbara Chambers

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